

G R E T A

Group of Experts on Action
against Trafficking in Human Beings

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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

Third evaluation round

Thematic focus: Access to justice and effective remedies for victims of
trafficking in human beings

Reply submitted on 19 June 2019

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Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings ("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 based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings (THB), the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims' access to justice and effective remedies, which is essential for victims' rehabilitation and reinstatement of rights and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic. Moreover, victims of trafficking, by virtue of their status as victims of human rights violations, are entitled to effective remedies under the European Convention on Human Rights. Access to justice and effective remedies must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of State Parties, irrespective of their immigration status or presence on the national territory and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, regularisation of the victim's stay, the right to seek and enjoy asylum, and the application of the principle of *non-refoulement*. These preconditions, corresponding to different provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics, through a separate country-specific part of the questionnaire, rather than including once again questions related to the same provisions in the general questionnaire for the third evaluation round.

States Parties are requested to transmit to GRETA a reply to this questionnaire within four months from the date it was sent. The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's second evaluation report. States Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

Part I - Access to justice and effective remedies

1. Right to information (Articles 12 and 15)

1.1 How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist.

According to the relevant provisions of the Croatian procedural law, victims of the criminal offence of trafficking in human beings are informed about their rights and on the relevant administrative proceedings and legal possibilities to obtain compensation, as well as on other legal remedies in the earliest stages of criminal proceedings. The Criminal Procedure Act (Official Gazette - *NW* 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17; hereinafter: the CPA) makes it mandatory for the court, the public prosecutor's office, investigators and the police to inform the victims of their rights during the very first action, in which the victim participates. The bodies mentioned above are obliged to make sure that the victim has understood the explanation of rights, and they are obliged to treat the victim with consideration. Victims are entitled to use their own language during the proceedings. If the procedural action is not conducted in a language that the victim speaks and understands, interpretation of everything that the victim says or translation or written evidence will be ensured or interpretation for sign language for deaf and mute persons. The minutes have to contain the note that the information on rights was given and the statement by the participant. Before the first examination, persons will be informed on their right to an interpreter or sign interpreter for deaf and deaf and blind persons. Particular attention is paid to children, including children who are THB victims. The court, the public prosecutor's office, the investigator and the police are obliged to treat the child who is a THB victim with particular consideration, bearing in mind the age, personality and other circumstances in order to avoid detrimental consequences for the child's upbringing. In their treatment of the child victim, the competent authorities shall observe the best interests of the child.

Emotional support and practical information will be provided to the THB victims and to victims of all other criminal offences at seven county courts that have established victim support divisions (Zagreb, Zadar, Osijek, Split, Sisak, Vukovar, Rijeka). The victim shall have the opportunity to spend the time before and after giving testimony in the division waiting room (e.g. in order to avoid meeting the perpetrator). If there is a need, division officials may be also present in the hearing room during the testimony as persons of trust. Victims shall be informed on the existence of victim support divisions when they receive a subpoena, as the text on the victim support division with information and contact data is a part of the official subpoena. Based on the above information, the victims may address this division even before coming to the court by telephone or by e-mail in order to obtain additional information or support. In cases of THB victims who come to testify from abroad to the Croatian courts or when victims from the Republic of Croatia are summoned to the courts abroad or to be examined at Croatian courts within legal assistance proceedings for international courts, and if such subpoenas were served through the international legal assistance, the victims shall obtain information letters from the Service for Victim and Witness Support of the Ministry of Justice. Based on these letters, the victims may address the Service for Victim and Witness Support in order to obtain additional information or support.

Along with the support divisions, particularly in those areas where such divisions do not exist, victims are supported by numerous civil society organisations in the Republic of Croatia that provide them with practical assistance and information, and with psychological and legal counselling. The Ministry of Justice initiated the establishment and funding of a partner network of organisations for victim and witness support on the territory of the entire Republic of Croatia, in order to expand the system of support for victims and witnesses and for citizens in general, and this network is called the "Network for Support and Cooperation for Victims and Witnesses of Criminal Offences", and it exists in the counties that have no witness and victim support units. This project shall be implemented for three years. Financing of civil society organisations that support victims and witnesses of criminal offences and misdemeanours is

covered from the state budget, from a part of the revenues from the games of chance, and is based on a public tender published by the Ministry of Justice.

Within the project T544093 entitled Strengthening the Efficiency of the Support System for Witnesses and Victims of Criminal Offences, the Service for Victim and Witness Support published 20,000 fliers and 10,000 brochures, of which 8,000 are in Croatian language, and 2,000 in English.

The Criminal Procedure Act (Official Gazette (OG) 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14 and 70/17), in its Chapter V prescribes the rights of victims, injured persons and private prosecutors, and it recognizes victims of human trafficking as a particularly vulnerable category, so that along with all the rights of victims in general as defined by Article 43 of the Criminal Procedure Act (CPA), victims of human trafficking are also entitled to all the rights from Article 44 para 4 of the CPA.

According to Art. 43 para 4 of the CPA, the court, the public prosecutor's office, the investigator and the police are obliged to inform the victims of their rights in a way that is understandable to the victim, and to make sure that the victim has understood the information, and they are obliged to do so during the first procedural step, in which the victim is involved. In case of a victim who does not speak the Croatian language, an interpreter will be provided for the language that the victim speaks and understands.

In the course of criminal proceedings, the public prosecutor's office pays special attention to victims of this criminal offence, taking into account the application of the provisions of the CPA, which grant special rights to victims of this criminal offence, along with all other rights pertaining to victims in general, with the aim of ensuring access of victims to the judiciary, and to avoid additional victimization.

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Since 2014 and with reference of the course of action taken for the benefit of the victims of crimes, the identified victims of trafficking in human beings included, the police officers generally apply the provisions of the Criminal Procedure Act of 2014 and inform victims of crimes of their rights, taking account of the special categories of the victims of crimes, i.e. the so-called vulnerable groups, including victims of crimes against sexual freedom and trafficking in human beings. Moreover, police officers inform the victims about other state authorities and civil society organisations engaging in the protection of and assistance to the victims of crimes. Further, notifications on victims' rights have been translated to relevant languages since all victims are entitled to be informed of their rights in their mother tongue or a language that they understand. For a victim of crime to obtain all the necessary assistance from the police, workshops have been frequently delivered since 2014 with a view to ensuring additional training and raising awareness of police officers for work with victims of crimes, following a model of inter-institutional cooperation and cooperation with the civil society organisations.

In terms of ensuring an adequate protection to victims of crimes belonging to all vulnerable groups, and for the purpose of a consistent application of pertinent legal provisions, translation of templates on the rights of victims has been made in pursuance of the provisions contained in the Criminal Procedure Act to 22 languages, including: German, Slovene, Italian, English, Dutch, Polish, Czech, Hungarian, French, Slovakian, Albanian, Bosnian, Bulgarian, Montenegrin, Macedonian, Portuguese, Romanian, Russian, Serbian, Spanish, Turkish and Chinese. The forms are being mandatorily handed out to the victims during the police proceedings. Annexed to this letter are translations of the following templates to the above-mentioned languages (Annex 1-92):

1. *"Notification to a Victim of Crime – Child";*
2. *"Notification to a Victim of Crime against Sexual Freedom/Victim of Trafficking in Human Beings – Child";*
3. *"Notification to a Victim of Crime against Sexual Freedom/Victim of Trafficking in Human Beings/with Identified Special Protective Needs";*
4. *"Notification to a Victim of Crime".*

In the interest of efficiency, translated templates have been produced in two digital formats, one of which has been purposed for an electronic completion on a computer (modified Word document format),

and the other has been intended for manual completion (PDF document). Moreover, all templates are available to all police officers on the official MoI website.

In addition to the prescribed templates on the notification of victims' rights and in collaboration with the Independent Service for Victim and Witness Support of the Ministry of Justice, and in line with the establishment of minimum standards, rights, support and protection of the victims of crimes, the police officers also provide each victim with contact details of the Office for Victim and Witness Support, as well as of the National Call Centre for Victims of Crimes and Misdemeanours by territorial jurisdiction. Further to the above contact details, each organisational unit of the police force (Police Administrations) provide the victims with names and contact details of the state administration bodies and of the civil society organisations involved in victim support and protection in a given area covered by a police administration, which bodies and organisations have been recognised by the police administrations as serious partners in the protection of individual categories of vulnerable victims (e.g. competent Social Welfare Centres, civil society organisations operating in county teams for the prevention and suppression of domestic violence, violence against women and criminal law protection of children). The described listing is also hereby being annexed, i.e. the so-called "third page" of the template (Annex 93).

Furthermore, all Police Administrations are obliged to keep an ongoing cooperation with the Chairpersons of the competent County Courts (to adhere to the procedures relative to the appointment of defence counsel when the defence is obligatory – Article 66 of the Act on the Amendments of the Criminal Procedure Act, as well as to obtain a list of court interpreters). This also refers to the cooperation with the attorneys from the list of the Croatian Bar Association territorially in charge for respective Police Administrations, for the purpose of obtaining the updated list of defence counsels: the list of counsels for victims of crimes, list of legal representatives for children, list of youth counsels, list of attorneys on duty and the list of the ex officio defence counsels.

Individual victim assessment is being conducted during criminal investigations, which is compliant with the provisions contained in the Criminal Procedure Act and the Ordinance on Conducting Individual Victim Assessment (OG 106/17). The existing *"Form on the Conducted Individual Victim Protection Needs Assessment"* (Annex 94) and the *"Notification on Victim Rights" template* are being supplied to the competent Public prosecutor's office as an integral part of the case file to ensure a timely information exchange and enable a comprehensive victim of crimes needs assessment on a case-by-case basis.

Pursuant to Article 43a of the Criminal Procedure Act, the authority that conducts the examination will carry out an individual victim assessment prior to the victim examination, in cooperation with authorities, organisations or institutions engaging in assistance and support to victims of crimes. Individual victim assessment includes the determination of whether or not there is a need to apply special protective measures for the victim's benefit, and if so, which special protective measures should be applied (special manner of examining the victim, use of communication technologies to avoid visual contact with the perpetrator, and other protective measures envisioned by the Act; e.g. presence of a person of trust, the right to an effective psychological and other expert assistance, application of protective measures prescribed in Article 99 of the Act on Police Affairs and Powers, etc.). When a victim of crime is a child, an assumption will be made that there is a need to apply special protective measures and identify the special protective measures to be applied.

Prior to starting an interview with a victim to understand the circumstances surrounding the crime, one needs to establish whether the victim needs to be questioned by a person of the same gender at the police premises and/or to enable the presence of a person of victim's trust. Along with the essential respect for victim's dignity, account should be taken of the victim's psychological and physical state (whether there is a need for urgent medical attention) and of potential victim's concern for persons for whom the victim cares or are depending on the victim (in terms of providing adequate attention by the competent social welfare centre).

During the course of informing the victim of his/her rights, the victim's statement on the intent to employ specific rights at later stages of the criminal proceeding is being recorded in the *"Notification on*

Victim's Rights" form, while the concluding section of the *"Form on the Conducted Individual Victim Protection Needs Assessment"* indicates the needs of the victim in the next stage of the proceeding, e.g. special mode of interviewing, whether the victim wishes to be notified of the release from detention or investigative prison, the defendant's escape and release of the perpetrator from prison sentence and the measures taken with the aim of victim protection, whether the victim needs escort by a person of trust or additional expert assistance of the court-affiliated Departments for Victim and Witness Support, etc.

Moreover, the concluding section of the *"Form on the Conducted Individual Victim Protection Needs Assessment"* also indicates the protective measures undertaken for victim's benefit at the police premises; e.g. an interview with the person of the same gender, the presence of a person of trust, notification of the competent social welfare centre on providing care to the children while providing medical attention to a victim, the application of protective measures in keeping with Article 99 of the Act on the Police Affairs and Powers, apprehension of a suspect and his/her surrender to the prison supervisor, etc.

The individual victim protection needs assessment is being carried out for victims of all crimes. Should it be established that a victim has no protection needs, and the case does not involve a vulnerable victim or a victim of graver and specifically indicated crimes, the victim template would only bear an entry that there is no need to apply special protective measures with no additional explanations.

However, in case of a victim with an established vulnerability due to personal specificities and/or a victim of graver and specifically indicated crimes as referred to in Article 7 of the above-mentioned Ordinance, for which the victim's protection needs have not been established, the template needs to bear a specific explanation/indication of the type of vulnerability established and an entry that the assessment has been carried out taking account of victim's personal specificities. The explanation section of the template is always being completed for children and victims with the established need for the application of special protective measures.

In keeping with the Criminal Procedure Act, if a victim has filed a criminal report, the victim will receive a written confirmation that a criminal report has been filed, with an indication of basic data on the crime reported. If the victim does not speak or understand the language of the competent authority, the victim have the possibility to file criminal charges in a language he/she understands with the assistance of an interpreter or another person who speaks and understands the language of both the competent authority and of the victim. At a request of the victim who does not speak or understand the language used by the competent authority, a written receipt on the filed criminal charges shall be translated to the language understandable to the victim at the expense of the state budget.

Moreover, the victim is being supplied with the *"Request for Pecuniary Damages to Victims of Crimes"* template, also annexed to this letter (Annex 95).

1.2 How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?

We would like to emphasize that the criminal offence of trafficking in human beings, regardless of the way it was perpetrated, is not in the sphere of misdemeanour law.

THB victims are provided protection exclusively on the basis of criminal legislation.

Victims are entitled to use their own language during the proceedings. If the proceedings are not conducted in a language that the victims speaks and understands, interpretation of everything that the victim or other participants in the proceedings say or translation or written evidence will be ensured or interpretation for sign language for deaf and mute persons. The minutes have to contain the note that the information on rights was given and the statement by the participant. Before the first examination, persons will be informed on their right to an interpreter or sign interpreter for deaf and deaf and blind persons.

Each victim of a criminal offence is entitled to register with the police or the public prosecutor's office as the injured person before the indictment is raised, and they may register as injured persons at the court until the end of the trial.

The injured persons are entitled to use their own language, including the sign language of deaf and deaf and blind persons, and they are entitled to an interpreter if they do not speak the Croatian language or to a sign interpreter if the injured person is deaf or deaf and blind.

The injured persons who do not speak or understand the language of proceedings, besides being entitled to rights from Article 8 para 3 of the CPA are entitled to submit the request for translation of all data relevant for the rights of the injured person within the criminal proceedings, at the expense of the state budget, and particularly translation of the final decision, including the explanation and summary of explanation of the decision, except in cases where the decision does not contain such an explanation, in accordance with the law. Exceptionally, the injured person will only be provided with interpretation of the mentioned data, if this does not prevent the injured persons to exercise their procedural rights. The injured persons are entitled to submit a justified request that a certain document or other written evidence that they consider important is to be translated to a language they understand. The body that conducts the proceedings, if it accepts the request by the injured person, shall ensure the translation of the entire document or other written evidence, or just the parts that are important for active participation of the injured person in the proceedings. The body that conducts the proceedings issues a ruling on whether such documents will be interpreted to the injured person or translated, taking into account not to violate the injured person's procedural rights. The injured person may file an appeal against the decision on refusing interpretation or translation. Upon the request of the injured person, interpretation will be made possible during their examination as witnesses or when such interpretation is necessary for active participation of the injured person during the trial.

2. Legal assistance and free legal aid (Article 15)

2.1 How, by whom and from what moment is legal assistance provided to victims of trafficking? How is legal assistance provided to children?

The Free Legal Aid Act (Official Gazette *Narodne novine*, Nr. 143/13; hereinafter: the FLAA) regulates the provision of free legal aid in civil and administrative court proceedings in the form of legal counsel, drafting of filings in the proceedings for the protection of worker's rights in employment disputes, drafting of filings and representation in court proceedings, legal aid in amicable dispute resolution and exemptions from the payment of the cost of court proceedings and court fees ("secondary legal aid" provided by the attorneys), and it also regulates the provision of general legal information, legal advice, drafting of filings for public authorities, the European Court of Human Rights and international organisations in accordance with international agreements and rules of such bodies, representation in proceedings before public authorities in out-of-court amicable dispute resolution ("primary legal assistance" provided by authorized associations, legal clinics and state administration offices in the counties).

Article 5 of the FLAA enumerates the beneficiaries of free legal aid: Croatian citizens, children without Croatian citizenships located in the Republic of Croatia and unaccompanied by a legally responsible adult, foreigners with temporary residence under the condition of reciprocity and foreigners with permanent residence, foreigners under subsidiary protection, foreigners who reside illegally and foreigners during a short-term stay involved in proceedings of deciding on deportation or readmission, asylum seekers, asylees and foreigners under subsidiary protection and their family members who reside legally in the Republic of Croatia, in proceedings, in which legal aid is not ensured on the basis of special legislation.

The beneficiaries exercise their right to primary legal aid by directly addressing the providers of free legal aid. Secondary legal aid is exercised by submitting a written request to the competent state administration office in the county, in which the applicants submit an asset declaration and state the type of proceedings, for which they request free legal aid.

In accordance with the CPA, each victim is entitled to access to services for the support of victims of criminal offences.

THB victims are entitled to talk to a counsel at the expense of the budget funds before the interrogation, and to a legal representative at the expense of the budget funds.

A child victim of any criminal offence is entitled to a legal representative at the expense of the budget funds. The Juvenile Courts Act (NN 84/11, 143/12, 148/13, 56/15, hereinafter: JCA) prescribes that, in case of criminal offences with prescribed punishment of five or more years of imprisonment (which includes THB), if the child does not have an elected legal representative, the court shall appoint a legal representative ex officio from among the attorneys-at-law who have strong inclinations towards upbringing, needs and benefits of the youth, and shall have basic knowledge of criminology, social pedagogy, psychology and social welfare for young persons, from the list of attorneys specialized for the youth of the Croatian Bar Association. The appointed attorney may not be replaced by the attorney's trainee. The court, the public prosecutor's office and the police are obliged to inform the victim on these rights when undertaking the first action, in which the victim is involved, and they have to make sure that the victim understood those rights.

The Criminal Procedure Act prescribes protection of special types of witnesses, which certainly includes victims of the crimes associated with trafficking in human beings. In some provisions contained therein, victims of trafficking in human beings, i.e. the children as an especially vulnerable group have been attributed additional rights pursuant to Article 44 of the same Act beyond the general rights prescribed in Articles 43 and 43a of the Criminal Procedure Act, including:

- a legal guardian at the expense of the budget;
- confidentiality of personal data;
- exclusion of the public;
- the court, the Public prosecutor's office, the investigator and the police are obliged to treat the child who is a victim of a criminal offence with consideration for his age, personality and other circumstances, in order to avoid possible harmful consequences to the future education and development of the child. When taking action for the benefit of a child victim, the competent authorities shall firstly be guided by the principle of the best interest of the child;
- if the age of the victim is not known, an assumption will be made that a child is involved, should there be a likelihood that the victim has not turned eighteen years of age;
- victims of a criminal offence against sexual freedom and victims of a criminal offence of trafficking in human beings are also entitled to:
 - speak with a counsel before the questioning, at the expense of the budget;
 - a legal guardian at the expense of the budget;
 - be questioned by a person of the same gender at the police or public prosecutor's premises and to be questioned by the same person in case of a re-examination, if possible;
 - refrain from answering questions not related to the criminal offence, and referring to a strictly private life of the victim;
 - demand to be questioned via an audio-video device;
 - demand the exclusion of the public from the hearing;
- victims with special protective measures established are also entitled to:
 - speak with a counsel before the questioning, at the expense of the budget.

Importantly, child victims are entitled to a special manner of questioning conducted by the competent investigative judge. During the process, the child's statement is being recorded, thereby excluding direct contact between other parties in the criminal procedure with the child victim, i.e. there is no possibility for a witness-to-child confrontation or the possibility for cross examination of a child. A child may be re-examined as a witness in exceptional cases only.

Noteworthy is that every police procedure with a child or a minor is being conducted with special consideration and taking account of the child's age, personality and other circumstances in order to avoid harmful consequences for education and development of the child. Any such procedure is primarily guided by the principle of the best interest of the child.

If the age of the victim is unknown, an assumption will be made that a child is involved, should there be a likelihood that the victim has not turned eighteen years of age.

Action is being taken in the presence of a parent or a guardian, with respect for child's dignity and privacy and guided by the principle of the best interest of the child.

With a view to the prevention and suppression of trafficking in human beings, especially trafficking in women and children, as well as during the criminal investigations, a coordinated action has been established between the police officers for youth and the police officers in charge of organised crime, specializing in the suppression of trafficking in human beings.

Police officers for youth have been specifically trained and they provide adequate conditions for the identification of various forms of child's rights violation and for rendering support to child victims. These span from securing specifically equipped rooms adapted for interviewing a child, the possibility to question a child at home, enabling the child to be accompanied by a person of trust in addition to the guardian, if the child wishes so, the presence of an employee of a social welfare centre (in cases when a parent/guardian is unavailable or is a suspect), the protection of child's privacy, as well as ensuring confidentiality of the examination.

As described above, the police officers also carry out an individual assessment of victim's status with a view to identifying specific protection needs. Based on the assessment results, protective measures are being taken in relation to the victim. The template containing the results of the conducted assessment is being submitted to a judicial authority in charge of running the criminal procedure. When a child victim of a crime is involved, an assumption will be made that there is a need for the application of special protective measures, which necessitates the identification of the types of special protective measures to be applied.

Furthermore, in line with the Protocol on Voluntary and Safe Return of Victims of Trafficking in Human Beings and with Article 70 of the Foreigners Act, a safe return of third-country nationals with a recognized status of a victim is being conducted by the Croatian MoI, taking account of the person's rights, safety and dignity. The return of the victim must be voluntary and safe. The under-aged victims of trafficking in human beings will not be returned to any country, if the assessment of dangers and security indicates that such return would not be in the best interest of such a person. In line with the aforementioned Protocol on Voluntary and Safe Return of Victims of Trafficking in Human Beings, the Croatian MoI conducts a risk assessment in cooperation with competent state authorities, international organisations, civil society organisations and the Croatian Red Cross. Since the Croatian MoI has assumed the obligation to organise and carry out the safe returns for victims of trafficking in human beings, all victims have returned voluntarily. Moreover, victim's return has not been conditioned by his/her participation in the criminal procedure.

2.2 Do all presumed victims of THB have access to legal assistance, irrespective of immigration status or type of exploitation?

Article 5 of the FLAA (as in the reply above) enumerates the beneficiaries of free legal aid.

According to the CPA provisions, the right to legal aid is ensured, without any differences, to all THB victims, regardless of their nationality, country of origin, citizenship or the way they were exploited.

2.3 What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the text of the relevant provisions.

Article 15 para 1 subpara b) of the FLAA prescribes that secondary legal aid (representation in court proceedings, exemption from payment of procedural costs and court fees) shall be approved without the means testing in case of victims of violent crimes, in proceedings for exercising their rights to a compensation of damages caused by the criminal offence. Children can also have the status of the victim of a criminal offence. Victims of violent criminal offences are entitled to secondary legal aid in civil proceedings for indemnification. In case of victims of other criminal offences, the beneficiary (including a child) must fulfil the means testing criteria prescribed by Article 14 of the FLAA, and the conditions in terms of the type of proceedings, in which secondary legal aid is requested, as prescribed by Article 13 paras 1 and 2 of the FLAA. The FLAA relates also to civil court proceedings (including enforcement) and to administrative proceedings, whereas the legal aid in criminal proceedings is regulated in a special act.

