

**Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings**



**Recommendation CP(2012)3
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Croatia**

*adopted at the 7th meeting of the Committee of the Parties
on 30 January 2012*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as 'the Convention'), acting under the terms of Article 38(7) of the Convention,

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Croatia on 5 September 2007;

Having examined the Report concerning the implementation of the Convention by Croatia, adopted by GRETA at its 11th meeting (20-23 September 2011) in the framework of the first evaluation round;

Having examined the comments of the Croatian Government on GRETA's report, submitted on 14 November 2011.

Welcoming the measures to combat trafficking in human beings taken by the Croatian authorities, and in particular:

- the establishment of a National Committee for Combating Trafficking in Human Beings, which brings together relevant governmental and non-governmental actors, and the appointment of a National Co-ordinator for Combating Trafficking in Human Beings;
- the implementation of multiannual national action plans on combating trafficking in human beings;
- the setting up multi-disciplinary mobile teams which participate in the identification of victims of trafficking and in the provision of assistance;
- the adoption of protocols for the identification, assistance and protection of victims of trafficking and for their reintegration;

- the efforts to raise public awareness and discourage demand.

Taking note of the areas where further action is required in order to improve the implementation of the Convention by Croatia, in particular:

- continuing to raise public awareness with a view to overcoming the existing prejudice against victims of trafficking;
- taking specific economic and social measures in respect of persons and groups vulnerable to trafficking in human beings.
- ensuring a proactive approach of the part of law enforcement agencies and other relevant actors in the identification of victims of trafficking;
- implementing targeted policy measures, including outreach work, for the identification of trafficked children and persons trafficked for the purpose of labour exploitation;
- facilitating access to compensation for victims of trafficking by providing them systematically with information, ensuring their access to legal aid and enforcing legislation on compensation from the State;
- stepping up the training provided to judges, prosecutors and other relevant professionals on trafficking and the relevant criminal law provisions to ensure that traffickers are prosecuted and receive sentences commensurate with the seriousness of this offence.

1. Recommends the Government of Croatia to implement the proposals of GRETA which have not yet been implemented. GRETA's proposals are listed in Appendix I to the Report concerning the implementation of the Convention by Croatia (see addendum);
2. Requests the Government of Croatia to inform the Committee of the Parties of the measures taken to comply with this recommendation by 30 January 2014;
3. Invites the Government of Croatia to continue the ongoing dialogue and co-operation with GRETA and to keep GRETA informed of the measures taken in response to its proposals.

Addendum

List of GRETA's proposals concerning the implementation of the Convention by Croatia

Comprehensive approach and co-ordination

1. GRETA invites the Croatian authorities to:
 - ensure that the representatives of all public bodies included in the Operative Team actively participate in its work;
 - draw up clear selection criteria for membership of NGOs in the anti-THB bodies and make these criteria available to all interested NGOs;
 - encourage the participation of NGOs in the activities of the mobile teams by keeping them informed of the anti-THB activities and their results;
 - take practical measures to improve co-operation and communication between the police at local level and NGOs, especially as regards the identification of victims of THB.
2. Further, in addition to the internal reports on the implementation of the National Plan, GRETA invites the Croatian authorities to introduce a periodic independent evaluation of the National Plan as a tool for assessing the impact of the activities and for planning future policies and measures to combat THB.

Data collection and research

3. GRETA welcomes the setting up of a data collection mechanism on THB by the Croatian authorities, which enables the compiling of statistical information and allows its disaggregation (concerning gender, age, type of exploitation, country of origin and/or destination, etc.). GRETA considers that the Croatian authorities should enhance exchanges of statistical information among the agencies responsible for the supervision of migration, employment and combating THB. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection. In addition, the Croatian authorities should also collect statistical information as regards arrests, prosecutions and convictions for the offence of THB.
4. Further, GRETA considers that the Croatian authorities should conduct and support research on THB-related issues, with particular emphasis on the gender dimension and trafficking in children, as an important source of information for future policy measures in the field of action against THB.

International co-operation

5. GRETA encourages the Croatian authorities to continue international co-operation in the criminal field with a view to combating THB and to enhance international co-operation in the non-criminal field with all relevant countries.

Awareness raising

6. GRETA considers that the Croatian authorities