The perpetrators of the criminal offence of trafficking in human beings can only be tried in criminal proceedings. Therefore, free legal aid is available to victims within criminal proceedings.

According to the CPA, all THB victims, including children, are entitled to free legal aid, and there are no preconditions for the exercise of this right.

Attorneys financed at the expense of the state budget who represent victims during the criminal proceedings as providers of free legal aid shall undertake all necessary actions to achieve indemnification for the victims of the criminal offence. Victims of criminal offences punishable by five or more years of imprisonment (which includes THB), if they have suffered severe consequences from a criminal offence, shall be appointed a legal representative at the expense of the budgetary funds when submitting a claim for indemnification. Victims of intentional crimes are entitled to financial compensation from the state budget in accordance with a special act. When the victim acquired the claim for indemnification prior to this, the amount of the claim shall be taken into consideration, and the court shall act in the same manner when the victim had previously received financial compensation from the state fund.

In criminal proceedings involving children, the juvenile courts, among other things, conduct trials against perpetrators of THB where the victims involve children. A child who is a victim of the criminal offence punishable by five or more years of imprisonment (which includes the THB) must have a legal representative. If the child who is a victim of such a criminal offence does not have an elected representative, the court shall ex officio appoint one from among the attorneys-at-law who have strong inclinations towards upbringing, needs and benefits of the youth, and shall have basic knowledge of criminology, social pedagogy, psychology and social welfare for young persons, from the list of attorneys specialized for the youth of the Croatian Bar Association.

We quote the relevant provisions of the CPA:

Article 43

(1) A victim of a criminal offence shall be entitled to:

1) access to services for the support of victims of criminal offences,

...

(2) A victim of a criminal offence for which punishment of imprisonment for a term of five years or longer is prescribed, if s/he suffers severe consequences from the criminal offence, shall have a right to a counsel at the expense of the budget funds in submitting claims for indemnification.

(2) A victim of an intentional crime shall have a right to a financial compensation from the state budget under the conditions and in a manner determined by a special law. If the victim received indemnification prior to this, the amount of the indemnification shall be taken into consideration, and the court shall act in the same manner when the victim had previously received financial compensation from the state budget.

Article 44

(1) Other than the rights to which the victim is entitled as referred to this Article and other provisions of this Act, a child who is a victim of a criminal offence shall be entitled to:

1) a legal guardian at the expense of the budget funds;

...

(4) Other than the rights referred to in Article 43 of this Act, a victim of a sex crime is also entitled to:

- 1) talk to a counsel at the expense of the budget funds before the interrogation;
- 2) a legal representative at the expense of the budget funds;

...

(5) Other than the rights to which the victim is entitled as referred to Article 43 of this Act, the victim that has special needs for protection in accordance with Article 44 of this Act shall have the right to:

- 1) talk to a counsel at the expense of the budget funds before the interrogation;
- 2) be interrogated by a person of the same gender from the police authority and public prosecutor's office, and – if possible - to be interrogated by the same person in case that a repeated interrogation is necessary,

...

We quote the relevant provisions of the Juvenile Courts Act:

Article 113

The provisions of this part of the Act shall appropriately apply to the trials involving criminal cases of children.

(2) A child in the meaning of para 1 of this Article is a person who at the time of perpetration of the criminal offence has not turned 18 years of age.

(3) Juvenile courts (Articles 37 – 43, and Art. 121) shall trial the perpetrators for the following criminal offences against children as prescribed by the Criminal Code:

1) From the Criminal Code (»Official Gazette« (NN), Nr. 110/97., 27/98., 50/00., 129/00., 51/01., 111/03., 190/03., 105/04., 84/05., 71/06., 110/07., 152/08. and 57/11.)

...

– trafficking in human beings and slavery (Article 175),

...

2) From the Criminal Code

...

– trafficking in human beings (Article 106),

...

Article 116

(1) If the investigation judge of the juvenile court, or the presiding judge of the panel establishes that it is necessary to appoint a legal representative in order to protect the rights and interests of the child as the injured person or the child victim of the criminal offence, the judge will submit a motion to the court president who shall, if possible, appoint a legal representative from among the attorneys-at-law who have strong inclinations towards upbringing, needs and benefits of the youth, and shall have basic knowledge of criminology, social pedagogy, psychology and social welfare for young persons, from the list of attorneys specialized for the youth of the Croatian Bar Association. The appointed attorney may not be replaced by the attorney's trainee.

(2) In case of criminal offences punishable by five or more years of imprisonment, and in case of perpetrators of sex crimes, sexual abuse and exploitation of the child, the child's linear blood relative, a collateral relative in blood to the third degree or a relative by affinity to the second degree, an adoptive parent shall elect a legal representative to a child who is a victim of a criminal offence, or if the child does not have an elected legal representative, the court shall ex officio appoint a representative in the meaning of para 1 of this Article.

(3) The child victim of a criminal offence shall be provided with assistance and support by the professional employed in the county or municipal court. Exceptionally, assistance and support to the child can also be provided by another professional at the expense of the state budget, in cases where the county or the municipal court do not have such a professional.

2.4 Are there lawyers specialised to provide legal aid and represent victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?

Proceedings for the criminal offences of THB perpetrated against child victims are conducted before juvenile courts in accordance with the relevant provisions of the JCA. In proceedings conducted for the criminal offence of THB, the child victim must have a legal representative. If the child does not have an elected legal representative, the court shall appoint a legal representative ex officio from among the attorneys-at-law who have strong inclinations towards upbringing, needs and benefits of the youth, and shall have basic knowledge of criminology, social pedagogy, psychology and social welfare for young persons, from the list of attorneys specialized for the youth of the Croatian Bar Association. The appointed attorney may not be replaced by the attorney's trainee.

The requested relevant provisions of the JCA: Article 113 and 116, provided under the reply to 2.3.

For victims who are 18 years old or older, the relevant provisions of the CPA involve general procedural rules, where a legal representative of an injured person can only be an attorney, and such attorneys may be replaced by attorney's trainees who have passed the bar exam before the municipal court. Victims of the criminal offence who registered as injured persons and the claimant, when the proceedings are conducted at the victim's request, for a criminal offence punishable by five or more years of imprisonment, which includes THB, may upon request be appointed a legal representative if this is in the interest of the proceedings and if the victim as the claimant cannot pay the costs of such representation, which is proven by a declaration of income.

2.5 How is the provision of legal assistance and free legal aid for victims of THB funded? Do victims have to pay a fee to obtain legal assistance or start a procedure, or are there other financial barriers in place? If yes, please specify the amount(s).

Funds for the costs of free legal aid in accordance with the FLAA are ensured from the state budget. In order to exercise the right to primary free legal aid, no financial participation of the beneficiaries is required. Secondary legal aid covers representation by an attorney, and exemption from the payment of court expenses and fees. Secondary legal aid may be approved in full amount or partially, depending on the monthly income of the beneficiaries and their household members, but it cannot be less than 50% of the cost of legal aid.

3. Compensation from the perpetrators (Article 15)

3.1 What measures are in place to enable courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect?

Regarding the indemnification of victims from the perpetrators of the criminal offence of THB, Article 153 of the CPA prescribes that a claim for indemnification arising out of the commission of a criminal offence shall be considered in criminal proceedings upon the motion of the injured person. Article 154 of the CPA makes it possible for injured persons to submit a motion for indemnification within the criminal proceedings, while the injured person shall state if they already received financial compensation from the state budget. The court may decide on the indemnification in full or partially, or in case the court rejects the charges, the parties are entitled to claim indemnification in civil proceedings, in accordance with Article 158 paras 1 and 2 of the CPA.

Article 43 para 6 of the Criminal Procedure Act prescribes that the court, the public prosecutor's office, the investigator and the police shall inform the victims in a way understandable to them on the meaning of participation in the proceedings as an injured person. Statement by the victim on whether s/he wants to participate in the proceedings as an injured person shall be entered into the minutes. Until the time when the indictment is raised, the victim is entitled to register as the injured person at the police or public prosecutor's office, and after that time until the end of the court trial the victim may register as the injured person at court.

Mol:

Concerning the education and training of the police officers, the Police Academy of the Croatian Mol conducts a comprehensive, multi-levelled training of the police officers of the Croatian Mol. The first level refers to adult education. Adults may undergo a retraining programme and be trained for the profession of a police officer (M/F). The High Police School delivers undergraduate (180 ECST) and graduate expert studies in criminology (120 ECST), while the Service for Professional Training and Specialisation conducts specialisations and trainings for the specific policing lines of work.

Furthermore, the "Josip Jović" Police School conducts the secondary adult education programme for the profession of a police officer (M/F), including the course on "Basics of Criminology and Crime Investigation", and the section which refers to the crime prevention also features a teaching unit titled "Prevention of Hate Crimes and Prevention of Trafficking in Human Beings" of four teaching hours in duration. The Course on the "Police Powers and Application" contains a teaching unit on "Specificities in the Application of Police Powers in Dealing with Vulnerable Groups" of two teaching hours in duration.

In addition, the High Police School's specialist graduate studies in Criminology contains a course in "Migration and Criminality", including a 4-hour topic titled "Trafficking in Human Beings" and a 2-hour topic on "Slavery", while the remainder of the course deals with the thematic area of human smuggling, which has been intertwined with the thematic area of trafficking in human beings.

Concerning the professional improvement and specialisation of police officers, the Service for Professional Improvement and Specialisation has delivered the courses listed below, which also address the thematic area of combating trafficking in human beings:

1. The border police course includes the delivery of the "Suppression of Organised Crime" of 10 hours in duration and the course of "Suppression of Human Trafficking" of 3 hours in duration per group;
2. The traffic police unit course contains a course on "Suppression of Trafficking in Human Beings" of 3 hours in duration;
3. The specialist course in juvenile delinquency and crime against family and youth contains a 2-hour course in "Suppression of Trafficking in Human Beings".

In accordance with the National Plan for the Suppression of Trafficking in Human Beings 2012-2015, joint training sessions have been delivered with the Croatian Ministry of Justice for the police officers in criminal police unit and the representatives of the Croatian Ministry of Justice (public prosecutors and judges). Training sessions for border police officers have also been conducted. During the period 2012-2015, a total of 25 crime and 44 border police officers have been trained in the topic of trafficking in human beings. Border police officers have been trained as trainers, with an obligation to further train other border police officers in all police administrations.

Moreover, in line with the National Plan for the Suppression of Trafficking in Human Beings 2018-2021, joint training sessions have been delivered with the Croatian Ministry of Justice for criminal police officers and the representatives of the Croatian Ministry of Justice (public prosecutors and judges). During 2018 and 2019, a total of 131 criminal police officers from all police administrations have been trained, and the same number of attendees are planned to undergo training during 2020 and 2021.

Police officers engaged in the area of organised crime systematically deliver training in trafficking in human beings annually for the benefit of police officers distributed in precincts under their respective police administrations.

Further, police officers also take part in international courses, seminars, educations and training sessions, as well as in international strategic and operational meetings covering the topic of crime in association with trafficking in human beings.

Training sessions are also organised and delivered through the international police cooperation. During the period 20-24 April 2015, the Police Academy hosted the delivery of Modules covering the topic

of “Illegal Trafficking and Smuggling” within the framework of the regional “Partnership for Education” police cooperation programme. A portion of the Module has been devoted to the topic of trafficking in human beings and human smuggling. A total of 27 police officers and public prosecutors from the neighbouring countries have participated in this session (Albania, B&H, Montenegro, Kosovo, Macedonia, Republic of Slovenia and Republic of Serbia). Trainers included police officers of the Organised Crime Service, the Police National Office for the Suppression of Corruption and Organised Crime, the Criminal police Directorate, the Croatian Ministry of Finance and the US Bureau of Alcohol, Tobacco, Firearms and Explosives (US ATF). The topic has been addressed in a Module devoted to the “Management of Complex International Investigations” which has been delivered during the period 14-18 September 2015 at the Police Academy for a total of 27 police officers and public prosecutors from the countries mentioned above. The expert attendance included the police officers from the Criminal police Directorate of the General Police Directorate, the Croatian Ministry of the Interior, the Croatian Ministry of Finance and the US Department of Justice. Moreover, the regional police cooperation programme “Partnership for Education” saw the delivery of Module 2 in “Illegal Migration” which was conducted during the period 25-29 April 2016 at the Police Academy. The topic of the module also addressed the issues of trafficking in human beings, assistance to the victims of trafficking in human beings, trafficking suppression modalities, the EU Action Plan on Human Smuggling and the inter-agency cooperation along the Balkans route.

3.2 How is the amount of compensation calculated and are there specific criteria or models for calculating it? What types of injury/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation?

3.3 How are compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation?

3.4 When foreign victims of THB are removed from or choose to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies?

3.5 What procedures are in place to ensure effective access to compensation for victims of THB for the purpose of labour exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labour, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established?

3.6 What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies?

The Public Prosecutor's Office of the Republic of Croatia gives great importance to the training of all public prosecutors who are in contact with potential victims of human trafficking, and therefore it involves public prosecutors in workshops and other educational activities on this topic. In 2018, public prosecutors attended the seminar entitled «Financial investigations and confiscation of pecuniary gain from criminal offences in the context of investigations in the cases of human trafficking», which was organised in the Netherlands by the EJTN and CEPOL, and they also attended the meeting of experts on financial investigations and confiscation of pecuniary gain from trafficking in human beings organised by the EUROPOL, also in the Netherlands.

In the time period between 6-9 March 2018, the Judicial Academy organised workshops entitled «Combatting Trafficking in Human Beings» in the premises of the Police Academy in Zagreb, and participants included police officers, and county and municipal public prosecutors.

This year, until the date of this report, public prosecutors were involved in international seminars and workshops dedicated to the topic of human trafficking organised in Budapest, and the workshop on strengthening cooperation in proceedings against perpetrators of criminal offences of human trafficking, particularly in the field of financial investigations and confiscation of pecuniary gain from this criminal offence, organised in Bucharest.

4. State compensation (Article 15)

4.1 Do the eligibility criteria for State compensation schemes for victims of crimes exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offence)? Does access to State compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders?

Article 158 para 2 of the CPA prescribes that the court may decide on the request for indemnification in full, partially or it can reject the claim, in which case the parties may claim their rights in a civil suit.

The right to financial compensation from the state on the basis of the Act on Financial Compensation for Victims of Crime (hereinafter the Act) can only be exercised by the victims of violent crimes committed on the territory of the Republic of Croatia, which means that the compensations based on this Act would only pertain to those THB victims whose concrete cases of intentional violent crimes entail elements defined by this Act.

In order for the victim to exercise the right to financial compensation from this Act, all legal prerequisites as defined by this Act have to be fulfilled, as well as all other conditions defined by this Act.

Victims of violent crimes are entitled to financial compensation if, along with fulfilling all other conditions as defined by this Act:

- they are citizens of the Republic of Croatia, citizens of a Member State of the European Union or permanently resident in the European Union
- they suffered grievous bodily harm or whose health has deteriorated as a result of the crime (such a person is entitled to compensation for the costs of treatment, and compensation for loss of earnings up to the amount of HRK 35 000) or if they are a close relative of the deceased victim (such a person is entitled to compensation of up to HRK 70 000 for the loss of statutory maintenance and up to HRK 5000 of funeral expenses)
- if a crime is reported to or filed by the police or the public prosecutor's office, regardless of whether or not the offender is known.
- if the victim has filed a written application on an official form and attached all the necessary documentation (the form is available in every police station, public prosecutor's offices, municipal and county courts, and in electronic form on the official website of the Ministry of Justice of the Republic of Croatia, Ministry of the Interior, and the State Public Prosecution Service, and the municipal and county court websites)
- if the application was filed within the deadline prescribed by the Act

In order to exercise the right to financial compensation on the basis of this Act, the outcome of the criminal proceedings does not matter, in the sense that it does not matter if there is an identified perpetrator or if criminal proceedings were initiated, the only important aspect is that the criminal offence was reported and recorded by the police or the public prosecutor's office as a criminal offence.

The right on financial compensation does not depend on whether compensation was obtained from the perpetrator, but if the victim received any indemnification recognized by this Act from the perpetrator, in that case they do not have the right to compensation from the state, and if they only received partial indemnification from the perpetrator, then this will be calculated as a part of the financial compensation, and in such a case the victim shall only receive a difference between the total compensation as prescribed by this Act and the indemnification received from the perpetrator.

4.2 How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim?

- compensation for the costs of treatment, up to the amount of health insurance in the Republic of Croatia as defined by the regulations on mandatory health insurance in the Republic of Croatia
- compensation for loss of earnings up to the amount of HRK 35 000
- the loss of statutory maintenance up to the amount of HRK 70 000
- the person who paid the funeral expenses is entitled to compensation of up to HRK 5 000, which corresponds to the price of a customary funeral in the Republic of Croatia.

In order for the victims to be able to exercise their right to one of the compensations enumerated above, they have to prove the amount of damages or costs incurred, along with fulfilling all legal preconditions and other conditions from this Act.

4.3 Is it possible for foreign victims of trafficking to submit claims for State compensation in your country after being returned or repatriated to their countries of origin? Please provide examples of any such cases and indicate the measures stipulating such a possibility.

THB victims may submit claims for state compensation in the Republic of Croatia after they were returned and repatriated in their countries of origin. Examples are presented in Chapter 10. International Co-operation (Article 32), within the reply under 10.1.

4.4 Are victims seeking State compensation liable for lawyers' costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits?

Article 44 para 4 of the CPA stipulates that a THB victim is entitled to a legal representative, and to speak with a counsel at the expense of the state budget before the proceedings.

Based on the Act on Financial Compensation for Victims of Crime, the victims are not entitled to attorney services and such costs are not covered. In the procedure for obtaining compensation under this Act, no administrative fees are due, and costs of translations and expert assessments are covered from the state budget.

Any compensation that the victims receive on the basis of this Act is not taxable.

5. Sanctions and measures (Article 23)

5.1 Please describe the legislative and other measures adopted by your country which allow to: i) confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds; and ii) identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation. Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?

One of the principles of the criminal law as defined in the Criminal Code, Article 5, is the principle of confiscation of the proceeds of crime. **No one shall retain the proceeds acquired from an unlawful act.** Provisions of Article 5 CC/11, in connection to Article 6 of the CC/11 (application of the General Part of the Criminal Code) is applied to the criminal offences from the catalogue of criminal offences from the Criminal Code/11 (among others also trafficking in human beings from Article 106 of the CC/11), and to criminal offences prescribed in supplementary (special) criminal legislation.

The term 'proceeds of crime', as a special *sui generis* instrument of the criminal law is defined in Article 87 para 22 of the CC/11. (21) **Proceeds of crime shall mean direct material gain obtained by a criminal offence consisting of any increase or prevention of decrease in the property which came about as a result of the commission of a criminal offence, the property into which the direct material gain obtained by a criminal offence has been changed or turned into as well as any other gain from the direct proceeds of crime or from property into which the direct proceeds of crime have been changed or turned into, irrespective of whether it is located inside or outside the territory of the Republic of Croatia.**

The CC/11 prescribed the conditions and the manner for the confiscation of proceeds of crime (Article 77 of the CC/11), and for the confiscation of proceeds for criminal offences under the jurisdiction of the Office for the Suppression of Corruption and Organised Crime ("extended confiscation") (Article 78 CC/11).

According to Article 77 para 1 of the CC/11, proceeds of crime shall be confiscated based on a court decision that establishes that a criminal offence was committed. That means that this instrument of the criminal law may be applied against the perpetrators who are mentally capable and those mentally incapable and thus lacking criminal responsibility (a person who at the time of an unlawful conduct is incapable of appreciating the meaning of his or her conduct or of exercising control over his or her will due to mental illness, temporary mental disorder, insufficient mental development or some other severe mental disorder – Article 24 para 2 of the CC/11), or even if the perpetrator acted under serious mistaken assumptions. However, proceeds of crime shall be confiscated even from a person to whom they were transferred, if they were not acquired in good faith (if it was transferred without compensation or at a price that does not correspond to its value, or from a person for whom it was known or it should have been known that the proceeds were gained from the criminal offence).

A claim for indemnification by the injured person has priority over the confiscation of proceeds of crime (Article 77 para 2 CC/11). However, if the injured party has been awarded a material claim which by its nature and contents corresponds to the acquired proceeds of crime, the part of proceeds of crime exceeding the awarded material claim shall be confiscated. Given that in accordance with Article 153 para 2 of the Criminal Procedure Act, the material claim may be asserted in a civil action, Article 77 para 3 of the CC/11 prescribes that the proceeds of crime shall be confiscated even when the injured person is instructed to assert the material claim in civil action. The reason for this provision is to avoid the possibility where the proceeds of crime would not be confiscated in case that the injured person does not file civil action.

Where the court establishes that confiscation in full or in part of objects or rights acquired as proceeds of crime is impossible, the court shall order the perpetrator to pay the corresponding money equivalent, and it may order that payment be made in instalments (Article 77 para 4 CC/11).

Furthermore, Article 77 para 5 of the CC/11 prescribes that the confiscated proceeds of crime shall be calculated in gross amounts, or that they shall not be reduced by the value of resources invested in the criminal activity.

A special case of confiscating proceeds of crime is prescribed in Article 78 of the CC/11, as what is called an 'extended confiscation of the proceeds of crime' from the competence of the Office for the Suppression of Corruption and Organised Crime. Here, we would like to emphasize that the catalogue of criminal offences from Article 21 of the Act on the Office for the Suppression of Corruption and Organised Crime (OG Nr: 76/09, 116/10, 145/10, 57/11, 136/12, 148/13, 70/17) includes, among other offences, criminal offences committed in the framework of a criminal association. If the offence from Article 106 of the CC/11 was committed in the framework of a criminal association, it would be covered by the provisions on the 'extended confiscation of the proceeds of crime' from Article 78 of the CC/11. In that case, if the perpetrator owns or owned property that is disproportionate with his or her legitimate income and unless he or she makes it probable that the property is of legitimate origin, it is presumed that such property constitutes proceeds of crime (Article 78 para 2 of the CC/11).

If the proceeds from a criminal offence have been merged into legitimately acquired property, the entire property shall be subject to confiscation up to the estimated value of the proceeds of crime (Article 78 para 3 of the CC/11). Extended confiscation of the proceeds of crime shall be applied to a family member irrespective of the legal basis on which he or she possesses it and regardless of whether he or she lives in a shared household with the perpetrator (Article 78 para 4 of the CC/11) or besides family members to another person irrespective of the legal basis on which it was acquired unless this person makes it probable that he or she acquired the advantage in good faith and at a reasonable price (Article 78 para 5 of the

CC/11). If the person against whom criminal proceedings have been instituted dies, the proceeds of unlawful conduct may be confiscated from his or her successors (Article 78 para 6 of the CC/11).

In the context of confiscation of the proceeds of crime, we believe that it is important to emphasize that the provision of Article 85 para 4 of the CC/11 is applied in terms of the statute of limitations, and it is prescribed that confiscation of proceeds of crime is not subject to the statute of limitations.

If proceeds of crime are invested, taken over, converted, transferred or replaced for the purpose of concealing or disguising its illicit origin or of aiding the perpetrator or an accomplice of the criminal offence, which resulted in illegal proceeds, in order to avoid criminal prosecution or the confiscation of proceeds of crime, such a perpetrator shall be culpable of the criminal offence of money laundering from Article 265 of the CC/11.

Principle of Confiscation of the Proceeds of a Criminal Offence

Article 5

No one shall retain the proceeds acquired from an unlawful act.

Application of the General Part of the Criminal Code

Article 6

The provisions of the General Part of this Code shall apply to criminal offences provided for by this Code and other statutes.

Conditions for and Manner of Confiscation of Proceeds of Crime

Article 77

(1) Proceeds of crime shall be confiscated on the basis of a court decision establishing the commission of an unlawful act. Proceeds of crime shall also be confiscated from the person to whom it was transferred if it was not acquired in good faith.

(2) If the injured party has been awarded a material claim which by its nature and contents corresponds to the acquired proceeds of crime, the part of proceeds of crime exceeding the awarded material claim shall be confiscated.

(3) The court shall confiscate the proceeds of crime also in cases where it has instructed the injured party to assert his or her material claim in a civil action.

(4) Where it has been established that confiscation in full or in part of objects or rights acquired as proceeds of crime is impossible, the court shall order the perpetrator to pay the corresponding money equivalent. It may be ordered that payment be made in instalments.

(5) The confiscated proceeds of crime shall not be reduced by the value of resources invested in the criminal activity.

(6) The court may decide against the confiscation of proceeds of crime if its value is negligible.

Confiscation of Proceeds of Crime under the Jurisdiction of the Office for the Suppression of Corruption and Organised Crime ("Extended confiscation")

Article 78

(1) Unless otherwise prescribed by this Code, the provisions of Article 77 of this Code shall apply to the confiscation of proceeds of crime under the jurisdiction of the Office for the Suppression of Corruption and Organised Crime and to proceeds resulting from criminal offences from Chapters XVII and XXV of this Act.

(2) If the perpetrator of a criminal offence from para 1 of this Article owns or owned property that is disproportionate with his or her legitimate income and unless he or she makes it probable that the property is of legitimate origin, it is presumed that such property constitutes proceeds of crime.

(3) If the proceeds from a criminal offence have been merged into legitimately acquired property, the entire property shall be subject to confiscation up to the estimated value of the proceeds of crime. The material gain acquired from property in which the legitimately acquired property was merged with the proceeds of crime shall also be confiscated in the same manner and in the same ratio.

- (4) The proceeds of crime referred to in paragraphs 2 and 3 of this Article shall be confiscated from a family member irrespective of the legal basis on which he or she possesses it and regardless of whether he or she lives in a shared household with the perpetrator.
- (5) The proceeds of crime referred to in paragraphs 2 and 3 of this Article shall also be confiscated from another person irrespective of the legal basis on which it was acquired unless this person makes it probable that he or she acquired the advantage in good faith and at a reasonable price.
- (6) If the person against whom criminal proceedings have been instituted dies, the proceeds of unlawful conduct may be confiscated from his or her successors in proceedings prescribed by a special act.

Statute of Limitations for the Execution of Security Measures, Confiscation of Proceeds of Crime and Confiscation of Objects

Article 85 (144/12)

- (1) Security measures cannot be executed when twice the length of time for which these measures were imposed has elapsed since the judgment imposing such measures became final.
- (2) The security measures referred to in Articles 68, 69, and 70 of this Code cannot be executed when the statute of limitations for the execution of the punishment by which they were imposed expires or when the period of probation from the suspended sentence elapses.
- (3) Confiscation of objects shall become statute-barred upon the expiry of five years since the judgment imposing it becomes final.
- (4) The execution of security measures imposed for life and the confiscation of proceeds of crime is not subject to the statute of limitations.
- (5) The statute of limitations shall not run during any time the execution of a security measure cannot be commenced or continued under the law.

Money Laundering

Article 265

- (1) Whoever invests, takes over, converts, transfers or replaces a material gain derived from criminal activity for the purpose of concealing or disguising its illicit origin or of aiding the perpetrator or an accomplice of the criminal offence, which resulted in illegal proceeds, in order to avoid criminal prosecution or the confiscation of proceeds of crime, shall be punished to imprisonment from six months to five years.
- (2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever conceals or disguises the true nature, source, location, disposition, movement, rights with respect to, or ownership of a proceeds of crime.
- (3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever acquires, possesses or uses the proceeds of crime.
- (4) Whoever commits the offence referred to in paragraph 1 or 2 of this Article in financial or other dealings or where the perpetrator engages professionally in money laundering or the material gain referred to in paragraph 1, 2 or 3 of this Article is of high value, shall be punished by imprisonment from one to eight years.
- (4) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever intentionally gives instructions or advice or removes obstacles or in other way facilitates the perpetration of the criminal offence from paras 1, 2 or 3 of this Article.
- (5) Whoever perpetrates the criminal offence from paras 1 or 2 of this Article in financial or other business operations or if the perpetrator engages in money laundering or if the proceeds of crime from paras 1, 2 or 3 of this Article is of great value, shall be punished by imprisonment from one to eight years.
- (6) Whoever commits the offence referred to in paragraph 1, 2 or 5 of this Article by negligence with respect to the circumstance that the material gain is proceeds of crime, shall be punished by imprisonment not exceeding three years.
- (6) If the material gain referred to in paragraphs 1 through 5 of this Article is derived from criminal activity carried out in a foreign country, the perpetrator shall be punished when the activity is a criminal offence also under the domestic law of the country where it is committed.
- (7) If proceeds of crime from paras 1 to 6 of this Article result from a criminal offence committed in a foreign state, the perpetrator shall be punished if the offence constitutes a criminal offence by laws of the state, in which the offence was perpetrated.

(8) The perpetrator referred to in paragraphs 1 through 6 of this Article who voluntarily significantly contributes to the discovery of the criminal activity from which a pecuniary advantage has been derived may have his or her punishment remitted.

(9) Proceeds of crime, objects and assets that resulted from the perpetration of a criminal offence from paras 1 to 5 of this Article or that were intended or used for the perpetration of the criminal offence from paras 1 to 5 of this Article shall be confiscated and the rights shall be annulled.

Items which, amongst other things, are to be confiscated pursuant to the CC, shall be confiscated temporarily and their safe-keeping ensured. The person holding such items is obliged to hand them over at the request of the public prosecutor, investigator or police. A person who, for unjustified reasons, fails to act on the request to hand these items over, may be penalized by the investigating judge, following a reasoned proposal by the public prosecutor, by a monetary fine in the amount of 50,000.00 HRK, and if he or she still fails to act on the request, he or she may be penalized by a prison sentence until the request is adhered to, but for no longer than one month.

The temporary confiscation of items also relates to data stored in computers and devices connected to them, and devices that serve to collect and transfer data, data carriers and also to subscriber data at the disposal of the service provider, unless temporary confiscation of items is prohibited in the procedural provisions of the CPA. These data must be handed over to the public prosecutor, following a written request by the public prosecutor, in their complete, original, legible and comprehensible form. In the request, the public prosecutor shall determine the deadline by which the data must be handed over. Following a motion by the public prosecutor, the investigating judge may order by a ruling the protection and safe-keeping of the computer data referred to in paragraph 1 of this Article, while this is deemed necessary, but for no longer than six months. After that, the computer data shall be returned, unless they were involved in the commission of a criminal offence against computer systems, programs and data (Title XXV of the CC) or if they were involved in the commission of another criminal offence which is prosecutable ex officio that was committed using a computer system, and if they are not serving as evidence in proceedings being conducted for a criminal offence.

If access to data considered to be a bank secret is denied, the court may issue a ruling ordering disclosure of data representing a bank secret, following a motion with a statement of reasons filed by the public prosecutor. In that ruling, the court shall stipulate the deadline by which the bank must disclose the data. When it is probable that a specific person is receiving, holding or disposing in any other way of the proceeds of a crime in their bank accounts, and these proceeds are important for the investigation of that criminal offence, or are subject to forced confiscation, the public prosecutor, by a request with a statement of reasons, shall move the court to order the bank to hand over data on that account and income to the public prosecutor. The request shall include data on the legal entity or physical person who is holding those funds or proceeds or is disposing of them. A description of income must include the currency designation, but not the exact amount if it is not known. The court shall stipulate a deadline within which the bank must proceed as ordered. Before the commencement of and during the investigation a decision on the request by the public prosecutor shall be rendered by the investigating judge, following the filing of an indictment by the indictment panel and, after it becomes final, by the court before which the hearing is to be conducted. The investigating judge shall decide on the public prosecutor's request at the latest within twelve hours from the receipt of the request, and if the investigating judge denies the request.....

If the bank fails to act as described, the investigating judge shall penalize the bank, following a reasoned motion by the public prosecutor, by a monetary fine of up to 1,000,000.00 HRK, and the responsible person in the bank or other legal entity, by a monetary fine in the amount of 200,000.00 HRK. If even after this the order is not adhered to, the responsible person may be sentenced to imprisonment until the order is executed, but for no longer than one month. An appeal against the ruling on the fine or prison sentence shall not postpone the execution of the ruling.

If it is not prescribed otherwise by law, or if the public prosecutor does not order otherwise, items which were intended to be used or were used for the commission of a criminal offence, or which resulted from the commission of an offence, shall be temporarily confiscated by the police and handed over to the bodies or legal entities vested with public authority, which, pursuant to separate regulations, are competent to dispose of and manage assets owned by the Republic of Croatia. The public prosecutor shall be informed immediately of this, unless the action was taken by his or her order.

Proceedings for confiscation of items or material gain shall be conducted following a motion by the public prosecutor, but the court shall confiscate material gain which represents the proceeds of an unlawful activity which is included in the description of the criminal offence in the indictment, even without a motion by the authorized prosecutor. It is the obligation of the court and any other body before which proceedings are conducted to collect evidence during the proceedings and investigate the circumstances of importance to establish the material gain.

The court shall order the confiscation of material gain in the conviction or judgement establishing that the accused committed the unlawful act which was the subject of the indictment, whereby it shall state which things or rights represent the material gain which are the proceeds of the criminal offence or the unlawful act, and, depending on the circumstances, indicate their monetary value, establish that those things or rights have become the property or assets of the Republic of Croatia, order the accused, or another person to whom the material gain has been transferred, to hand over specific things to the Republic of Croatia, or to transfer to it specific rights, if they have not yet been transferred to the Republic of Croatia, or to pay the monetary value within 15 days from the day the judgement become final, and order registration of those rights in the name of the Republic of Croatia in the public registers kept by the courts or other bodies. The court shall gauge the amount of material gain by its own free assessment if establishing it would involve disproportional difficulties or significant delay of the proceedings. If it is not prescribed otherwise by law, in a judgement acquitting the accused of the criminal offence, or if the indictment is dismissed, the motion to confiscate material gain obtained by a criminal offence shall also be dismissed. The court shall also act in this way if the accused is not acquitted of the indictment for the criminal offence, but the material gain is completely covered by a property law claim, or if the legal requirements do not exist for its confiscation.

The written judgement shall be also sent to the person to whom the material gain was transferred.

Items which are to be confiscated pursuant to the law, and other items, if so required for the sake of public safety or protection of the honour and dignity of citizens, shall also be confiscated when criminal proceedings are concluded with a judgement finding the accused guilty, and a separate ruling shall be rendered by the body before which the proceedings were conducted when the proceedings have been concluded, or stayed. Further, a ruling on confiscation of items which are to be confiscated pursuant to the law, and other items, if so required for the sake of public safety or protection of the honour and dignity of citizens, shall be rendered by the court even when that decision is not included in the judgement finding the accused guilty. The provisions of the CPA shall also be applied in proceedings for confiscation of material gain representing the proceeds of an unlawful act if the person against whom the criminal proceedings are instituted has had their legal capacity permanently removed, or is unavailable to the bodies of criminal prosecution, when it is probable that the material gain amounts to at least 60,000.00 HRK, if pursuant to the provisions of Article 560a to 560e of the Criminal Procedure Act it is not prescribed otherwise. These proceedings shall be instituted and conducted only upon a request by the public prosecutor, and in these situations the public prosecutor shall by an order institute separate proceedings, in which evidence shall be collected and the facts necessary to establish if the person against whom the criminal proceedings were instituted and is permanently legally incompetent or unavailable to the bodies of criminal prosecution, committed the unlawful act which is the subject of the indictment, or if material gain was realized by that act, and the amount of that gain. If the material gain realized by an unlawful act has been transferred to another person, that person referred to in paragraph 1 of this Article shall have the status of a party in the proceedings and all the rights of the accused pursuant to this Act. The court shall rule on the request by the public prosecutor after the trial has taken place. The provisions of the CPA relating to confiscation of the proceeds of crime shall be applied *mutatis mutandis*, if the person against whom criminal proceedings have been instituted has had their legal capacity permanently removed, or if they are unavailable to the criminal prosecution bodies, or in the case of the death of the person against whom the criminal proceedings were instituted.

If the probability exists that a specific person is receiving, holding or in any other way disposing of the proceeds of a crime in their bank accounts, and those proceeds are important for the investigation of that criminal offence, or are subject under the law to forced confiscation, on the basis of a reasoned motion by the public prosecutor, the investigating judge may order the bank or other legal entity, by a ruling, to monitor payments and transactions relating to the accounts held by that specific person and to report regularly during the time period defined in the ruling to the public prosecutor about the monitoring of those payments. Measures for monitoring transactions may last longer than one year, but as soon as the

reasons for the monitoring end, the public prosecutor is obliged to inform the investigating judge, who shall terminate the monitoring by a ruling. The bank or other legal entity may not provide any notification or information about its actions related to the measure of monitoring transactions. If the bank fails to act as described, the investigating judge shall penalize the bank, following a reasoned motion by the public prosecutor, by a monetary fine of up to 1,000,000.00 HRK, and the responsible person in the bank or other legal entity, by a monetary fine in the amount of 200,000.00 HRK. If even after this the order is not adhered to, the responsible person may be sentenced to imprisonment until the order is executed, but for no longer than one month. An appeal against the ruling on the fine or prison sentence shall not postpone the execution of the ruling.

Moreover, following a reasoned motion by the public prosecutor, the court may by a ruling order a legal or physical person to temporarily halt the execution of a specific financial transaction for which the suspicion exists that it constitutes a criminal offence, or serves to conceal a criminal offence or to conceal the proceeds gained by a criminal offence. In this ruling, the court shall establish that the funds intended for that transaction, which are suspected of representing a criminal offence, serving to conceal a criminal offence or conceal the proceeds of a criminal offence, and cash sums of national and foreign currency which have been temporarily seized, shall be deposited in a separate account and kept until the conclusion of the proceedings, or until the conditions are met for their return, but for no longer than two years. When the indictment becomes final, the court may extend the duration of this safekeeping for up to two years. Before the commencement of and during the investigation, a decision shall be made by the investigating judge, following the filing of the indictment by the indictment panel and, after it becomes final, by the court before which the hearing is to be conducted. The investigating judge shall decide on the public prosecutor's request by a ruling within twenty-four hours from receipt of the request. If the judge refuses the request, the public prosecutor may file an appeal within twelve hours. The panel shall decide on the appeal within twenty-four hours. An appeal does not postpone the execution of the ruling. No legal or physical person may issue any notification or information about these proceedings.

In order to secure the confiscation of the proceeds of a crime or unlawful act, the competent prosecutor may, before and after the institution of criminal proceedings, propose any temporary measure for their safekeeping which will achieve that goal, especially the prohibition of alienation or encumbrance of real property or real rights registered on real property, with a note made on the prohibition in the land register, the confiscation of real property and its transfer for safekeeping and administration to the state body competent for management of state property, the prohibition of the accused or another person to whom the material gain has been transferred alienating or encumbering movable property, the confiscation of those things and their removal for safekeeping to the state body competent for management of state property, the confiscation and deposition of cash money and securities, and their transfer to the state body competent for management of state property, the prohibition of the accused's debtor or another person to whom the material gain has been transferred, voluntarily meeting their obligation to the accused or to another person to whom the material gain was transferred, the prohibition of the accused or another person to whom the material gain has been transferred receiving payment of a debt, or disposing of their claims, to deny payment by a bank order of the monetary amount to which the temporary measure applies to the accused or another person to whom the material gain has been transferred, or any third party on the basis of an order by the accused or the other person to whom the material gain has been transferred, by prohibition of alienation and encumbrance of stocks, shares or business shares, or disposition of rights on the basis of those stocks, shares or business shares, by submission of the stocks, shares or business shares to the administration of the state body competent for management of state property, by prohibition of the accused's debtor or another person to whom the material gain has been transferred handing over things or transferred rights to the accused or another person to whom the material gain has been transferred, or undertaking any other non-financial action. The investigating judge shall decide by a ruling on the motion by the public prosecutor to secure the temporary measure until the indictment is filed, then after the indictment is filed until it is confirmed the indictment panel shall decide, and after the indictment is confirmed or a trial is scheduled on the basis of a private complaint, the court before which the trial is held. The ruling must include a Statement of Reasons. Alongside the ruling, the accused and the other person to whom the material gain was transferred shall also be sent instructions on their right to an attorney and their rights referred to in Article 558 of the Criminal Procedure Act. An appeal is permitted against the ruling to impose temporary measures, within three days from the day the ruling is served.

The appeal shall not postpone the execution of the ruling. The court or another body prescribed by a separate act shall be competent for execution of the ruling.

The proceedings to ensure the confiscation of the proceeds of crime are urgent.

In proceedings to impose temporary security measures, the risk is presumed to exist that claims by the Republic of Croatia regarding the confiscation of material gain as the proceeds of criminal offences will not be possible or will be hindered if the temporary security measure is not ordered, whereby the security measure may be ordered even before the accused or another person to whom the material gain has been transferred has been permitted to make a statement about the motion by the proposer of the security measure. If the temporary measure must be registered in a public register (land register, a register of shipping or aircraft, the register of court and notary public insurance etc.), the court decision shall also contain an order for registration of the temporary measure in that public register.

After registration of the temporary measure in a public register, any legal transaction by which the accused or another person to whom the material gain has been transferred disposes of the things or rights which have been secured by the measure, shall have no legal effect.

A temporary measure may also be ordered before the commencement of criminal proceedings or the filing of a motion for confiscation of material gain if the person against whom the criminal proceedings have been instituted has had their legal capacity permanently removed or is unavailable to the bodies of criminal prosecution, when it is probable that that material gain amounts to at least 60,000.00 HRK. Before the indictment is confirmed, or a hearing scheduled on the basis of a private complaint, or before the filing of a motion to seize the proceeds of an unlawful act, if the person against whom the criminal proceedings have been instituted has had their legal capacity permanently removed or is unavailable to the bodies of criminal prosecution, when it is probable that the material gain amounts to at least 60,000.00 HRK, the temporary measure may last for no longer than two years, and after that no longer than sixty days from the delivery to the public prosecutor of notice of the finality of the decision by which the material gain was seized. The term of two years shall not run during interruptions to the investigation. Every three months the court shall examine whether the legal conditions exist for the further application of the temporary measure, and shall render a ruling to extend or terminate it.

The temporary measure shall be terminated or replaced by another before these times limits have expired, if the court *ex officio*, upon a motion by an authorized prosecutor, or a motion by the accused or another person to whom the material gain has been transferred, establishes that it is no longer necessary or that security may be achieved by some other, less severe temporary measure. The temporary measure may also be terminated or replaced with another temporary measure if the accused, another person to whom the material gain has been transferred or a third party, pays a security deposit. Security deposits are always paid in cash. The temporary measure will be terminated if the authorized prosecutor so moves. No appeal is permitted against a decision refusing the accused person's motion or that of another person to terminate the temporary measure.

The court shall inform the court or other body competent for its execution of the termination of the measure due to the expiration of the term for which it may run, and on the revocation or amendment of the measure, without delay.

Following a motion by the injured party, the court shall amend or revoke the temporary measure imposed in order to secure the confiscation of material gain that is the proceeds of an unlawful act, if this is necessary in order to secure a property-law claim, but if the injured party relinquishes their property-law claim or the temporary measure imposed in order to secure the property-law claim, the court, before rendering its decision on this, shall inform the public prosecutor and set an appropriate term within which he or she may propose a temporary measure in order to secure the confiscation of the material gain.

If a third person asserts that he or she has rights in relation to the assets which are the subject of a temporary measure which prevent the application of the provisions relating to the proceedings to confiscate items and assets, that person has the right to move for the temporary measure to be revoked. The court that rendered the ruling on the temporary security measure shall decide on that motion. An appeal is permitted against that ruling, which does not prevent the execution of the security measure.

In terms of legislative and other measures adopted by the Republic of Croatia, which enable to: confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds, identify, trace, freeze or rapidly seize property, which is subject to confiscation, in order to facilitate the enforcement of the confiscation at the later stage and the question

whether these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted, we point out that this subject matter has been regulated through international treaties, predominantly multilateral treaties, as well as through national legislation.

Firstly, we point to an important fact contained in Article 134 of the Constitution of the Republic of Croatia, which states that international treaties which have been concluded and ratified in accordance with the Constitution, which have been published and which have entered into force shall be a component of the domestic legal order of the Republic of Croatia and shall have primacy over domestic law. Their provisions may be altered or repealed only under the conditions and in the manner specified therein or in accordance with the general rules of international law.

Treaties have been concluded and ratified in the United Nations, the Council of Europe, and a specific mention needs to be made of the European Union legislation. The Council of Europe Convention (No. 141) on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime has entered into force in the Republic of Croatia in 1998. Alignment between the EU member-states has been enabled through the EU Directive (2014/42/EU) on the freezing and confiscation of instrumentalities and proceeds of crime, which determines key standards for the recovery of proceeds from crime. Furthermore, the new Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders sets the rules of for cooperation in this area, which rules shall be applied from 19 December 2020.

However, the freezing orders and confiscation orders sent before 19 December 2020 will continue to be regulated by the Framework Decisions 2003/577/JHA and 2006/783/JHA, which are currently being applied in the Croatian Act on Judicial Cooperation in Criminal Matters with Member States of the EU (OG 91/10, 81/13, 124/13, 26/15, 102/17 and 68/18). Concerning the above-mentioned Directive and the harmonisation effects, there is a "spill-over effect" of the national legislation alignment process, meaning that the Croatian national legislation is applicable in national criminal and related procedures on mutual legal aid with any country worldwide. Further, national legislation also provides for this subject matter through the establishment of competent authorities and the prescription of procedural and essential provisions necessary for the internal and international operation of this institution. Importantly, the Act on International Legal Assistance in Criminal Matters with the member states of the EU is being applied in cases of international legal assistance when there are no different provisions in the existing international treaties and when there are no international treaties in force, which would regulate this area. In such circumstances, this Act is being applied as *lex specialis* in conjunction with the national legislation in line with Article 81, which reads:

"To the extent in which this Act contains no special procedural rules, the provisions of the following acts shall apply accordingly: the Criminal Procedure Act, the Misdemeanour Act, the Act on the Office for the Suppression of Corruption and Organized Crime, and the Courts Act." The general part of the Croatian Criminal Code – basic provisions, Article 5, titled "Principle of Confiscation of Pecuniary Gain" states that no one shall be allowed to retain pecuniary gain generated through an illegal activity. The Act on International Legal Assistance in Criminal Matters, Article 1, states that this Act regulates mutual legal assistance in criminal matters, unless otherwise provided for by an international treaty, whereas Article 2 reads that mutual legal assistance is provided in respect of criminal acts the punishment of which, at the time of the request for assistance, falls within the jurisdiction of the judicial authorities of the requesting state. Article 3 of the same Act specifically regulates that mutual legal assistance in criminal proceedings pending in the Republic of Croatia or a foreign country (procuring and transmitting articles to be produced in evidence, service of writs and records of judicial verdicts, appearance before the court of witnesses for testimony and other acts necessary to carry out the court proceedings); procedures of extradition to the Republic of Croatia of prosecuted or convicted persons based on verdicts of domestic courts; acts of extradition of foreigners prosecuted or convicted based on judicial verdicts of the state requesting extradition; acts of taking over and surrendering criminal prosecution; acts of enforcement of foreign judicial verdicts in criminal matters.

5.2 In what way do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund or scheme for victims of trafficking

or to other programmes for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used.

In accordance with Article 77 para 2 of the CC, the claims for indemnification submitted by the injured persons have priority over the confiscation of proceeds of crime. Only in cases where the injured party has been awarded a material claim, which corresponds to the acquired proceeds of crime, the part of proceeds of crime exceeding the awarded material claim shall be confiscated (Article 77 para 3 of the CC/11). Following the quoted provisions, it is evident that the injured party, or the victim, always has priority over the state, and proceeds of crime will be only confiscated by the state if they were not previously returned to the victim or the injured party or if no claim for such indemnification was filed. However, in cases where the proceeds of crime are permanently confiscated based on a final court judgement, such proceeds become the ownership of the Republic of Croatia, and they are managed by the Ministry of State Property based on Article 59 para 2 of the Act on the Management of State Property (OG Nr. 52/18). To this effect, any questions regarding the management of permanently confiscated proceeds of crime should be answered by this line ministry.

5.3 Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process?

As an introduction we would like to highlight that the criminal offence of trafficking in human beings from Article 106 of the CC/11 is regulated in Chapter IX of the CC/11 entitled Criminal Offences against Humanity and Human Dignity. It is evident that it is located in a chapter on severe criminal offences. The CPA does envisage a possibility for the parties (the public prosecutor and the defendant) to engage in plea bargaining, and to achieve an agreement on the type and severity of the punishment. Such an agreement is the basis for issuing a verdict based on a plea bargain. After confirming the indictment, the indictment division decides on the verdict based on the plea bargain, and if – given the circumstances – accepting the verdict on the basis of a plea bargain is not in line with the legally prescribed punishment or if plea bargaining is not allowed by the law, the indictment division shall reject such a verdict by a ruling, which cannot be appealed against.

If criminal offences against life or body or against sexual freedom were involved, which are sanctioned by more than five years of imprisonment, the public prosecutor must obtain victim's consent for engaging in a plea bargain. If the victim died or if they are incapable of giving their consent, such consent will be requested from persons defined by Article 55 para 6 of the CPA, i.e. his spouse, common-law spouse, children, or in case that there are no such person then from parents, siblings or persons that the victim was obliged to support while alive who may – within three months after his death – declare that they shall continue proceedings.

In relation to the verdict based on a plea bargain, such a verdict cannot be appealed against on the basis of grounds enumerated under Article 471 of this Act that relate to criminal sanctions, nor can it be appealed against due to false or incompletely stated facts (Article 470 CPA), unless the defendant obtained evidence that excludes the illegality of the act or excludes his culpability after the verdict was issued.

The Criminal Procedure Act, in Article 360 makes it possible to the parties to negotiate on the conditions of pleading guilty and agreeing on a sanction. After the public prosecutor, the defendant and the defence counsel have signed a statement for rendering a judgement on the basis of the parties' agreement, the public prosecutor shall inform the victim or the injured person on such an agreement. If criminal offences against life or body or against sexual freedom were involved, which are sanctioned by more than five years of imprisonment, the public prosecutor must obtain victim's consent for making the above agreement.

Given that this is a very important instrument in the work of the Public Prosecutor's Office, the application of this provision has been elaborated in the Instruction by the Chief Public Prosecutor of the Republic of Croatia, which details the conditions of a plea bargain with the defendant, and the circumstance, in which a plea bargain should be avoided, regardless of the fact that the law does not define particular criminal

offences where a plea bargain would not be possible. Also, I would like to emphasize that the work of the Public Prosecutor's Office has thus far shown that in cases of severe criminal offences with severe consequences for the victim, and also in cases where it was evident that the agreement on the sanction would not be acceptable neither to the victim nor the public, the public prosecutor rejects the plea bargain.

Given that the criminal offence of human trafficking is in the chapter of the most severe criminal offences against humanity and human dignity, this instrument would certainly not be considered in such cases, nor would there be any plea bargaining without informing the victim first and considering all the consequences.

5.4 What is the average duration of court proceedings in THB cases? In which circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay?

5.5 How do you ensure that sanctions for THB offences are effective, proportionate and dissuasive?

The criminal offence of trafficking in human beings from Article 106 of the CC/11, in its basic form as prescribed by paragraph 1 consists of three elements (the act of perpetration, the means of perpetration and the purpose – the form of exploitation that the perpetrator intends), and the prescribed sanction is imprisonment between one and 10 years. For non-violent forms of perpetration of this criminal offence from para 2 of this article, in which the victim is a child (a person younger than 18 years of age), the Criminal Code of 2011 prescribes the same sanction as para 1 (one to ten years of imprisonment). The reason for this is that the material elements of the criminal offence from para 2 does not require the perpetrator to use threat, deceit, fraud or similar means as prescribed by para 1.

Article 106 para 3 of the CC/11 prescribes a qualified form of this criminal offence sanctioned by three to fifteen years of imprisonment. The qualified form includes situations when this crime is committed by a public official in the performance of his or her duties, or the said offence was committed against a large number of persons or the life of one or more persons was consciously endangered. Also, if the victim is a child, and the purpose is to exploit the child using force or threats, or other methods as defined by Article 106 para 1 of the CC/11, this also constitutes the qualified form of this offence.

Furthermore, para 4 of Article 106 of the CC/11 sanctions the use of services provided by the THB victims, and the sanction is equal in type and severity to the sanction prescribed in para 1, because the offence from para 4 encourages trafficking in human beings.

Para 5 sanctions the perpetrators who retain, seize possession, conceal, deface or destroy another person's travel document or identification document, with the aim of enabling the perpetration of the offences from paras 1, 2 and 3 of Article 106 CC/11. For this form of the offence the Criminal Code of 2011 prescribes the sanction of imprisonment up to three years. Given that Article 21 para 2 of the Convention prescribes that the attempt is also punishable, Article 106 para 6 explicitly prescribes that the attempt to perpetrate this criminal offence as described in para 5 is punishable. In relation to other offences as defined by Article 106 paras 1, 2, 3, and 4, the attempt is punishable in accordance with Article 34 of the CC/11.

In the light of the above, we believe that the prescribed sanctions are effective, dissuasive and proportionate to the severity of the criminal offence, so that they achieve the purpose of punishment as prescribed by Article 41 of the CC/11.

Attempt

Article 34

(1) Whoever, with the intent to commit a criminal offence, performs an act which is spatially and temporally proximate to the realisation of the material elements of the criminal offence shall be punished for the attempt, provided that a sentence of imprisonment of five years or a more severe punishment may be imposed or that the law expressly provides for the punishment of an attempt.

(2) The punishment of a perpetrator of an attempt may be mitigated.

(3) If the perpetrator due to gross ignorance attempts to commit a criminal offence by unsuitable means or towards an unsuitable object the court may remit the punishment.

Purpose of Punishment

Article 41

The purpose of punishment is to express public condemnation of the committed criminal offence, raise the confidence of citizens in the legal order based on the rule of law, exert an influence on the perpetrator and all others so that they do not commit criminal offences by raising awareness of the perils of committing criminal offences and of the fairness of punishment and allow the perpetrator's readmission into society.

Trafficking in Human Beings

Article 106

(1) Whoever, by the use of force or threat, of deception, of fraud, of abduction, of abuse of authority or of a situation of hardship or dependence, or of the giving or receiving of payments or other benefits to achieve the consent of a person having control over another person or by any other means recruits, transports, transfers, harbours or receives a person, or exchanges or transfers control over a person for the purpose of exploiting his or her labour by means of forced labour or services, slavery or a relationship similar thereto, or for the purpose of exploitation for prostitution of the person or of other forms of sexual exploitation, including pornography, or of contracting an illicit or forced marriage, or of taking parts of the person's body or of using the person in armed conflicts or of committing an unlawful act, shall be punished by imprisonment from one to ten years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever recruits, transports, transfers, harbours or receives a child, or exchanges or transfers control over a child for the purpose of exploiting his or her labour by means of forced labour or services, slavery or a relationship similar thereto, or for the purpose of exploitation for prostitution of the child or of other forms of sexual exploitation, including pornography, or of contracting an illicit or forced marriage, or of illegal adoption, or of taking parts of a child's body, or of using the child in armed conflicts.

(3) If the criminal offence referred to in paragraph 1 of this Article was committed against a child or the criminal offence referred to in paragraphs 1 or 2 of this Article was committed by a public official in the performance of his or her duties, or the said offence was committed against a large number of persons or the life of one or more persons was consciously endangered, the perpetrator shall be punished by imprisonment from three to fifteen years.

(4) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, knowing that a person is a victim of trafficking in persons, uses the services of that person which are the result of one of the forms of exploitation set forth in paragraphs 1 and 2 of this Article.

(5) Whoever, with the aim of enabling the commission of offences set forth in paragraphs 1, 2 and 3 of this Article retains, seizes of possession, conceals, defaces or destroys another person's travel document or identification document, shall be punished by imprisonment not exceeding three years.

(6) The attempt of the criminal offence referred to in paragraph 5 of this Article shall be punishable.

(7) The consent of a victim of trafficking in human beings to the exploitation shall be irrelevant to the existence of this criminal offence.

6. Ex parte and ex officio applications (Article 27)

6.1 What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and considered during the criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can victims of THB be represented by NGOs in criminal proceedings?

According to Article 44 para 4 of the CPA, THB victims have a special position within criminal proceedings and they are entitled to special rights. Besides the general rights pertaining to all victims of criminal offences as defined by Article 43 of the CPA, THB victims have additional rights, such as the right to talk to a counsel before they are examined, which is paid from the state budget, the right to a legal representative at the expense of the state budget, and the right to be examined in the police or the public prosecutor's office by a person of the same gender and – if possible – in case of a repeated examination – to be examined by that same person. They are entitled to withhold answers to questions that are unrelated to the criminal offence, and that are related to the strictly personal life of the victim, they have

the right to demand to be examined via an audio-visual device (Article 292 para 4 of this Act), the right to confidentiality of personal data, and the right to request that the public be excluded from the trial.

Rights from the “general catalogue of victims’ rights” as prescribed by Article 43 of the CPA:

Victim

Article 43

(1) Under this Act, a victim of a criminal offence shall be entitled to:

- 1) have access to services for the support to the victims of criminal offences,
- 2) efficient psychological and other expert help and support of the authority, organization or institution for aiding victims of criminal offences in accordance with the law,
- 3) protection from intimidation and retaliation,
- 4) protection of dignity during examination as a witness,
- 5) be heard without undue delay after filing a criminal report and for further hearings to be implemented only to the extent necessary for the needs of the criminal proceedings,
- 6) be accompanied by a person of trust during actions in which the victim participates,
- 7) medical interventions to be undertaken to the least possible extent and only if completely necessary for the needs of the criminal proceedings,
- 8) file a motion to prosecute and institute a private claim in accordance with the provisions of the Criminal Code, the right to participate in the criminal proceedings as the injured party, the right to be informed on dismissing criminal charges (Article 206 para 3 of this Act), and on the prosecutor’s dismissal of the criminal case, and they are entitled to take over criminal prosecution instead of the public prosecutor,
- 9) information from the public prosecutor on actions undertaken as a result of the criminal report filed (Article 206a of this Act), and the right to file a complaint to a higher-ranking public prosecutor (Article 206b of this Act),
- 10) be informed without undue delay upon his or her own request on the release from detention or investigative detention, on the defendant’s escape and the release from serving the prison sentence and on measures undertaken to protect the victim,
- 11) the right to be informed upon his or her own request on any final decision in the criminal proceedings,
- 12) other rights prescribed by law.

(2) Victims of a criminal offence punishable by more than five years of imprisonment, if they have suffered severe consequences from the criminal offence, are entitled to professional assistance of a counsel at the expense of the budget funds when filing their request for indemnification.

(3) Victims of intentional violent crimes are entitled to a financial compensation from the state budgeted in accordance with the special law. If the victim has received indemnification, the amount of received indemnification shall be taken into account in the calculation of the financial compensation, and the court that decides on the indemnification shall also take into account the financial compensation that the victim has received from the state budget.

(4) When undertaking first action in which the victim is involved, the court, the Public prosecutor, the investigator or the police authority shall notify the victim, in a manner that the victim can understand, of the following:

- 1) the rights referred to in paragraphs 1, 2 and 3 of this Article and Article 44 of this Act;
- 2) the rights which the victim is entitled to as an injured person.

(5) The bodies from para 4 of this Article shall treat the victim with consideration and they shall make sure that the victim understood the information on his or her rights.

(6) The bodies from para 4 of this Article shall inform the victim in the manner understandable to the victim on the significance of his or her participation in the proceedings as the injured party. Statement by the victim on whether he or she wishes to participate in proceedings as the injured party shall be entered into the minutes.

(7) A legal person that is the injured party of a criminal offence is also entitled to rights from para 1 subpara 8, 9 and 11 of this Article. The provisions of this Act that regulate the exercise of these rights by the victim of the criminal offence shall correspondingly apply to the legal person that is the injured party.

Special position of THB victims is reflected also in the process of conducting individual assessment of victims in accordance with Article 43a of the CPA, where special attention is paid to THB victims when

assessing the need for special protection measures, and if there is a need for such measures, which protection measures should be applied in the individual case.

A child victim of the criminal offence, including a child THB victim enjoys the highest degree of the protection of rights in criminal proceedings, and in all their steps involving a child victim, the competent authorities are guided by the best interests of the child. According to Article 44 para 2 of the CPA, the court, the public prosecutor's office, the investigator and the police are obliged to treat the child THB victim with consideration, bearing in mind the child's age, personality and other circumstances in order to avoid detrimental consequences to the child's upbringing and development.

A THB victim is entitled to a legal representative in criminal proceedings, at the expense of the state budget. The legal representative, according to Article 202, para 2 subpara 17 of the CPA may be an attorney, who can be replaced by the attorney's trainee in some cases.

Article 116 of the JCA (Juvenile Courts Act) regulates the appointment of the legal representative to a child victim of the criminal offence.

The Juvenile Courts Act, Article 116, please see the reply under 2.3.

6.2 If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent have victims of trafficking, including children, access to complaint mechanisms, such as Ombudsman institutions and other national human rights institutions?

Except in exceptional cases, if the public prosecutor establishes that there are no grounds for launching criminal proceedings *ex officio*, or if the prosecutor establishes that there are no grounds for the prosecution of some of the reported persons, they are obliged to notify the victim of this fact within eight days and instruct the victim of the possibility to initiate criminal prosecution himself/herself. The same applies to the court if the court issued a ruling on dismissing the case because the public prosecutor abandoned criminal prosecution. The victim is entitled to undertake or to continue criminal prosecution for a criminal offence within eight days of the receipt of such a notification. In case that the public prosecutor dismissed the indictment, the victim may – by taking over criminal prosecution – continue with the indictment as raised. If the victim was not notified that the public prosecutor dismissed the indictment or dropped the charges, they may give a statement before the court that they will continue criminal prosecution within three months of issuing a ruling on abandoning criminal prosecution, or six months after the public prosecutor dropped the charges. The public prosecutor, or the court, when they inform the victims of their right to continue criminal prosecution, will also submit an instruction to the victims about the actions they can undertake in order to exercise this right, and they will be entitled to gain insight into the case file. If the victim should die during the proceedings, the victim's spouse or civil law partner or informal partner or a descendant, and if there are no descendants, parents, siblings or a person that the victim was legally obliged to support may give a statement within three months of the victim's death on whether they will take over or continue criminal prosecution.

In accordance with Article 225 para 1 of the CPA, the victim that has taken over the criminal prosecution may propose to the investigative judge to conduct an investigation for criminal offences that are the subject of investigation, in case that the public prosecutor dropped the charges or dismissed the investigation. If the victim exhausts the legal remedies available in Croatia, they can submit their requests to the European Court of Human Rights in order for this court to establish whether the victim's rights were violated. If the court establishes a violation of rights, criminal proceedings will be reinstituted in accordance with Article 502 para 2 of the CPA.

6.3 What reporting and complaint mechanisms are in place for victims of trafficking who are in an irregular migration situation and/or in detention?

In accordance with Article 204, para 1 of the CPA, everybody is obliged to report a criminal offence, for which proceedings are launched *ex officio*, of which they received information or knowledge.

THB victims against whom investigative detention was ordered may submit an appeal against such a ruling, in accordance with Article 491 of the CPA.

6.4 Can victims of THB bring claims against the State or its officials for: i) direct involvement in THB; ii) failure to prevent THB or protect them from THB? Have there been cases where State agents or persons acting on behalf, or at the direction, of the State were found responsible for engagement in THB and/or failure to prevent it or protect victims from THB by third parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB.

Article 204 of the CPA prescribes the duty for everybody to report a criminal offence, for which proceedings are launched *ex officio*, of which they received information or knowledge. When filing such a report, state authorities and legal persons shall submit evidence known to them and undertake everything in order to preserve the evidence of the criminal offence, such as objects, on which the offence was committed and other evidence. The law prescribes cases in which not reporting a criminal offence constitutes a criminal offence in itself.

6.5 What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?

Considering all the specific aspects of the criminal offence of human trafficking, the Public Prosecutor's Office of the Republic of Croatia undertakes additional measures and activities aimed at prosecuting the perpetrators of these criminal offences, taking into account protection of the victims.

The Republic of Croatia adopted the National Plan for Combatting Trafficking in Human Beings for the period 2018-2021, which envisages obligations on the part of the Chief Public Prosecutor's Office of the Republic of Croatia, which kept monitoring the work of all public prosecutor's offices on these cases, with the aim of developing new ways of collecting statistical data through prior establishment of a data base on the criminal offences of human trafficking. Here, special attention is paid to the indicators that support the fact that a certain criminal offence contains elements of human trafficking, given that any criminal offence may be a criminal offence of human trafficking if it was committed with this purpose, and this is the reason for paying special attention to such indicators.

Besides collecting and analysing numerical indicators on the work in this type of criminal cases, the Chief Public Prosecutor's Office of the Republic of Croatia also analyses and monitors trends within this criminal offence, by monitoring the work of subordinated public prosecutor's offices on this type of crime, in order to facilitate the analysis of this phenomenon, its frequency, and its share in the overall rate of crime.

A representative of the Public Prosecution Service of the Republic of Croatia actively participates in the work of the Operational Team of the National Committee for Combatting Trafficking in Human Beings of the Government of the Republic of Croatia.

In addition, representatives of the Public Prosecution Service participate in seminars and workshops on the topic of THB that take place in the Republic of Croatia, or at international events that discuss, among other things, the topics such as prevention and prosecution of this offence, and its existing forms.

7. Non-punishment provision (Article 26)

7.1 Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil, administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation.

Article 26 of the Convention contains the clause on not launching proceedings, i.e. on application of the non-punishment provision for THB victims who committed criminal offences. The Convention standard was implemented in the national criminal legislation through the principle of "Necessity" as prescribed in Article 22 of the CC/11. The necessity is a principle of criminal law that may, in connection to Article 6 of

the CC/11 relate to all criminal offences prescribed by the CC/11. The offence was committed from necessity if the perpetrator violates another person's justified interest and thus commits a criminal offence in order to save some other justified interest. In this regard, the CC/11 defines two types of necessity (necessity as a reason to exclude unlawfulness and necessity as the reason to exclude culpability or the exculpating necessity). According to Article 22 para 1 of the CC/11, an act committed to avert from oneself or another an imminent danger, which cannot be otherwise averted, is not unlawful if the harm thus caused is less than the harm threatened (necessity as the reason to exclude unlawfulness). Article 22 para 2 of the CC/11 prescribes that whoever commits an unlawful act in order to avert from himself or herself or from another an imminent danger not brought on by himself or herself, which cannot otherwise be averted, shall not be held culpable provided that the resulting harm was not disproportionately greater than the harm threatened and that he or she was not obliged to expose himself or herself to the danger (necessity as the reason to exclude culpability). If the court establishes the existence of necessity as the reason to exclude unlawfulness, a verdict shall be issued that releases the defendant from the charges because the offence they committed was not a criminal offence, and if the court establishes that there was necessity as the reason to exclude culpability, a verdict shall be issued, in which the charges are dropped because of the circumstances that exclude culpability.

Criminal Code (Official Gazette *Narodne novine* Nr. 125/11, 144/12, 56/15, 61/15, 101/17 and 118/18, hereinafter: the CC):

Application of the General Part of the Criminal Code

Article 6

The provisions of the General Part of this Code shall apply to criminal offences provided for by this Code and other statutes.

Necessity

Article 22

(1) An act committed to avert from oneself or another an imminent danger, which cannot be otherwise averted, is not unlawful if the harm thus caused is less than the harm threatened.

(2) Whoever commits an unlawful act in order to avert from himself or herself or from another an imminent danger not brought on by himself or herself, which cannot otherwise be averted, shall not be held culpable provided that the resulting harm was not disproportionately greater than the harm threatened and that he or she was not obliged to expose himself or herself to the danger. If such a person was obliged to expose himself or herself to the danger, the punishment may be mitigated.

(3) If the perpetrator mistakenly assumes that the circumstances referred to in paragraph 2 of this Article excusing culpability exist, he or she shall be punished for negligence whenever negligence suffices to establish culpability for such an offence.

Regarding your question to submit information on the national provisions, case law, practice or guidelines that are in force, whether specific or general, in order to ensure non-punishment of victims of this criminal offence, we would like to inform you that the Public Prosecutor's Office does not have any recorded cases from its practice where victims of the criminal offence of human trafficking were subjected to criminal prosecution.

7.2 Can persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation?

8. Protection of victims and witnesses (Articles 28 and 30)

8.1 How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection measures?

The victims of the criminal offence of trafficking in human beings, pursuant to Article 43, paragraph 1, point 3 of the CPA, have the right to protection from intimidation and retaliation before, during and after the criminal proceedings. Before and during the criminal proceedings the precautionary measure referred to in Article 98 of the CPA may be ordered.

The precautionary measures are:

- 1) prohibition of leaving their place of residence
- 2) prohibition of visiting a certain place or area
- 3) the obligation of regular contact with a specific person or state body
- 4) prohibition of approaching a specific person,
- 5) prohibition of establishing or maintaining contact with a specific person,
- 6) prohibition of engaging in specific business activities,
- 7) temporary confiscation of their travel and other documents used for crossing state borders,
- 8) temporary confiscation of their driving licence,
- 9) prohibition of stalking or harassing the victim or other persons,
- 10) removal from their home.

Pursuant to Article 98, paragraph 5 of the CPA, precautionary measures may be ordered, extended or revoked prior to the filing of the indictment, by a decision of the public prosecutor, and the investigating judge shall decide on investigative detention. The public prosecutor or the investigating judge who ordered the measure is competent to extend or revoke it. After the indictment is filed and right up until the judgement become final or enforceable, the measures shall be ordered, extended or revoked by the first instance court. Precautionary measures, pursuant to Article 98, paragraph 6 of the CPA, may last as long as the need for them exists, and at the longest until the judgement is final, in the case of precautionary measures ordered due to the existence of the circumstances referred to in Article 123, paragraph 1, points 1, 3 and 4 of the CPA, or at the longest until the judgement is final, in the case of precautionary measures ordered due to the existence of the circumstances referred to in Article 123, paragraph 1, points 2 and 5 of the CPA. The duration of precautionary measures is not limited by the duration of investigative detention. Every two months, counting from the day the previous decision on the precautionary measure became final, the body that ordered the precautionary measure before the indictment was filed, or the first instance court, shall examine *ex officio* whether the need still exists for the precautionary measure, and by a decision either extend or revoke it if it is no longer necessary. If the precautionary measure was ordered as a requirement of a guarantee, control of the precautionary measure shall not be conducted. The parties (the prosecutor and the accused) may lodge an appeal against a decision ordering, extending or revoking a precautionary measure, but that appeal does not postpone the execution of the measure. If the precautionary measure is not adhered to, it shall be replaced by investigatory detention.

After the conclusion of the criminal proceedings, protection is provided to victims of THB whereby the court may in the judgement impose on the perpetrator the security measures referred to in Article 65 of the CC, which begin when the judgement become final. These security measures are: mandatory psychiatric treatment, mandatory treatment for addiction, mandatory psycho-social treatment, prohibition of performing a specific office or activity, prohibition of driving a motor vehicle, prohibition of approaching, harassing and stalking, removal from a shared household, prohibition of accessing the internet, and protective supervision after serving a prison sentence. It is necessary to point out in particular, in relation to the protection of victims, the security measure of approaching, harassing or stalking a person, referred to in Article 73 of the CC, according to which the court shall impose on a perpetrator the security measure of the prohibition of approaching, harassing or stalking victims, other persons or groups of persons, and the prohibition of approaching a specific location, if the danger exists that the perpetrator may repeat the criminal offence towards those persons or in those locations, as well as the security measure of removal from a shared household, referred to in Article 74 of the CC, which the court may impose on a perpetrator of the criminal offence of violence against a person with whom they live in a shared household, if there is a high degree of risk that without the implementation of this measure the perpetrator may again commit an act of violence against a member of the shared household.

The special position of victims of THB is seen in the individual assessment of victims, pursuant to Article 43a of the CPA, where special attention is paid to victims of THB in establishing whether the need exists

for application of special protective measures, and if it is established that it does exist, which protective measures should be applied in the specific case.

Article 292, paragraph 4 of the CPA prescribes the manner in which victims of THB should be interviewed as witnesses, which at their request may be conducted in their home or another place where they are staying, if they are unable to respond to the summons. Victims of THB may be interviewed as witnesses using audio-video equipment, operated by a professional. If the condition of the witness so requires, the interview may be conducted whereby the parties may ask them questions without being present in the room where the witness is located. The interview shall be video- and audio-taped as necessary, and the recording shall be sealed immediately and enclosed with the minutes. This witness may only be interviewed again as an exception, if the court deems it necessary. Victims shall also be interviewed in this way when they have been found to have special protection needs, pursuant to Article 43a of the CPA, if they so request.

Article 303, paragraph 1 of the CPA prescribes that if there is a justifiable fear for the safety of the life or physical integrity of the person making the identification, or the safety of a person close to them, or if there is a justified fear that the person who is being identified will influence the course of the identification, or if the identification is being made by a child, the body conducting the identification shall conduct it so that the person who is being identified cannot see or hear the person doing the identification.

In relation to the question on how the victims of human trafficking are protected from possible retaliation or intimidation before, during or after the court proceedings, I would like to state that the Criminal Procedure Act, in its Article 43a prescribes that before examining the victim, the body that conducts the examination (including the Public Prosecutor's Office), shall – in cooperation with other bodies, organisations or institutions for assistance and support to the victims of criminal offences – conduct an individual assessment of the victim.

The individual assessment of the victim involves the assessment on whether there is a need to apply special protective measures with respect to the victim, and if there is such a need, which protective measures should be applied.

In undertaking such an individual assessment of the victim, special attention is paid to personal characteristics of the victim, the type or nature of the criminal offence, and the circumstances of the perpetration of the offence. Particular attention is dedicated to victims who have suffered significant damages due to the severity of the offence, and to victims who suffered due to some personal characteristic, and victims whose relationship with the perpetrator makes them particularly vulnerable. The criminal offence of human trafficking is considered a severe criminal offence that requires the individual assessment of the victim.

If it is concluded that there is a need for special protection, the public prosecutor may propose that such a person is examined during the evidentiary hearing.

Reply partially explained in sections 1 and 2.

In general, protection of victims/witnesses in Croatia can be systematised in several categories:

1. Protection of victims of criminal offences and other persons;
2. Procedural measures for the protection of witnesses and victims;
3. Witness protection programmes.

These procedures represent an integral whole when observed from the angle of protection of witnesses/victims. The differentiation between the indicated procedures arises from the differences between specific harm against a given witness/victim and is aimed at enabling an adequate protection procedure.

Protection of victims of criminal offences and other persons

The basis for making a decision on ensuring protection is the assessment of harm to a person, and this assessment is made by an organisational unit which received a report or otherwise came to the information about the harm against a person. The Chief of a Police Administration or a Chief of a Directorate in the General Police Directorate of the Croatian MoI files a substantiated proposal for the

application of the protective measures to the General Police Director. After becoming aware of such harm, the organisational unit manager will order the application of a protective measure for the benefit of a person during the period in which the decision on the application of protective measures will be made, and no longer than for 48 hours. He/she shall immediately inform the General Police Director on the establishment of temporary protective measures. Based on the substantiated opinion of the Operational Group for the application of protective measures, the General Police Director makes a proposal to the Minister of the Interior to decide on the application of protective measures. The competent police directorate bears the responsibility for such measures. Based on the substantiated opinion of the Group, the General Police Director makes a proposal to the Croatian Minister of the Interior to make a decision on the extension or suspension of protective measures.

Procedural measures for the protection of witnesses and victims

Procedural measures for the protection of witnesses and victims have been prescribed in the Criminal Procedure Act and are being taken for the purpose of protecting individual categories of vulnerable and endangered witnesses and victims of criminal offences.

Including a victim into a witness protection programme

A victim of a criminal offence can also be included in the Witness Protection Programme in pursuance with the Witness Protection Act (OG 163/03, 18/11 and 73/17), if the process of proving a criminal offence would be associated with disproportionate difficulties or could not be carried out in any other way without the statement of such a person as a witness who would not freely make a statement in a criminal procedure without potential endangerment, for the following criminal offences:

1. criminal offences against the Republic of Croatia;
2. offences against the values protected by the international law;
3. organised crime; and
4. offences punishable by a prison sentence of 5 years or more.

At a proposal of the competent public prosecutor or the endangered person, the Attorney General may submit a request to the Commission for the Inclusion of an Endangered Person into the Witness Protection Programme. The proposal of the competent public prosecutor to the Attorney General of Croatia must, *inter alia*, contain the description and assessment of endangerment threatening the person in question.

The witness protection programme includes measures and actions, which are long-term in nature, and they are being carried out and organised by a special Witness Protection Programme Unit in the General Police Directorate of the Croatian MoI (established in March 2004).

The main precondition for the inclusion of a person into the Witness Protection Programme is the principle of voluntary acceptance by the person being included into the programme, while from the perspective of the state the precondition is the significance of the witness' statement for criminal offence evidentiary purposes.

Procedure and the manner of including a witness in the protection programme

The witness protection programme includes measures and actions carried out and organized by the Witness Protection Unit and the penitentiary authority of the ministry in charge of judicial affairs, on the basis of the Witness Protection Act, for the purpose of protecting the persons involved. A request for the inclusion into the witness protection programme may be submitted by the Attorney General of Croatia, a judge or an endangered person directly.

Protective measures for the endangered persons include:

1. Physical and technical protection;
2. Relocation;
3. Identity and ownership concealment measures;
4. Identity change.

A single measure or a combination thereof may be applied in the process of ensuring protection to the endangered persons. The Witness Protection Unit decides on the types of measures to be applied, save for the identity change measure, which is under the remit of the Commission. The Witness Protection Unit organises and carries out the measures independently. In case of detained persons, the Witness Protection Unit cooperates with the Penitentiary System Directorate of the ministry in charge of judicial affairs.

Assistance to a person included in the Programme

The Witness Protection Unit ensures that the person in the programme receives the necessary psychological, social and legal assistance. Financial and social support is provided to the person until the point of becoming independent. Financial and social support provided to the endangered person may not exceed the amount sufficient to cover the cost of living and inclusion into the new living environment.

In case of the involvement in the Witness Protection programme, the victim will be receiving timely information on the case file progress through the Witness Protection Unit, as well as information on e.g. escape of a convict or convict's release from prison sentence, as well as on the measures taken for the purpose of protecting the person in question.

To date, there have been no cases in the Republic of Croatia to include victims of THB into the Witness Protection Programme. The reason is that thus far no such request has been filed.

With respect to the manner in which the police officers make sure that children victims of THB are being treated in a child-sensitive manner and provided with the protection before, during and after a court proceeding in line with the Council of Europe guidelines, and whether the interviews with children are being conducted in specified and adjusted premises by experts trained in interviewing the children, coupled with the measures taken to make sure a limited number of interviews with children is being conducted, the project "Strengthening the capacities in the area of the prevention of sexual exploitation and sexual abuse of children and providing police assistance to vulnerable victims of crimes" (also partly funded by the MoI's own funds) enabled the Croatian MoI to equip 60 rooms for interviewing children across the Republic of Croatia. The rooms have been specifically equipped with child-friendly furniture, the interviews with the traumatised children are being conducted by specifically trained police officers for youth who underwent training in modalities of leading informative interviews with children following the principles of good practice of global police forces.

Treatment of child victims is compliant with the provisions contained in Article 114 of the Juvenile Courts Acts, which prescribes specialized police officers for youth are in charge of taking actions in cases involving child protection within the criminal law. The specialised police officers undergo special training towards educating them on national and international legislative and procedural particularities when treating child victims of criminal offences; new modalities of the commitment of criminal offence against a child, as well as on the emotional development of a child; interdepartmental cooperation and competencies of other authorities that may provide assistance and support to children. The training sessions specifically focus on the course of action taken by the police in cases of sexual abuse and exploitation of children, including child prostitution and all forms of child trafficking.

Forensic equipment for the examination of mobile devices and computers has been procured through an IPA 2009 project and the equipment is being used in daily activities aimed at detecting, proving and processing of criminal offences of sexual exploitation of children, along with the application of

knowhow adopted during training sessions for police officers on the ways of finding and fixing child pornography contents.

In July 2017, the Croatian Parliament adopted the amendments to the Criminal Procedure Act, thereby transposing the provisions contained in Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime into the national legislation. Applying the Directive, the police supply all child victims with relevant information on their rights and provide data on associations and organisations engaging in child victim support. With a view to providing the necessary support and assistance to child victims, the police also cooperate with the social welfare authorities. Immediately after gaining information on sexual or other serious forms of child abuse, the police exchange the received information aimed at providing family law-based protection of the child and providing the necessary assistance to the child.

In terms of potential retaliation, during police proceedings as well as after the court proceedings the victim can be accommodated with service providers within the social welfare system. The list of providers of such services is available to the coordinator of the Ministry for Demography, Family, Youth and Social Policy, and to the regional coordinator who will undertake actions to protect the victim.

The first assessment of the needs of victims of human trafficking is undertaken by mobile team members, immediately after the victim is identified, and it includes providing the initial forms of assistance and protection: organising emergency medical assistance if necessary, ensuring transport and safe accommodation, food, rest, access to sanitary facilities and providing the victim with clothes and shoes, as well as other forms of assistance depending on the individual needs of the victim. Mobile team members are available 24/7. If the victims of human trafficking accept the assistance and protection programme, they also acquire the right to accommodation in the national shelter for victims of human trafficking. The deadline for accepting the programme is 60 days for adult victims, and 90 days for children. If the victim is a child, the decision on the child's involvement in the protection and assistance programme is made by the child's legal representative, consulting the opinion of the child victim itself. Regional coordinators are obliged to inform both adult and child victims of human trafficking on the assistance and protection programme. The social welfare centre, together with the regional coordinator develops the individual plan for the change in the living circumstances, behaviour of the victim based on a comprehensive needs assessment and taking into account the difficulties and resources with the aim of overcoming the unfavourable circumstances; this is done in consultation with the beneficiary and family members.

Assistance and protection for victims of human trafficking from the social welfare system includes providing information on the entitlements from the social welfare system and procedures for exercise of these rights, in addition to accommodation services and other rights in accordance with the regulations on social welfare. The Ministry for Demography, Family, Youth and Social Policy is responsible for the implementation of measures from the social welfare system.

8.2 How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?

The victims of THB, pursuant to Article 43, paragraph 1, points 8, 9, 10 and 11 of the CPA, have the right to be informed of the dismissal of the criminal complaint (Article 206, paragraph 3), and the fact the public prosecutor has decided not to institute criminal prosecution, the right to information from the public prosecutor about the action undertaken following the criminal complaint or notification of the criminal offence committed (Article 206 of the CPA), the right, at their own request, and without unnecessary delay, to be informed about the termination of detention or investigative custody, the escape of the accused or the release of a convicted prisoner from prison, and the measures taken for the safety of the victim, and the right to be informed upon a request about every decision by which the criminal proceedings were finally concluded.

The victim, pursuant to Article 184, paragraph 1 of the CPA, has the right to examine the file. If examining the file earlier could influence the victim's statement, they shall be given the right to examine the file after being interviewed.

Pursuant to Article 360, paragraph 5 of the CPA, the public prosecutor shall inform the victim about the signing of a statement rendering judgement on the basis of an agreement between the parties.

8.3 How do you ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings?

Victims of THB, regarding the exercise of their right to protection of their safety, privacy and confidentiality during criminal proceedings, have the right pursuant to Article 44, paragraph 4, to refuse to answer questions not related to the criminal offence, which relate to the strictly personal life of the victim, the right to request to be questioned via an audio-video device (Article 292, paragraph 4 of the Act), the right to secrecy of their personal data, and the right to request the exclusion of the public from the hearing.

All procedures conducted within the protection and assistance programme are confidential. Once the victim accepts the protection and assistance programme, and accommodation in the shelter, a Data Confidentiality Agreement is signed, and the Agreement on the use of the shelter for victims of human trafficking. The Agreement stipulates that during the stay in the accommodation and afterwards, the victim is also obliged to keep the confidentiality with respect to the address of the shelter, telephone number, data on the employees and on the victim her/himself, and on other persons who are accommodated in the shelter. The victims also sign the Contract on the use of the shelter for victims of human trafficking, in which they are obliged to abide by the house rules, on which they have to be informed in advance, and they are obliged to cooperate with the employees of the shelter.

Professionals employee in the social welfare centres, coordinators and employees in shelters for victims of human trafficking within the social welfare system are obliged to protect the data on all victims as a professional secret.

8.4 In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programmes are not applied to victims of trafficking, what are the reasons?

8.5 When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution co-operate with NGOs?

Alongside the departments for support, especially in areas where they have not been organized, victims are helped by many NGOs in the Republic of Croatia, who provide them with practical assistance and information, and psychological and legal counselling. The Ministry of Justice, in order to extend the system of support to victims and witnesses, and secure the support of citizens throughout the entire territory of the Republic of Croatia, has prompted the foundation and financing of a partner network of organizations for support and assistance to victims and witnesses: "The Network of Support and Cooperation for Victims and Witnesses of Criminal Offences" in the counties where separate departments for support of victims and witnesses have not been founded, for a period of three years. Finances for NGOs that provide support to victims and witnesses of criminal offences and minor offences are provided from funds from part of the revenue from games of chance, on the basis of a public call for applications run by the Ministry of Justice. Alongside the departments for support of victims and witnesses, and NGOs included in the programme "The Network of Support and Cooperation for Victims and Witnesses of Criminal Offences", many other NGOs and public institutions in the Republic of Croatia also help victims cope with psychological, emotional, social and practical loss, providing them with emotional, psychological and/or practical assistance, protection, advice and information.

Non-government organisations provide the service of temporary accommodation in crisis situations for victims of human trafficking. The funds necessary for the operation of national shelters and the entitlements from the social welfare system are ensured from the state budget.

Representative of the NGO, the Red Cross coordinator, is a member of the mobile team and initiator of proceedings in cases where identified victims of trafficking are adults. The MoI coordinator, a police officer, shall inform the NGO coordinator as the initiator of proceedings on any newly identified victims of human trafficking.

8.6 How do you ensure that child victims of THB are treated in a child-sensitive way and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children? What measures are taken in order to ensure a limited number of interviews?

The court, the public prosecutor's office, the investigator and the police are obliged as soon as they undertake their first act in which victim are involved, to inform the victims in a way they can understand of the following rights: the right of access to services for support to victims of criminal offences, the right to effective psychological and other professional assistance and support by bodies, organizations or institutions that exist to assist victims of criminal offences pursuant to the law, the right to protection from intimidation and retaliation, the right to protection of their dignity when being interviewed as victims and witnesses, the right to be heard without unjustified delay after filing a criminal complaint, and for subsequent interviews to be held only to the extent necessary for the needs of the criminal proceedings, the right to be accompanied by a person of trust when performing the activities they take part in, the right for medical procedures performed on the victim to be performed to the least possible extent and only if they are absolutely necessary for the purposes of the criminal proceedings, the right to file a motion for prosecution and a private complaint, pursuant to the provisions of the CC, the right to participate in the criminal proceedings as the injured party, the right to be informed about the dismissal of the criminal complaint or the fact that the public prosecutor has decided against criminal prosecution, and the right to take over the criminal prosecution in place of the public prosecutor, the right to be informed by the public prosecutor of the action taken on their complaint and the filing of a complaint with the senior public prosecutor, the right, at their request, to be informed without unnecessary delay of the termination of detention or investigative custody, the escape of the accused or the release of the accused from prison, and the measures that have been taken for their protection, the right to be informed at their request of every decision by which the criminal proceedings were finally concluded, and other rights prescribed by law. These bodies are also obliged to inform the victim of a criminal offence for which a prison sentence is prescribed of more than five years, if they are suffering serious consequences from the criminal offence, about the right to professional assistance by a counsellor at the expense of budget funds, and the victim of a violent criminal offence committed with intent, of the right to compensation from central state budget, pursuant to a separate act. Victims of THB shall be informed that, alongside these rights, they also have the right to talk with a counsellor before being interviewed, at the expense of budget funds, the right to a legal representative at the expense of budget funds, the right to be interviewed by a person of the same gender from the police and the public prosecution service, and if possible, for the same person to conduct a repeated interview if this is necessary, the right to refuse to answer questions that are not related to the criminal offence, and are related to their strictly private personal life, the right to request to be questioned via an audio-video device, the right to the secrecy of personal data, and the right to request the exclusion of the public from the hearing.

A child victim of a criminal offence, alongside these rights, also has the right to a legal guardian at the expense of budget funds, the right to secrecy of personal data, and the right to the exclusion of the public. The court, the public prosecution service, the investigator and the police are obliged, as soon as they undertake their first act in which the victim is involved to inform them in a way they can understand of the rights they have as the injured party. (Article 43 paragraph 4 of the CPA in conjunction with Article 43, paragraphs 1, 2 and 3 and Article 44, paragraphs 1 and 4 of the CPA).

Bearing in mind the Guidelines of the Committee of Ministers of the Council of Europe on child- friendly justice, a child victim of THB is provided with, pursuant to Articles 43 and 44 of the CPA, the following rights:

Article 43 paragraph 1

- 1) the right of access to services for support to victims of criminal offences,
- 2) the right to effective psychological and other professional assistance and the support of bodies, organizations or institutions which help victims of criminal offences pursuant to the law.
- 3) the right to protection from intimidation and retaliation,
- 4) the right to protection of their dignity during questioning as victims and witnesses,
- 5) the right to be heard without unjustified delay after filing a criminal complaint, and for subsequent interviews to be held only to the extent necessary for the needs of the criminal proceedings,
- 6) the right to be accompanied by a person of trust when performing the activities they take part in,
- 7) the right for medical procedures performed on the victim to be performed to the least possible extent and only if they are absolutely necessary for the purposes of the criminal proceedings,
- 8) the right to file a motion for prosecution and a private complaint, pursuant to the provisions of the CC, the right to participate in the criminal proceedings as the injured party, the right to be informed about the dismissal of the criminal complaint (Article 206, paragraph 3 of this Act) and the fact that the public prosecutor has decided against criminal prosecution, and the right to take over the criminal prosecution in place of the public prosecutor,
- 9) the right to be informed by the public prosecutor of the action taken on their complaint (Article 206a of this Act) and the filing of a complaint with a senior public prosecutor (Article 206b of this Act),
- 10) the right, at their request, to be informed without unnecessary delay of the termination of detention or investigative custody, the escape of the accused or the release of the accused from prison, and the measures that have been taken for their protection,
- 11) the right to be informed at their request of every decision by which the criminal proceedings were finally concluded,
- 12) other rights prescribed by law.

(2) Victims of a criminal offence for which a prison sentence of more than five years is prescribed, if they are suffering serious consequences as a result of the criminal offence, have the right to the professional assistance of an advisor at the expense of budget funds, when filing a property law claim.

(3) A victim of a violent criminal offence committed with intent, has the right to monetary redress from state budget funds pursuant to a separate act. If the victim has already been granted a claim for material redress, its level shall be taken into account when calculating the monetary compensation, and the court shall act in the same way in granting a property law claim, if the victim has previously been granted monetary redress from state budget funds.

(4) The court, the public prosecution service, the investigator and the police, as soon as they undertake the first action in which the victim is involved, shall to inform them in a way they can understand:

- 1) of the rights referred to in paragraphs 1, 2 and 3 of this Article, and Article 44 of this Act.
- 2) the rights which the victim is entitled to as an injured party.

(5) The bodies referred to in paragraph 4 of this Article shall treat a victim with due consideration and make sure that the victim has understood the information about their rights.

(6) The bodies referred to in paragraph 4 of this Article shall instruct the victim in a way that is comprehensible to them about the significance of participation in the proceedings with the status of injured party. The information given and the victim's statement regarding whether they wish to participate in the proceedings with the status of injured party shall be entered into the minutes.

Article 44 of the CPA.

(1) A child who is the victim of a criminal offence, alongside the rights belonging to a victim pursuant to this Article, and other provisions of this Act, shall also have the right to:

- 1) a legal guardian at the expense of budget funds;
- 2) the confidentiality of personal data;
- 3) the exclusion of the public.

(2) The court, the public prosecution service, the investigator and the police are obliged to treat a child who is the victim of a criminal offence with special consideration, bearing in mind their age and other circumstances in order to avoid harmful consequences for the upbringing and development of the child.

In proceedings in relation to a child victim the competent bodies shall primarily be guided by the best interests of the child.

(3) If the age of the victim is not known, it shall be presumed that it is a case of a child if the probability exists that the victim has not yet reached the age of 18 years.

(4) Victims of criminal offences against sexual freedom and victims of trafficking in human beings, alongside the rights which belong to a victim pursuant to Article 43 of this Act, also have the right:

- 1) to confer with counsel at the expense of the budget funds before the interview;
- 2) to a legal representative at the expense of budget funds,
- 3) to be interviewed by the police and public prosecution service by a person of the same gender, and if possible, for the same person to conduct a repeated interview if this is necessary,
- 4) to refuse to answer questions that are not related to the criminal offence, and are related to their strictly private personal life,
- 5) to request to be questioned using an audio-video device (Article 292, paragraph 4 of this Act),
- 6) to the confidentiality of personal data;
- 7) to request the exclusion of the public at the hearing.

(5) A victim who has been found to need special protection, pursuant to Article 44 of this Act, alongside the rights belonging to a victim, pursuant to Article 43 of this Act, shall also have the right:

- 1) to confer with counsel at the expense of the budget funds before the interview;
- 2) to be interviewed by the police and public prosecution service by a person of the same gender, and if possible, for the same person to conduct a repeated interview if this is necessary,
- 3) to refuse to answer questions that are not related to the criminal offence, and are related to their strictly private personal life,
- 4) to request to be questioned using an audio-video device (Article 292, paragraph 4 of this Act),
- 5) to the confidentiality of personal data;
- 6) to request the exclusion of the public at the hearing.

Pursuant to Article 115 of the Juvenile Courts Act (JCA), the child victim of a criminal offence referred to in Article 113 of the JCA, which includes the criminal offence of trafficking in human beings (Article 106 of the CC), shall also have the following rights when being interviewed:

Article 115

(1) When the police learn that a criminal offence referred to in Article 113, paragraph 3 of this Act has been committed against a child, they shall immediately inform the public prosecutor for juveniles. The competent public prosecutor for juveniles shall file a motion to hold an evidential hearing in order to interview the child as a witness, no later than three days from the day of registration of the criminal complaint in the register of criminal complaints for criminal offences against sexual freedom, criminal offences of sexual abuse and exploitation of a child, and criminal offences against marriage, the family and children.

(2) If the child who is the victim of a criminal offence referred to in Article 113 of this Act is being interviewed as a witness, and has not reached the age of sixteen years at the time of the interview, that interview shall always be conducted pursuant to the provisions of the Criminal Procedure Act on questioning a child as a witness (Article 292, paragraph 1 of the Criminal Procedure Act). The interview may also be attended by a person whom the child trusts.

(3) Children as the witnesses and injured parties of a criminal offence from Article 113 of this Act, may be interviewed in their home, or another specially equipped place, instead of in court. When interviewing the witness, the procedure shall be as prescribed in paragraph 2 of this Article.

(4) When a child has been interviewed as a witness, within the meaning of the provisions of paragraphs 2 and 3 of this Article, a recording of the interview shall always be played at the hearing.

(5) The judge may order a transcription of the recorded statement, which becomes an integral part of the minutes of the interview. If it is a matter of a criminal offence against sexual freedom and criminal offences of sexual abuse and exploitation of a child, the recording of the interview shall always be transcribed. The person who carries out the transcription and the professional who conducted the recording, shall sign the transcription of the recorded statement.

(6) Data collected by means of technical equipment for transfer of pictures and sound shall be kept as long as the criminal file is kept.

(7) The provisions of Article 60, paragraphs 2 and 3 of this Act are applicable *mutatis mutandi* in criminal cases against perpetrators of criminal offences against children.

(8) The provisions on forced testimony and monetary or prison penalties for refusal to testify do not apply to a child. A summons to a child as a witness is sent through his/her parents.

Also, see Article 116 of the JCA, under answer 2.3.

The questioning of a child as a witness is regulated pursuant to Article 292, paragraph 1 of the CPA, as well as the special aspects of interviewing witnesses who are victims of the criminal offence of trafficking in human beings. These provisions read as follows:

Article 292 of the CPA:

(1) Unless otherwise prescribed by a special law, interviewing a child as a witness who has not reached the age of fourteen years shall be carried out by the investigating judge. The interview shall be carried out in the absence of the judge and parties in the room where the child is located, through audio and video devices operated by a professional assistant. The interview shall be conducted with the assistance of a psychologist, education expert or other professional person and, unless this is contrary to the interests of the proceedings or the child, the parents or guardian may be present during the interview. The parties may ask the child-witness questions, as authorised by the investigating judge through a professional person. The interview shall be video- and audio-taped and the recording shall be sealed immediately and enclosed with the minutes. The child may be interviewed again only in exceptional cases and in the same manner.

(2) Unless otherwise prescribed by a special law, interviewing a child as a witness who has reached the age of fourteen but not the age of eighteen years, shall be carried out by the investigating judge. When interviewing a child, especially if he/she has been injured by the criminal offence, it is necessary to proceed with care so the interview does not have a harmful effect on the child's emotional state. According to the circumstances, taking the child's protection into account in particular, the interview may be conducted in the manner prescribed in paragraph 1 of this Article.

(3) Witnesses who, due to their age, health or disability are not able to respond to the summons, may be interviewed in their own home or another place where they reside. These witnesses may be interviewed by means of an audio-video device, operated by a professional person. If the condition of the witness so requires, the interview may be conducted whereby the parties may ask him/her questions without being present in the room where the witness is located. The interview shall be video- and audio-taped as necessary, and the recording shall be sealed immediately and enclosed with the minutes.

(4) If the witness so requests, a witness who is a victim of a criminal offence against sexual freedom and sexual morality, the criminal offence of trafficking in human beings, or if the criminal offence was committed within the family, may be interviewed in the manner referred to in paragraph 3 of this Article. This witness may only be interviewed again as an exception, if the court deems it necessary. Victims shall also be interviewed in the manner prescribed in paragraph 3 of this Article when they have been found to have special protection needs, pursuant to Article 43a of the CPA, if they so request.

(5) If the interview with the witness is conducted pursuant to paragraph 3 of this Article, it shall proceed pursuant to Article 297 paragraph 3 of this Act.

Regarding the expiration of the statute of limitations on criminal prosecution, in Article 82 of the CC it is prescribed that for the criminal offence of trafficking in human beings, referred to in Article 106, paragraphs 2 and 3 of the CC, committed against a child, the statute of limitations on criminal prosecution shall begin to run from the time when the victim comes of age.

Information about a child taking part in proceedings are secret, as is information that has been declared secret pursuant to a special act (Article 184 paragraph 3 of the CPA). The panel shall exclude the public from the entire hearing or part of it in order to protect juveniles younger than eighteen years (Article 388, paragraph 1, point 1 of the CPA). The president of the panel shall caution those attending a hearing from which the public has been excluded that they are obliged to keep secret everything they learn at the hearing, and that disclosing secrets is a criminal offence (Article 389 paragraph 3 of the CPA). Unless it is prescribed otherwise by the CPA, the contents of the recording shall be determined by playing it back. If a child is in the recording, the recording shall be played back with the voice and appearance of the child altered, if this is necessary for the protection of the child, thereby taking into consideration the interests of the proceedings as a whole (Article 330 paragraph 3 of the CPA).

Without the consent of the competent body, the content and course of the proceedings against a juvenile and the decision rendered in those proceedings may not be made public (Article 60 paragraph 2 of the

JCA). Only that part of the proceedings, or only that part of the decision shall be made public for which consent has been given by the juvenile court or the public prosecutor for juveniles, but then the name of the juvenile may not be mentioned or other information on the basis of which it is possible to conclude the identity of the juvenile (Article 60 paragraph 3 of the JCA).

9. Specialised authorities and co-ordinating bodies (Article 29)

9.1 What budget, staff and resources, including technical means, are put at the disposal of law enforcement bodies specialised in combating and investigating THB?

9.2 If your country has specialised units for financial investigations, financial intelligence units and asset and recovery units, please describe whether and how are they used in investigating and prosecuting THB cases. Which special investigation techniques do these units use? Which public and/or private bodies do these specialised financial investigation units co-operate with in relation to THB cases?

Pursuant to Article 206i, paragraph 2 of the CPA, if a significant amount of material gain has been acquired, financial investigators, public prosecution advisors and professional associates from a special department within the public prosecution service for investigation of material gain as the proceeds of crime, participate in conducting the investigation and urgent evidential activities for confiscation of relevant items. The department conducts investigations in agreement with and by the order of the public prosecutor, in order to establish the value of assets and secure their confiscation, or to find assets acquired by means of a criminal offence.

Concerning the police bodies in charge of taking action in the area of THB, all authorised police officers perform the policing THB work, while specific crime investigation activities are being performed by police officers engaging in the area of organised crime across police administrations and regional Services for the Suppression of Corruption and Organised Crime (Zagreb, Split, Rijeka and Osijek), also in cooperation with police officers for youth in case of a child/underage victims. While doing so, the police officers are using all available technical resources of the Croatian MoI available to the police for the performance of their legally prescribed matters and tasks.

Regarding the question on specialised financial and other investigations unit, according to Art. 206 and 208 of the Criminal Procedure Act, the public prosecutor can perform examinations independently or order the police to conduct them. The public prosecutor has the right and duty to monitor the implementation of the examinations ordered to the police, whereas the police is obliged to execute an order or a request received from the public prosecutor and report to the public prosecutor on such a course of action. In the request/order, the public prosecutor may indicate the contents of the examination or measures and may order the police to provide immediate feedback on actions taken. The police are obliged to take action per request/order of the public prosecutor, and if the public prosecutor has not instructed otherwise, the police are obliged to notify the public prosecutor on the examinations or measures taken within 30 days from the receipt of the request/order.

In addition, according to Article 207 of the Criminal Procedure Act, if there are grounds for suspicion that a criminal offence has been committed for which offence a criminal proceeding is being initiated ex officio, the police have the right and duty to take the necessary measures to:

- 1) find the perpetrator of the criminal offence, to prevent the perpetrator or an accomplice from hiding or escaping;
 - 2) reveal and secure traces of a criminal offence and items which may serve the establishment of facts;
- and

3) collect all information which could be of use for the successful conduct of criminal proceedings while the police will provide timely notifications to the public prosecutor on the examinations into the criminal offences taken. If the public prosecutor notifies the police that he/she wishes to attend specific examinations or measures, the police will take such actions in the manner to grant such a request.

Upon the establishment of the Police National Office for the Suppression of Corruption and Organised Crime (PNUSKOK), of the Criminal police Directorate within the Croatian MoI General Police Directorate, the specialised affairs of financial investigations police officers have also been established within the Office. According to their job description, the financial investigations police officers: establish the most adequate methods of financial investigations and money laundering detection; take direct measures and actions aimed at tracing and identifying illegally acquired proceeds, assets of perpetrators and suspicious financial transactions and activities; detect and connect suspicious cash flows, items and rights to establish their actual source, i.e. real and formal change in their ownership, and propose and undertake measures to secure the assets given their temporary or permanent confiscation. Moreover, they cooperate with the Anti Money Laundering Office, other ministries, state authorities and international organisations in the area of money laundering and financial investigations.

Based on the Council Decision 2007/845/JHA, the EU member states are obliged to establish or identify the National Asset Recovery Offices (ARO). In line with the same decision, in case of assets generated by crime, AROs need to secure quickest possible tracing and identification of proceeds or property from crime as national contact points and through a developed cooperation at the EU level. AROs operate upon received requests, but also exchange the necessary information and best practices spontaneously regardless of the origin of such a request (state administration, the police, justice system).

In February 2015, the European Commission and the Council of Europe received a notification whereby the MoI's General Police Directorate, the Criminal police Directorate, the Police National Office for the Suppression of Corruption and Organised Crime, the Service of Economic Crimes and Corruption had been nominated the National Asset Recovery Office for Croatia.

The Act on Streamlining Data Exchange between the competent law enforcement authorities of the EU member states (OG 56/15) which entered into force on 30 May 2015 transposed the Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime into the legal system of the Republic of Croatia.

10. International co-operation (Article 32)

10.1 How does your country co-operate with other countries to enable victims of THB to realise their right to redress and compensation, including recovery and transfer of unpaid wages after they leave the country in which the exploitation occurred?

The ministry competent for judicial affairs in the RC, pursuant to the Act, performs tasks related to cooperation and exchange of information between the Committee, the police and the competent bodies of other states, which, pursuant to the regulations of those states, are competent for performing tasks in proceedings for the exercise of the right to redress and provision of assistance and finding a suitable solution in relation to the implementation of the provisions of the Act on Financial Compensation to Victims of Crime (hereinafter: the Act) in cross-border cases.

The ministry competent for judicial affairs in the RC is obliged to provide information (on the right to compensation and the body to whom it is possible to apply in order to exercise one's right) to persons who have the right to compensation pursuant to this Act in cross-border cases, and the forms for filing an application, and at their request to give them general instructions and information about how to fill out the application and which documentation it is necessary to enclose with it, in line with the handbook drawn up by the European Commission.

The ministry competent for judicial affairs in the RC is competent for receiving and forwarding applications in cross-border cases.

The Act distinguishes two types of cross-border cases, that is, domestic and foreign cross-border cases. A domestic cross-border case is when a criminal offence was committed in the territory of the Republic of Croatia, and the right to compensation under this Act is decided by the Committee referred to in the Act, and an application for compensation is filed with the competent body in another European Union member state, where the victim is resident.

A foreign cross-border case is a case when a criminal offence was committed in another European Union member state and a body of that state is competent for deciding on the right to compensation, and the application for compensation is filed by a person who is resident in the Republic of Croatia.

In a domestic cross-border case, after receiving the application from the competent body of the other European Union member state, the ministry competent for judicial affairs in the RC shall send, no later than within 30 days, that body and the applicant confirmation of receipt of the application, information about the contact person, and if possible, an approximate time limit within which a decision will be rendered on the application.

If in a domestic cross-border case the Committee establishes that certain actions need to be undertaken to decide on the application, such as interviewing the applicant, witnesses, expert witnesses or other persons, it may request the competent body in the other European Union member state, where the applicant filed the application, to undertake those actions.

The interviews needed in those proceedings may also be conducted using technical aids. Technical aids include, in particular, computer technology, electronic communications networks, and other aids for the transfer of images and sound, and the interview shall be conducted by the Committee.

In foreign cross-border cases the application for compensation may be filed by the applicant with the ministry competent for judicial affairs in the RC, and it shall, in the shortest possible time, send a request with enclosures to the competent body of the state in which the applicant is requesting compensation, in the official language of that state, or another language which that state has designated as acceptable.

This application shall be sent using the form prescribed by the European Commission.

If the body that is competent in the other state for deciding, requests interviews with the applicant, witnesses, expert witnesses or other persons to be conducted in the Republic of Croatia, the interviews shall be conducted by the Committee referred to in this Act, who shall then send reports on the interviews to the body in the other state competent for deciding on the application.

If the body that is competent in the other state for deciding, requests that the interview is conducted using technical aids, the interview shall be conducted in cooperation with the ministry competent for judicial affairs in the RC, providing the person to be interviewed agrees to that form of interview.

With regard to the question of cooperation between the Croatian MoI and other member states, such cooperation is being achieved through international justice and police cooperation channels in order to enable the victims of THB to exercise their right to damages, compensation, etc. after they leave a country in which they have been exploited.

We have no knowledge of cooperation between the Republic of Croatia and other member states in investigating and processing THB cases through financial investigations, but Croatia has not thus far participated in joint investigative teams in THB cases.

Also, the Croatian MoI has thus far neither received nor sent any requests for international assistance/European Investigation Orders in THB cases through the international police cooperation channel.

From the police cooperation perspective, the EUROPOL's joint action days have proved to be a useful tool towards exercising the rights of THB victims and identifying the perpetrators. The international operational meetings carried out in case of a specific international criminal investigation in the THB criminal offence have also proven to be extremely important.

The International Arrest Warrants and the European Arrest Warrants have proven to be very useful tools for apprehensions and criminal charges. The Croatian MoI has received 7 European Arrest Warrants and 2 International Arrest Warrants for suspects or convicted Croatian citizens for criminal offences associated with trafficking in human beings in other countries. The Croatian justice authorities have issued 6 European

Arrest Warrants for criminal offences associated with THB. Based on the European Arrest Warrants, a total of 4 persons have been apprehended in the Republic of Croatia and surrendered to other countries.

10.2 Has your country co-operated with other countries in the investigation and prosecution of THB cases through financial investigations and/or Joint Investigation Teams? Please provide statistics on such cases and examples from practice.

10.3 How many mutual legal assistance requests and/or European Investigation Order have you made in THB cases and what was their outcome?

In the period from 2015 to 2018, the national judicial bodies, through the Ministry of Justice, requested assistance in two cases.

In one case information was requested from Switzerland (*ne bis in idem*), which was granted.

In the other, legal assistance was requested from Slovenia (video conference, processing of the results of special evidential activities, questioning a victim as a witness) which was granted, and from Taiwan (provision of documentation from a criminal file), from where we are still awaiting an answer.

10.4 What forms of international co-operation have proven to be particularly helpful in upholding the rights of victims of trafficking, including children, and prosecuting alleged traffickers?

10.5 What international co-operation measures are in place to ensure protection and assistance to victims on return from your country to their countries of origin following their participation in criminal proceedings?

10.6 What international co-operation measures are in place to protect and assist victims of THB for the purpose of sexual exploitation through online streaming where the perpetrator is a national or habitual resident of your country and elements of the crime have occurred in your country's jurisdiction?

11. Cross-cutting questions

11.1 What steps are taken to ensure that victims of THB have equal access to justice and effective remedies, irrespective of their immigration status and the form of exploitation?

Pursuant to Article 15 of the Council of Europe Convention on Action against Trafficking in Human Beings, and the Civil Procedure Act, all physical persons may be parties to civil proceedings, regardless of their immigration or exploitation status.

Equal access to the judiciary and effective legal remedies for all victims of the criminal offence of trafficking in human beings, regardless of any of the characteristics of the victim, is guaranteed by the provisions of the CPA, which prohibits discrimination on the basis of race, ethnic affiliation, skin colour, gender, language, religion, political or other opinion, national or social origin, economic status, membership of a union, education, social status, marital or family status, age, health, disability, genetic origin, gender identity, expression or sexual orientation.

The form of exploitation of the victim is not relevant in Croatian criminal law for provision of protection on an equal basis. This stems from the fact that the CC defines the victim of a criminal offence as a physical person who has suffered physical and emotional consequences, property damage or a serious violation of their fundamental rights and freedoms as a direct consequence of a criminal offence.

The Croatian MoI police officers receive criminal reports *ex officio* and take examinations of criminal offences and conduct criminal investigations of all criminal offences for which persecution is being initiated *ex officio*. The same goes for the criminal offence of trafficking in human beings, regardless of the immigration status of the victim, his/her nationality, and regardless of the form of exploitation and other personal characteristics of the victim.

Moreover, the official website of the Croatian MoI also includes the topic of THB suppression, as well as a dedicated page with advice to children and adults covering the topic of domestic violence, sexual abuse and exploitation of children and other abuses of child rights. It enables an online reporting of all types of child abuse via an online Red Button application.

In order for the victims to gain full and timely information from the police on the rights and support available to them, the MoI's Police Directorate produced the aforementioned *"Notification on Victim Rights"* forms and it supplied those forms to all police administrations, in compliance with the Criminal Procedure Act.

The forms have been customised to the rights of individual victim categories: *"Notification to a Victim of Crime – Child"*; *"Notification to a Victim of Crime against Sexual Freedom/Victim of Trafficking in Human Beings – Child"*; *"Notification to a Victim of Crime against Sexual Freedom/Victim of Trafficking in Human Beings/with Identified Special Protective Needs"*; *"Notification on Victim's Rights"*. All templates have been translated to more than 20 languages and it is mandatory to hand them out to the victims during the policing procedures. In addition to the *"Notification on Victim Rights"* template, an additional page has been designed containing the contact details of the Office for the Support to Victims and Witnesses at court, as well as of the National Call Centre for the Victims of Crime and Misdemeanours covering the jurisdiction of individual police administrations. The information also contains names and contact details of the state administration bodies and civil society organisations dealing with victim support and protection in the territory of a given police administration.

According to the information available to date, there were no records of trafficking in human beings cases in the territory of the Republic of Croatia associated with corruption or other similar illegal activities of civil servants.

11.2 What steps are taken to ensure that criminal, civil, labour and administrative proceedings concerning victims of THB are gender-sensitive?

To begin with, we point out once again the criminal offence of trafficking in human beings never comes into the realm of minor offences.

The provisions of the CPA prohibit discrimination on the basis of race, ethnic affiliation, skin colour, gender, language, religion, political or other opinion, national or social origin, economic status, membership of a union, education, social status, marital or family status, age, health, disability, genetic origin, gender identity, expression or sexual orientation. Therefore prohibition of discrimination ensures gender sensitivity in the treatment of victims of THB.

Victims of the criminal offence of THB, apart from the rights belonging to all victims, have, amongst other things, the right to be questioned by a person of the same gender by the police and public prosecution services, and if possible, in the case of a repeated interview, to be questioned by the same person, as well as to refuse to answer questions that are not directly related to the criminal offence which relate to the strictly personal life of the victim.

In addition, the answer under 11.1 in relation to civil law provisions.

11.3 What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their representatives, and give weight to the child's views?

In relation to the above question we would like to emphasize that the Amending Act to the Courts Act („Official Gazette", No. 67/18), which came into force on 1 January 2019, in its Article 21, which amends Article 31 of the Courts Act, prescribes as a special obligation of the court president to take special care that the rights of children are respected and protected at courts in accordance with the international standards.

A child victim of any criminal offence is entitled, along with other rights pertaining to victims, to a legal representative at the expense of the budget funds, to confidentiality of personal data, and to the exclusion of the public. The court, the public prosecutor, the investigator and the police are obliged to treat the child victim of a criminal offence with great consideration, taking into account the age, personality and other circumstances in order to avoid detrimental consequences for the child's upbringing and development. When taking action for the benefit of a child victim, the competent authorities shall firstly be guided by the principle of the best interest of the child. If the age of the victim is not known, an assumption will be made that a child is involved, should there be a likelihood that the victim has not turned eighteen years of age. According to Article 43 of the CPA, the victims of a criminal offence against sexual freedom and victims of a criminal offence of trafficking in human beings are also entitled to speak with a counsel before the questioning, at the expense of the budget, a legal guardian at the expense of the budget, be questioned by a person of the same gender at the police or public prosecutor's premises and to be questioned by the same person in case of a re-examination, if possible; to refrain from answering questions not related to the criminal offence, and referring to a strictly private life of the victim; to demand to be questioned via an audio-video device (Article 292 para 4 of this Act); right to confidentiality of personal data, and the right to demand the exclusion of the public from the hearing. Victims who are placed under special protective measures in accordance with Article 44 of this Act are also entitled to speak with a counsel before the questioning, at the expense of the budget, and to be questioned by a person of the same gender at the police or public prosecutor's premises and to be questioned by the same person in case of a re-examination, if possible; to refrain from answering questions not related to the criminal offence, and referring to a strictly private life of the victim; to demand to be questioned via an audio-video device (Article 292 para 4 of this Act); right to confidentiality of personal data, and the right to demand the exclusion of the public from the hearing. If the injured person is a child or an adult without legal capacity, their legal representative or a special guardian shall be authorized to issue all statements and undertake all actions that the injured person is authorized to undertake under this Law. In derogation from the above, an injured person who has turned 16 years of age can give a statement or undertake actions in the proceedings on his/her own. The court, the public prosecutor's office, the investigator and the police are obliged to inform the victim on these rights when undertaking the first action, in which the victim is involved, and they have to make sure that the victim understood those rights. In addition, the above bodies will instruct the victim in a way that the victim understands on the meaning of participating in criminal proceedings as an injured person, and they will enter the victim's statement into the minutes, on whether the person wants to participate in proceedings as an injured person or not. The right of the child victim of THB to access to justice and to being represented in the proceedings is ensured by the Juvenile Courts Act. Namely, in case of criminal offences with prescribed punishment of five or more years of imprisonment (which includes THB), and in case of perpetrators of sex crimes, sexual abuse and exploitation of the child, the child's linear blood relative, a collateral relative in blood to the third degree or a relative by affinity to the second degree, an adoptive parent shall elect a legal representative to a child who is a victim of a criminal offence, or if the child does not have an elected legal representative, the court shall ex officio appoint a representative from among the attorneys-at-law who have strong inclinations towards upbringing, needs and benefits of the youth, and shall have basic knowledge of criminology, social pedagogy, psychology and social welfare for young persons, from the list of attorneys specialized for the youth of the Croatian Bar Association. The appointed attorney may not be replaced by the attorney's trainee. According to the relevant provisions of the Juvenile Courts Act, the cases involving criminal-law protection of children, which also include the cases with child THB victims, are tried by the Juvenile Courts, and all the bodies that participate in the proceedings involving a juvenile or other bodies and institutions that information, reports or opinions are requested from, are obliged to proceed as urgently as possible in order to finalize the proceedings as soon as possible.

Please see also the reply under 11.1 for civil law provisions.

11.4 What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses implicated in human trafficking?

11.5 What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of THB of access to justice and effective remedies? Please provide information on any known or proven cases of corruption or related misconduct of public officials in THB cases and any sanctions issued.

Part II – Country-specific follow-up questions

12. Please provide information on new developments in your country since GRETA's second evaluation report concerning:

- emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child trafficking);
- the legislation and regulations relevant to action against THB (e.g. criminalisation of THB, identification and assistance of victims of THB, recovery and reflection period, residence permit, supply chains, public procurement);
- the institutional and policy framework for action against THB (bodies responsible for co-ordinating national action against THB, entities specialised in the fight against THB, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);
- the current national strategy and/or action plan for combating trafficking in human beings (objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results);

The Ministry for Demography, Family, Youth and Social Policy (hereinafter the MDFYSP) participates as the implementing authority and supporting implementing authority within the National Plan for Combatting Trafficking in Human Beings for the period 2018-2021.

Chapters, objectives, measures and activities, in which MDFYSP cooperates as the implementing authority or supporting implementing authority:

Chapter on ASSISTANCE AND PROTECTION TO VICTIMS OF HUMAN TRAFFICKING

OBJECTIVE 1. Ensuring the protection of best interests of victims of human trafficking

MEASURE 1. Ensuring a coordinated team approach of the competent bodies and civil society organisations in the approach to victims and enabling the victims of human trafficking to exercise their rights

Activity 1. Developing an individual plan and protection and assistance programme for identified child victims of human trafficking

The social welfare centre, together with the regional coordinator for victims of human trafficking develops an Individual Plan, which is the plan to change the living circumstances and behaviours developed on the basis of a comprehensive assessment of needs, difficulties and resources with the aim of overcoming the circumstances, developed in consultations with the beneficiary and family members. The funds are provided from the regular activity of the Ministry for Demography, Family, Youth and Social Policy from the budget item A792007 „Administration and governance “

Activity 2. Developing an individualized assistance and protection plan for identified adult victims of human trafficking taking into account their gender and the trauma experienced.

Social welfare centres, in cooperation with the regional coordinator for victims of human trafficking develop individual plans for adult THB victims who have accepted the assistance programme. Individual plans encompass the assessment of needs, difficulties and the existing mechanisms for coping with traumatic experience. Funds are ensured from the regular activity of the Ministry for Demography, Family, Youth and Social Policy, from the budget item A792007 „Administration and Governance”.

MEASURE 3. Ensuring the continuity of operation for the shelters for child and adult victims of THB
Activity 1. Ensuring the financial means for the operation of the national shelters for THB victims

The MDFYSP provides the financing for the operation of the shelters for THB victims, both for the shelter for child and for adult victims of THB. The funds are ensured at the budget item of the Ministry for Demography, Family, Youth and Social Policy, from the budget item A734191 „Care for children, youth and adults – other founders“ (in the year 2018, this budget amounted to a total of HRK 609,055.95).

MEASURE 4. Ensuring accommodation for adult THB victims

Activity 1. Designating the providers of services at the regional level that provide emergency accommodation for adult THB victims during police proceedings (examinations)

The MDFYSP designated the institutions for the accommodation of adult THB victims during police operations. The names and addresses of these institutions are known to the Mol coordinator and to mobile team members. The funds are ensured from the regular activity of the Ministry for Demography, Family, Youth and Social Policy, from the budget item A792007 „Administration and Governance“.

Chapter on EDUCATION

OBJECTIVE 1. Continuing education of target groups on THB at the national and international levels

MEASURE 3. Continuation of joint trainings for professionals working in social welfare institutions and representatives of civil society organisations in the field of providing assistance and protection to victims of human trafficking

Activity 1. Implementation of joint meetings of professionals working in social welfare institutions, county coordinators from the social welfare centres, health coordinators and mobile team members

An operational meeting was held with the regional and county coordinators of social welfare centres competent for proceedings with THB victims. The meeting was attended by the representatives of the Office for Human Rights and the Rights of National Minorities, the Mol and civil society organisations who participated as speakers. The goal of the meeting was to harmonise practices with THB victims and to exchange good practice. The funds were ensured from the regular activity of the Ministry for Demography, Family, Youth and Social Policy, from the budget item A792007 „Administration and Governance“.

MEASURE 10. Training of professionals, children and young adults in social welfare institutions for children without adequate parental care and children and youth with behavioural problems.

Activity 1. Seminar of the staff, children and young adults in social welfare institutions for children without adequate parental care and children and youth with behavioural problems

Trainings were organised for the professionals working in social welfare homes, centres that provide community services for children without adequate parental care and children with behavioural problems, and for the professionals of the social welfare centres. Also, two single-day trainings were organised in 2 cities with the topic of „Working with unaccompanied children, children seeking international protection and asylees“, which were attended by a total of 45 professionals. Another training was organised entitled „Alternative forms of work, new approach and methods in the treatment of children and youth with behavioural problems“, which was attended by 35 professionals working with children and youth with behavioural disorders. Funds are ensured by the Ministry for Demography, Family, Youth and Social Policy, from the budget item A792006 „Implementation of national strategies and improving professional work in the social welfare system“, amounting to HRK 46,800.00.

➤ recent case law concerning THB for different forms of exploitation.

- concerning the identified new forms of trafficking in human beings, we point out that Croatia increasingly ceases to be an exclusively transit country, but is more frequently taking the role of a country of origin and of final destination for victims of trafficking in human beings; In addition to the Republic of Serbia, B&H, and the Republic of Slovenia, Croatia continues to represent an important transit route used by the smugglers, constituting the so-called "Balkans Route"; trafficking in human beings most frequently implies trafficking in women of younger age; a greater number of cases present the so-called "internal" trafficking in human beings; during 2017 and 2018, there has been an increase in cases of labour exploitation, as well as exploitation for illegal activities (begging, theft, grand theft, fraud); Croatian citizens continue to constitute the most cases of the identified victims of trafficking in human beings; in earlier years, foreign victims of THB were citizens from Croatia's neighbouring countries, but lately such victims are the citizens of Asian countries; the trend of labour exploitation of younger men continues; there is an increase of underage victims of trafficking in human beings, be it for sexual exploitation or exploitation for the perpetration of illegal activities; there are records of a modus of recruiting children by way of false representation through social internet networks by promising rewards; it has been noted that almost all of the recorded cases of THB in Croatia have not resulted from organised crime undertakings.

With respect to more significant criminal investigations conducted during the course of 2018, we point to a comprehensive international criminal investigation conducted by the police officers of the MoI General Police Directorate, the Criminal police Directorate, the Police National Office for the Suppression of Corruption and Organised Crime and the Criminal police Sector of the Zagreb Police Administration, in coordination with the relevant county public prosecutor's offices and in cooperation with the police officers of the Republic of Slovenia and PR of China, which lead to establishing the existence of a justified suspicion that the criminal offence of "Trafficking in Human Beings", as described in Article 106, paragraph 3 of the Criminal Code, has been committed in the territory of Croatia against 59 THB victims citizens of Taiwan (PRC) by two suspects of Croatian nationality and two suspects citizens of Taiwan (PRC). During the course of the crime investigation, a justified suspicion was established that a total of 59 THB victims have been fraudulently recruited and brought onto the territories of the Republic of Slovenia and of the Republic of Croatia during the period from September 2017 and January 2018, where they were deprived of their freedom of movement and freedom to communicate, and had been threatened into a forced perpetration of illegal actions, i.e. illegal activities of fraud via the Internet technologies and applications to the detriment of a larger number of citizens of the PR of China. All identified victims have been returned to the country of origin in line with the Protocol on Voluntary and Safe Return of Victims of Trafficking in Human Beings. In the relevant international meetings, the Croatian and Slovene police forces have notified the EUROPOL of the entire criminal investigation, the identification of THB victims, and the new modality of the commitment of this type of a criminal offence in the EU territory. In the same meeting, the representatives of the EU member states have judged the criminal investigation and the identification of the new commitment modality very useful for the future suppression of THB in their respective countries and have indicated that they would use this practice in their future work. All liaison officers were also informed of the case during a meeting organised for the purpose at MoI's General Police Directorate's premises. This crime investigation has ultimately resulted in a positive outcome in the fight against this type of crimes in the EU and third countries (USA, PRC), especially as it involved international criminal investigation on the basis of international police cooperation, which led to the identification of THB victims and the prevention of further commitment of criminal offence of fraud to the detriment of the PRC citizens.

- concerning legislative and other regulations relevant for countering THB, we hereby point to the provisions contained in the National Plan for the Suppression of Trafficking in Human Beings 2018-2021 (Conclusion of the Government of Croatia dated 7 June 2018), the provisions contained in the Protocol on Unaccompanied Children (Conclusion of the Government of Croatia dated 30 August 2018), the provisions contained in the Protocol on Integration/Reintegration of Victims of THB (Conclusion of the Government of Croatia dated 28 February 2019), the provisions contained in the Protocol on Identification, Assistance and Protection of Victims of THB (Conclusion of the Government of Croatia dated 7 September 2017) and the provisions contained in the Protocol on Voluntary and Safe Return of Victims of Trafficking in Human Beings (Conclusion of the Government of Croatia dated 7 September 2017).

13. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's second evaluation report:

- take additional measures to prevent and combat human trafficking for the purpose of labour exploitation in at-risk sectors, by involving the Labour Inspectorate, trade unions and the private sector;
- involve the Ministry of Labour and in particular the Labour Inspectorate in the National Committee for Combatting Trafficking in Human Beings and its Operational Team;

Labour Inspectorate is included in the National Committee for Combatting Trafficking in Human Beings and its Operational Team.

- take measures to control temporary work agencies operating in Croatia and hiring persons to work abroad;
- take further socio-economic measures to reduce the vulnerability of women to human trafficking, including by combating gender-based violence and gender stereotypes, as well as the vulnerability of persons belonging to Roma communities;
- secure 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. Have the funding and reimbursement arrangements foreseen for specialised NGOs been implemented?

Funds from the state budget are secured for the operation of the national shelters for victims of human trafficking managed by specialized NGOs.

- provide assistance adapted to the specific needs of male victims;
- ensure that guardianship services are offered consistently by specially trained staff from the centres for social welfare and that sufficient long-term funding is provided to enable specialised NGOs to carry out outreach work for the purpose of detecting and assisting child victims;

Competent social welfare centres may appoint a guardian in accordance with the provisions of the Family Law (NN 103/15). In proceedings involving children THB victims, special attention is paid to protecting best interests of the child. The assessment of the individual needs, risks, safety, the activity and intervention plans are implemented by the team of professionals consisting of a psychologist, social worker and a legal professional. The individual plan is developed in accordance with the provisions of the Social Welfare Act (NN 157/13, 152/14, 99/15, 52/16, 16/17, 130/17).

The shelter for the accommodation of victims of human trafficking, as well as other service providers who may provide assistance and protection to victims of human trafficking are financed from the state budget.

- take additional steps to ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity and in compliance with the non-refoulement obligation.

- concerning the recommendations on taking additional measures to prevent and combat human trafficking for the purpose of labour exploitation in at-risk sectors, by involving the Labour Inspectorate,

trade unions and the private sector, note that the police officers of the MoI's General Police Directorate systematically and continuously cooperate with labour inspectors of the Ministry of Labour and Pension System (i.e. of the newly-established State Inspectorate as of 1 April 2019). This cooperation may be evidenced by the participation in joint meetings, including at international meetings, as well as by conducting joint inspections and coordinated actions aimed at combating labour exploitation of THB victims.

- concerning the undertaking of measures to reduce the vulnerability of women to human trafficking, including by combating gender-based violence and gender stereotypes, as well as the vulnerability of persons belonging to Roma communities, hereunder find preventive actions, projects and activities carried out by the MoI's General Police Directorate aimed at THB prevention:

National preventive action „*Zajedno*“ (Together)

Since 2013, the Croatian MoI has been carrying out a campaign titled “Together”. This campaign disseminates a clear message on good coordination and motivation of all entities involved in the THB suppression process in Croatia. Given a broad scope of stakeholders of various profiles who take part in its implementation, the “Together” campaign focuses on the reduction of THB crime rates in all of its stages (recruitment, transportation and exploitation) through awareness raising, disseminating information, training and a proactive approach to the multiplication of knowledge on THB and the identification of potential criminal hubs. The goal of the campaign is to use mutual cooperation with all competent institutions and organisations, private sector (at-risk professions), local communities, civil society organisations and citizens as a vehicle to raise awareness on THB prevention, i.e. to encourage the society to react responsibly towards the reduction and prevention of THB. Another aim is to reach a better rate of potential victim identification, a better inter-institutional cooperation and cooperation with the civil society organisations (multidisciplinary context) and the private sector, and a better level of information to potential victims of their rights, increased knowledge of the THB phenomenon, better cooperation between countries, focus on protecting children as a vulnerable group, a better protection of external border against THB crimes, raising awareness on the importance of the non-EU victims' protection, gaining a better intelligence insight into labour markets, the prevention of infiltration of THB into legal businesses, etc.

Target groups for the implementation of the preventive activities within the campaign have been selected based on individual assessments of each police administration, in terms of the assessment of vulnerable groups in need of training, information and awareness raising, thereby contributing to the reduction of possibilities of their becoming victims. A goal is also to make the citizens better informed of THB forms and indicators to equip them to recognise such situations and notify the police accordingly. Hence, in those Croatian territories situated along the external EU border, the activities focus on the transit, in the coastal part of Croatia the activities focus on the prevention of victim exploitation during the tourist season, in rural areas the focus is on the prevention of recruitment of potential victims due to poorer economic situation, whereas the focus in urban environments is on exploitation of victims, especially of women and children, and on early identification of potential victims by persons who, due to the nature of their profession or other circumstances, would be more likely to come into contact with potential victims (e.g. taxi drivers, bus and truck drivers, train and bus inspectors, caterers and petrol station staff at motorways, port and ferry port personnel, maritime and airport carriers, private businesses which hire foreigners on a temporary stay basis, etc.). Within the framework of the “Together” campaign, students and police officers are being trained yearly, specific educational theatrical plays are being organised, informative info corners are being installed in public areas, in Roma settlements, at border crossings, as well as a series of other preventative activities. Citizens are being informed on the topic of THB prevention each year through the Police Prevention Information Centres, including a police van which serves as a Mobile Prevention Information Centre. Moreover, the goal is being achieved through topical TV and radio shows, publishing articles in magazines and on the websites of individual police administrations. Information on the activities that the police conduct together with partners are being published (as information and advice) on the MoI's General Police Directorate website (www.policija.hr), which contributes to awareness raising and education for a large number of citizens on the topic.

National preventive project „*Imam izbor*“ (I have a Choice)

The national “I have a Choice” preventive programme has been implemented since the school year of 2012/2013. During all subsequent school years, the programme has been implemented in the educational institutions in the **Međimurje** County following a monthly schedule throughout the school year. The project focuses on the mitigation of human trafficking and smuggling risk, prevention of peer violence and vandalism, as well as on the reduction of domestic violence and violence against women, risky and socially unacceptable behaviour of children and youth, drug and other substance abuse and strengthening the culture in traffic. A component specifically focusing on THB prevention is being conducted through educational workshop of one hour in duration. The target groups include students aged 10 and 11, and their teachers.

Celebrating the EU Anti-Trafficking Day, 18 October

On this day, all relevant and competent state authorities, as well as civil society organisations of the EU member states, are obliged to raise awareness of the public and target groups on the issue of THB. In line with Article 18 of Directive 2011/36/EU, also ratified by the Republic of Croatia, member states are obliged to take preventive measures aimed at raising awareness of the public, as well as at informing potentially vulnerable groups of the dangers associated with THB as a form of organised crime. The need for awareness-raising, discussion and taking various preventive measures has also been emphasized in the existing National Plan for the Suppression of Trafficking in Human Beings.

On such grounds, the Croatian MoI celebrates the EU Anti-Trafficking Day through intensified preventative activities relative to THB at local levels by installing info corners in frequented public areas, the distribution of informational leaflets at border crossings, and through the delivery of educational and interactive workshops at elementary and secondary schools. Through such activities, awareness is raised among the youth and citizens in general on the issue of THB, as well as on the manner of prevention and protection against it.

Local preventative project „*Stop trgovanju ljudima*“ (Stop Trafficking in Human Beings)

Osijek-Baranja County

The “Stop Trafficking in Human Beings” is a local preventive project implemented since 2013 in cooperation with the Osijek-Baranja County and cities, as well as with the education institutions in the area. The project features educational lectures intended to pupils enrolled in final grades of elementary and secondary schools in the territory of the county.

During 2017, two seminars have been delivered towards professional improvement of a total of 43 police officers for youth from all police administrations (during the period 8-19 May 2017 at Valbandon and 13-24 November 2017 at the Police Academy in Zagreb). In these seminars, particular attention was paid to the human rights protection, especially of vulnerable groups (covering the topics of violence against children and youth, the elderly and the infirm, as well as against persons with disabilities) and an improved recognition of the breach of rights phenomenon. The seminars also covered the police's course of actions with such categories (specificities associated with police actions with children with developmental difficulties, procedure of removing a child from parents, children separated from parents, migrant children, interviewing children, new forms of violence against the elderly and infirm persons, individual victim needs assessment in terms of assessing the required protective measures. The seminars also covered actions against perpetrators of sanctionable actions (risk assessment to evaluate potential for a repeated commitment of a sanctionable action by the perpetrator, interrogating a suspect – course of action and respect for perpetrator's rights, etc.).

Additionally, a police officer from the Professional Improvement and Specialisation Service of the Police Academy took part in the preparation and the delivery of training sessions intended for professional improvement of Chiefs and Deputy Chiefs of police precincts. The training sessions were organised by the

General Police Directorate's Directorate for Police covering the topic of the Misdemeanour Act – active participation of the police in misdemeanour procedures, covering the topic related to police action concerning misdemeanours relative to discrimination, domestic violence, sporting events disorders, etc. These have been delivered in all police administrations during the period April-July 2017. Amongst other topics, the seminars tackled rights of and assistance to victims, rights of suspects in the process, as well as the mechanisms of the application of regular legal remedies towards the protection of victims' rights and processing the perpetrators. A total of 494 police officers underwent the training.

In addition, a police officer from the Professional Improvement and Specialisation Service of the Police Academy has actively participated in a series of expert meetings and activities on this topic, including:

- a presentation of the results of a research on the perception and awareness on the discrimination and its forms, organised and delivered in 2016 by the Ombudsman Office (11 September 2017 at the European House in Zagreb);

- roundtable on "The Most Recent Trends in the Suppression of THB – Children at an Increased Risk" held on 18 October 2017 at the Representation of the European Commission in Croatia (House of Europe) and organised by the Governmental Office for Human Rights and Rights of National Minorities and the Representation of the European Commission in Croatia;

- based on the decision of the Croatian Minister of the Interior on the appointment of a working group for scientific research, participation in the scientific research undertaken by the High Police School of the Police Academy titled "Analysis of Misdemeanour Cases on Reporting all Participants in Domestic Violence by the Police";

- a lecture and a workshop for the representatives of the County Team for the Protection against Domestic Violence of the Koprivnica-Križevci County, in a training session for persons working with victims of domestic violence within the framework of a project "Actively against Violence", held on 17 November 2017, as organised by HERA Križevci NGO at Terme Jezerčica in Donja Stubica;

- a conference organised by the Gender Equality Ombudswoman held on 21 November 2017 at the Croatian Parliament and covering the topic "Building a more efficient protection: Changing the system for combating violence against women" funded by the European Commission through the REC (Rights, Equality and Citizenship) programme. The Gender Equality Ombudswoman is the lead partner of the programme, partnering with Ženska Soba – Centar za seksualna prava (*Women's Room – Sexual Rights Centre*) NGO, and associate partners include the Judicial Academy, the Police Academy and the Croatian Journalists' Association;

- an expert meeting titled "Domestic Violence (Recognise, Define and Adequately React)" held on 19 December 2017 in Zagreb, Kaptol 27 (City of Zagreb Forum) organised by the Association of Juvenile Court Judges, Family Judges and experts for children and youth;

During 2018, the Police Academy has cooperated with the Judicial Academy (pursuant to measure 2 of the National Strategy for the Protection against Domestic Violence for the period 2017-2022) and organised 5 two-day expert workshops for the judicial officers and the police, covering the provisions of the domestic and the European legislations aimed at the suppression and prevention of domestic violence and the provisions contained in the Council of Europe Convention on preventing and combating violence against women and domestic violence. According to the curriculum, these workshops are being delivered over 14 hours in two days, including 7 hours of theory and 7 hours of practical exercises, also introducing the novelties in the European and domestic legislation on domestic violence (Council of Europe Convention on preventing and combating violence against women and domestic violence, Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14 November 2012), the Act Against Domestic Violence, the Criminal Procedure Act, the Criminal Code, the Ordinance on Conducting the Individual Victim Assessment), as well as practical exercises on actions by the police, public prosecutor's and courts in specific domestic violence cases. During the course of 2018, a total of 5 two-day workshops have been delivered for a total of 182 attendees, including 74 and 108 judicial workers and police officers, respectively (on 22-23 February 2018 and 22-23 March 2018).

in Zagreb, 03-04 May 2018 in Rijeka, 14-15 June 2018 in Osijek and 13-14 September 2018 in Trilj). For the purpose of the workshop delivery, the Police Academy and the Judicial Academy have developed working and didactic aids and materials, as well as handbooks for attendees and trainers, intended for the improvement of actions taken by the police and the judiciary in the specific cases of domestic violence.

The Specialist Course for juvenile delinquency and crime against youth and family of 250 lecturing hours in duration over 7 weeks (from 02 May to 21 June 2018 at the Police Academy) included the attendance of 27 police officers, where the topics of fight against discrimination in terms of meeting the requirements for gender equality, as well as the prevention of gender-based violence, sexual violence and trafficking in human beings and children with a specific emphasis to vulnerable groups (children, the elderly, persons with disabilities) have been tackled over the course of approx. 60 hours.

Two core courses for the work of police officers on operational duty have been delivered for the benefit of police precincts in cases of domestic violence (19-26 November 2018 and 03-10 December 2018 at the Police Academy in Zagreb) for a total of 55 police officers for operational duty shift chiefs in police precincts and their assistants from police administrations, including the counties of Bjelovar-Bilogora, Koprivnica-Križevci, **Međimurje**, Sisak-Moslavina and Zagreb. The seminars tackled the topics of: criminology and the domestic violence, international domestic violence protection standards, especially on the application of the provisions contained in Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14 Nov 2012) and the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), the human rights protection of especially vulnerable groups (covering the topics of violence against children and youth, the elderly and weak, as well as against persons with disabilities), domestic legal framework on domestic violence, police course of action in domestic violence cases, cooperation with other authorities, institutions and organisations in the prevention and combating domestic violence together with the police, including human rights in the context of domestic violence.

In addition, police officers from the Police Academy have actively participated in a series of expert meetings and activities on the topic, including:

- as lecturers in one-day interdepartmental training session on violence against women and femicide, within the framework of an EU project titled "Building a more efficient protection: Changing the system for combating violence against women" in which the Gender Equality Ombudswoman is the lead partner of the programme, partnering with Ženska Soba – Centar za seksualna prava NGO, and associate partners including the Judicial Academy, the Police Academy and the Croatian Journalists' Association. The lecture was delivered on 26 April 2018 in Osijek and on 30 October 2018 in Rijeka, covering the topic of "Individual Victims' Protective Measures Need Assessment", with 67 in attendance;

- implementation of the EU project VICTATIS (Victim-cantered approach to improving support services) funded by the European Union Justice Programme (2014-2020). The lead partner in the project is the Croatian Law Centre, whereas other project partners include Association for Nonviolent Communication (SI), Centre for Legal Resources (RO), Croatian Ministry of Justice (HR), Patent Association (HU), Peace Institute (SI), the Governmental Office for Human Rights and Rights of National Minorities (HR). The project resulted in the development of a proposed training module intended for experts in touch with victims of crimes and training and informational materials covering the rights of victims of crimes;

- training of experts working with women victims of violence and victims of domestic violence delivered on 6 December 2018 in Križevci. The training was delivered under the project titled "Actively Against Violence against Women and Domestic Violence" organised by HERA (NGO for human rights protection and promotion) from Križevci and the Koprivnica-Križevci Police Administration. The training was supported by the Koprivnica-Križevci County and the City of Križevci on the "Purpose of Individual Protection Assessment for Victims of Crimes", with the participation of 32 experts from the justice system, the police (3 police officers) and experts from the areas of social welfare, health, education and civil society organisations.

- concerning taking further measures to ensure that return of victims of THB is being carried out with due respect for their rights, safety and dignity, we point to the provisions of the Protocol on Voluntary and Safe Return of Victims of Trafficking in Human Beings (Government of Croatia Conclusion dated 7 September 2017), applied by the Croatian MoI police officers during the process of safe and voluntary return of a victim to the country of origin.

According to the Protocol and Article 70 of the Foreigners Act, a safe return of the Third-Country Nationals with a recognized status of a victim is being conducted by the Croatian MoI, taking account of person's rights, safety and dignity. The underage victims of trafficking in human beings will not be returned to any country if the assessment of potential violation and security indicates that such return would not be in the best interest of such a person. In line with the Protocol on Voluntary and Safe Return of Victims of Trafficking in Human Beings, the Croatian MoI conducts a risk assessment in cooperation with competent state authorities, international organisations, civil society organisations and the Croatian Red Cross. Since Croatian MoI has assumed the obligation to organise and conduct safe returns for victims of trafficking in human beings, all victims have returned voluntarily. Moreover, victim's return has not been conditioned by his/her participation in the criminal procedure.

Voluntary and safe return for victims of human trafficking is ensured by the Ministry of the Interior. In case of a child or adult victim under guardianship, it is the MDFYSP that is competent for issue of return, in accordance with the Standard Operating Procedures of the MDFYS. The MDFYS coordinator cooperates with the Ministry of the Interior, the Croatian Red Cross, civil society organisations and international organisations, as well as with the competent bodies in the child's country of origin in order to ensure safe return. The coordinator is obliged to verify whether the prerequisites of return are met, and whether escort and readmission are ensured.

Part III - Statistics on THB

14. Please provide the following statistics, per year starting with 2015, where available disaggregated as indicated below:

MoJ:

The Service for Victim and Witness Support does not keep separate statistics on THB victims according to the mentioned criteria. The Service informs the victims on the conditional or regular release of perpetrators from prison based on the Law on the Execution of Prison Sentences (OG 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11, 48/11, 125/11, 56/13, 150/13) for criminal offences against sexual freedom and sexual morality, against life and body or the criminal offence with elements of violence. Statistics are kept on the number of victims who were informed on the conditional or regular release of perpetrators from prison for the mentioned categories of criminal offences. According to the latter statistics, the number of cases related to THB was as follows:

2015 – 2 cases were received with 3 victims

2016 – 1 case were received with 1 victim

2017 - 3 cases were received with 4 victims

2018 - 2 cases were received with 2 victims.

- concerning the requested statistics on THB, the identified victims and other, for the period starting with 2015, note the following:

In line with the Protocol on Identification, Assistance and Protection of Victims of Trafficking in Human Beings, all THB victims in Croatia have been identified by the Croatian MoI police officers, while only one victim was identified by the members of the Operational Team of the Governmental National Committee for the Suppression of THB.

The text below presents tables on identified victims of THB in Croatia in 2015, 2016, 2017 and 2018, as well as criminal offences through which the victims have been identified (including similar or related criminal

offences, given that THB victims in Croatia are in some instances being identified through related or similar criminal offence, which represent criminal offences separately described in the Criminal Code, which contains indicators and elements of the THB criminal offence, i.e. the specific criminal offence descriptions overlap with the legal description of the THB criminal offence).

2015

According to the Croatian MoI records, a total of 38 victims of trafficking in human beings have been identified in 2015, represented in the below tables:

Table 1: Number of identified THB victims in 2015 by country of origin

COUNTRY	Number
Bosnia and Herzegovina	2
Croatia	35
Hungary	1
TOTAL	38

*Source: Records of the Ministry of the Interior of Croatia**Table 2: Number of identified THB victims in 2015 by gender*

Identified victims by gender	M	F
Bosnia and Herzegovina	-	2
Croatia	-	35
Hungary	-	1
TOTAL	-	38

*Source: Records of the Ministry of the Interior of Croatia**Table 3: Number of identified THB victims in 2015 by age*

Identified victims by age	Number
0-18	4
19-30	17*
31-40	9
41-50	6
other	2
TOTAL	38

*Source: Records of the Ministry of the Interior of Croatia*** 3 victims were underaged at the time when criminal offences have been committed**Table 4: Number of identified THB victims in 2015 by type of exploitation*

Exploitation Type	Number
Labour	-
Sexual	38
TOTAL	38

Source: Records of the Ministry of the Interior of Croatia

Table 5: Number and type of criminal offences in relation to THB victims in 2015

CRIMINAL OFFENCE (CO)	Number of COs
Trafficking in Human Beings (Art. 106)	4
Prostitution (Art. 157)	6
Sexual abuse of a child under 15 (Art. 158)	3
Exploitation of children for pornography (Art. 163)	2
Breach of child's privacy (Art. 178)	1
Extortion (Art. 243)	1
Child pimping (Art. 162)	1
Threat (Art. 139)	1
Non-consensual intercourse (Art. 152)	7
Solicitation (Art. 140)	1
Introducing a child to pornography (Art. 165)	-
Enabling drug consumption (Art. 191)	1
TOTAL	28

Source: Records of the Ministry of the Interior of Croatia

Concerning movement routes, modalities of the commitment of the above presented criminal offences, and in line with the trends in recent years, it is event that most cases include the so-called internal THB, while 20 victims (19 Croatian citizens and 1 citizen of Bosnia and Herzegovina) have been identified based on a crime investigation conducted in cooperation between the police of Germany and USKOK, which led to establishing that the victims have been sexually exploited in Germany, and that sexual exploitation continues to represent the dominant type of exploitation of victims of THB.

2016

According to the Croatian MoI records, a total of 30 victims of trafficking in human beings have been identified in 2016, represented in the below tables:

Table 1: Number of identified THB victims in 2016 by country of origin

COUNTRY	Number
Kingdom of Thailand	2
Croatia	22
Republic of Philippines	1
Afghanistan	3
Pakistan	2
TOTAL	30

Source: Records of the Ministry of the Interior of Croatia

Table 2: Number of identified THB victims in 2016 by nationality and gender

Identified victims by nationality and gender	M	F
Kingdom of Thailand	-	2
Croatia	4	18
Republic of Philippines	-	1
Afghanistan	3	-
Pakistan	2	-
TOTAL	9	21

Source: Records of the Ministry of the Interior of Croatia

Table 3: Number of identified THB victims in 2016 by age

Identified victims by age	Number
0-18	11
19-30	11
31-40	4
41-50	1
other	3
TOTAL	30

Source: Records of the Ministry of the Interior of Croatia

Table 4: Number of identified THB victims in 2016 by type of exploitation

Exploitation Type	Number
Labour	14*
Sexual	17*
TOTAL	31*

Source: Records of the Ministry of the Interior of Croatia

** one victim was subject to both labour and sexual exploitation*

Table 5: Number and type of criminal offences in relation to THB victims in 2016

CRIMINAL OFFENCE (CO)	Number of COs
Trafficking in Human Beings (Art. 106) (1 attempted in reference with Art. 34)	7
Prostitution (Art. 157)	4
Introducing a child to pornography (Art. 165)	2
Exploitation of children for pornography (Art. 163)	1
Violation of child rights (Art. 177) (Trafficking in Human Beings per Art 106, no criminal charges pressed)	2
Rape (Art. 153)	3
Child pimping (Art. 162)	3
Illegal restriction of freedom (Art. 136)	2
Non-consensual intercourse (Art. 152). In reference with Grave criminal offences against sexual freedom (Art. 154)	1
Grave bodily injury (Art. 118).	1
Non-consensual intercourse (Art. 152).	1
Sexual abuse of a child over 15 years of age (Art. 159)	1
Sexual abuse of a child under 15 years of age (Art. 158) in reference with Grave criminal offences of sexual abuse and exploitation of a child (Art. 166)	1
Violent behaviour (Art. 323A) in reference with several offences committed by the same act (Art. 51) and linked with Murdering or torturing animals (Art. 205)	2
Illegal entry, movement and stay in Croatia, other EU-member state or a signatory of the Schengen treaty (Art. 326)	1
TOTAL	32

Source: Records of the Ministry of the Interior of Croatia

2017

According to the Croatian MoI records, a total of 29 victims of trafficking in human beings have been identified in 2017, represented in the below tables:

Table 1: Number of identified THB victims in 2017 by country of origin

COUNTRY	Number
Bosnia and Herzegovina	8
Republic of Croatia	19
Romania	1
Nigeria	1
TOTAL	29

Source: Records of the Ministry of the Interior of Croatia

Table 2: Number of identified THB victims in 2017 by nationality and gender

Identified victims by nationality and gender	M	F
Bosnia and Herzegovina	5	3
Republic of Croatia	11	8
Romania	-	1
Nigeria	-	1
TOTAL	16	13

Source: Records of the Ministry of the Interior of Croatia

Table 3: Number of identified THB victims in 2017 by age

Identified victims by age	Number
0-18	14
19-30	10
31-40	3
41-50	2
other	-
TOTAL	29

Source: Records of the Ministry of the Interior of Croatia

Table 4: Number of identified THB victims in 2017 by type of exploitation

Exploitation Type	Number
Labour	9*
Sexual	14*
Illegal activities	18*
Forbidden/forced marriage	1
TOTAL	42*

Source: Records of the Ministry of the Interior of Croatia

* ten victims subject to labour exploitation and for the performance of illegal activities

* one victim was subject to both labour and sexual exploitation, and for the performance of illegal activities

Table 5: Number and type of criminal offences in relation to THB victims in 2017

CRIMINAL OFFENCE (CO)	Number of COs
Trafficking in Human Beings (Art. 106)	15
Extortion (Art. 243)	1
Introducing a child to pornography (Art. 165)	3
Exploitation of children for pornography (Art. 163)	8
Exploitation of children for pornography (Art. 163) in reference with Grave criminal offences of sexual abuse and exploitation of a child (Art. 166)	2
Pimping (Art. 195, para. 2 of Criminal Code (in force until the end of 2012))	1
Luring children for satisfaction of sexual needs (Art. 161)	1
Illegal restriction of freedom (Art. 136)	1
Child pimping (Art. 162)	1
Grave bodily injury (Art. 118).	1
Non-consensual intercourse (Art. 152).	1
Sexual abuse of a child under 15 years of age (Art. 158)	7
Threat (Art. 139)	1
TOTAL	43

Source: Records of the Ministry of the Interior of Croatia

2018

According to the Croatian MoI records, a total of 76 victims of trafficking in human beings have been identified in 2018, represented in the below tables:

Table 1: Number of identified THB victims in 2018 by country of origin

COUNTRY	Number
Republic of Serbia	1
Republic of Croatia	14
Bosnia and Herzegovina	1
Taiwan (PR China)	59
Slovak Republic	1
TOTAL	76

Source: Records of the Ministry of the Interior of Croatia

Table 2: Number of identified THB victims in 2018 by nationality and gender

Identified victims by nationality and gender	M	F
Republic of Serbia		1
Republic of Croatia	3	11
Bosnia and Herzegovina		1
Taiwan (PR China)	45	14
Slovak Republic		1
TOTAL	48	28

Source: Records of the Ministry of the Interior of Croatia

Table 3: Number of identified THB victims in 2018 by age

Identified victims by age	Number
0-18	4
19-30	53
31-40	15
41-50	4
other	-
TOTAL	76

Source: Records of the Ministry of the Interior of Croatia

Table 4: Number of identified THB victims in 2018 by type of exploitation

Exploitation Type	Number
Sexual	10*
Labour	3*
Illegal activities	60
Forbidden/forced marriage	1
Attempted	1*
During labour exploitation of parents	2*
TOTAL	77*

Source: Records of the Ministry of the Interior of Croatia

** one victim was subject to both labour and sexual exploitation*

** two victims dwelled in inhumane conditions during labour exploitation of parents (exploitation during labour exploitation of parents)*

** one victim's sale has been announced in social media (attempted exploitation)*

Table 5: Number and type of criminal offences in relation to THB victims in 2018

CRIMINAL OFFENCE (CO)	Number of COs
Trafficking in Human Beings (Art. 106)	12
Extortion (Art. 243)	1
Rape (Art. 153)	1
Child pimping (Art. 162)	1
Violation of child rights (Art. 177)	3
Illegal restriction of freedom (Art. 136)	1
Prostitution (Art. 157)	2
Threat (Art. 139)	1
Non-consensual intercourse (Art. 152).	1
Sexual abuse of a child under 15 years of age (Art. 158)	1
TOTAL	24

Source: Records of the Ministry of the Interior of Croatia

During 2018, police officers from the Criminal police Directorate, the Police National Office for the Suppression of Corruption and Organised Crime and the Criminal police Sector of the Zagreb Police Administration have conducted a comprehensive international criminal investigation, which lead to establishing the existence of a well-founded suspicion that the criminal offence of "Trafficking in Human Beings", as described in Article 106, paragraph 3 of the Criminal Code has been committed in the territory of Croatia against 59 THB victims citizens of Taiwan (PRC) by two suspects of Croatian nationality and two suspects citizens of Taiwan (PRC).

- concerning the requested data on the approved residence to THB victims in the territory of Croatia, one temporary residence on humanitarian grounds was approved in 2018 to a THB victim in line with the provisions contained in the Foreigners Act (OG 130/11, 74/13, 69/17 and 46/18).

- concerning the requested data on the number of victims returned to the country of origin, one minor Macedonian national victim has been returned in the country of origin in 2015, one citizen of Bosnia and Herzegovina has been returned to the country of origin in 2017, and a total of 59 victims of trafficking in human beings have been returned to Taiwan (PR China) in 2018.

- concerning the requested figures on crime investigations conducted, herein we indicate that the police officers of this General Directorate, guided by the crime investigation and intelligence operational information with a view to proactively identify victims of THB and detect perpetrators of the criminal offences of trafficking in human beings, as well as with an aim to timely detect and recognise the indicators pointing to a criminal offence associated with THB in a given case, have performed daily examinations and monitored all notified and reported events significant for the criminal police in the entire territory of Croatia. On such grounds, they have included and carried out a large number of crime investigations (a total of 65 crime investigations during the 2015-2018 period), which eventually resulted in the identification of THB victims and filing criminal charges against the perpetrators.

- Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).
- Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).
- Number of victims of THB who received assistance (disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

- Number of child victims of THB who were appointed legal guardians.

In the period between 2015 and 2018 the competent social welfare centres appointed 3 temporary legal guardians for minor victims of human trafficking in accordance with the provisions of the Family Law (NN 103/15).

- Number of victims of THB granted a recovery and reflection period (disaggregated by sex, age, nationality, form of exploitation).
- Number of victims of THB granted a residence permit, with an indication of the type of the permit and its duration (disaggregated by sex, age, nationality, form of exploitation).
- Number of persons given refugee status or subsidiary/complementary protection on the grounds of being victims of THB (disaggregated by sex, age, nationality, form of exploitation).
- Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (disaggregated by sex, age, nationality, form of exploitation, with an indication of whether the compensation was provided by the perpetrator or the State, and the amount awarded).
- Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.

In accordance with the Act on Financial Compensation for Victims of Criminal Offences, we still have not received any requests submitted by a THB victim.

Regarding the requests for indemnification from the perpetrators, the compensation, the Service for Victim and Witness Support, Department for financial compensations has no information available.

In accordance with Article 22 para 2 of the Social Welfare Act (NN 157/13, 152/14, 99/15, 52/16, 16/17 and 130/17), victims of THB are entitled to rights from the social welfare system and to the cash allowance provided by the state under the conditions prescribed by this Act.

- Number of victims of THB who received free legal aid.
- Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).

In the period from 2015 until the beginning of 2019, four adult victims of human trafficking were returned to their countries of origin (1 person to Serbia, 3 persons to Bosnia-Herzegovina).

- Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).
- Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).
- Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).
 - 2015: 4 convicted persons (the verdict has become final for 3 persons, whereas one verdict is still not final)
 - 2016: no resolved cases concerning THB
 - 2017: 4 convicted persons (the verdict has become final for 3 persons, whereas one verdict is still not final)
 - 2018: 5 convicted persons (the verdict has become final for 2 persons, whereas for 3 persons the verdict is still not final)
- Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.
 - 2015

Final verdicts (form of exploitation and pronounced sentences)

- 3 (1 female, and 2 male) persons recruited, transported and received the victim (female) by means of deception and fraud in order to exploit her for prostitution and sexual exploitation, and the criminal offence was committed against a child. Pronounced prison sentence to each of the defendants:
 - 2 years without possibility of unconditional custodial sentence for the female perpetrator
 - 1 year for the male perpetrator (replaced with community service)
 - 3 years and 10 months unconditional custodial sentence for the male perpetrator

Non-final verdicts (form of exploitation and pronounced sentences)

- One convicted male perpetrator (non-final verdict) who transported one victim (female) by using threat and deception for sexual exploitation
The pronounced sentence was 2 years of unconditional custodial sentence.

○ 2016.: no resolved cases concerning THB

○ 2017.

Final verdicts (form of exploitation and pronounced sentences)

- 2 persons (male and female) recruited the victim (female) by using force, threat, deception and abuse of the victim's difficult position of dependence, in order to submit her to labour exploitation through servitude, and they illegally deprived her of freedom, and the offence was committed with cruelty, and the victim received grave bodily injuries

The pronounced sentence for one person is unconditional custodial sentence of 3 years and 8 months, and the second perpetrator received conditional sentence of one year, with a 5 year probation period.

- One person (male) committed the following offences against the victims (several victims, including children):
 - recruitment of victims for the perpetration of criminal offences through abuse of difficult position and dependent relationship by giving rewards and other benefits,
 - sexual intercourse with a child under 15 years of age through abuse of a difficult position
 - giving substances that are legally proclaimed to be drugs to other persons and providing them with premises where to use drugs,

The pronounced sentence for one person is unconditional custodial sentence of 4 years and 6 months.

Non-final verdicts (form of exploitation and pronounced sentences)

- One perpetrator (male), against whom a non-final verdict was pronounced received a victim (male) for exploitation through servitude, while the victim was recruited by fraud, abuse of a difficult position and dependent relationship

The pronounced sentence is unconditional custodial sentence of 2 years and 8 months.

○ 2018

Final verdicts (form of exploitation and pronounced sentences)

- One perpetrator (male) abused the victim (male) for begging and servitude taking advantage of the deprived situation of the victim, and his reduced intellectual capacities and not being able to find a job

The pronounced sentence is prison sentence of 1 year and seven months.

- One perpetrator (female) committed several criminal offences against a child victim (male), as follows:
 - abuse of a difficult position and dependent relationship by giving reward and other benefits and recruiting another person for the perpetration of illegal activities, and the criminal offence was perpetrated against a child
 - three criminal offences against human health, of which two of the offences include unauthorized production and sale of drugs and allowing the use of drugs
 - one criminal offence against marriage, family and children – violation of the rights of the child

For all the criminal offences, the joint sentence pronounced amounts to 2 (two) years and 10 (ten) months imprisonment, partly conditional, so that of that time, 1 (one) year and 5 (five) months are to be served as a prison sentence, and 1 (one) year and 5 (five) months will be suspended if the convicted person does not commit a new criminal offence within 3 years of the final verdict

Non-final verdicts (form of exploitation and pronounced sentences)

- One perpetrator (male) recruited, transported and received a victim (male) by deceit and fraud, and he received the victim for forced labour exploitation
The pronounced sentence is unconditional custodial sentence of 1 year and 6 months.
- Two underage (male) perpetrators recruited a victim (male) by using force or threats for reasons of establishing a relationship similar to slavery and for the perpetration of criminal offences, and the criminal offence was perpetrated against a child
For both juvenile perpetrator, the juvenile court judge pronounced a sentence of committing them to an correctional facility.

- Number of judgments in THB cases resulting in the confiscation of assets.
 - No such judgements
- Number of convictions of legal entities for THB.
 - No such convictions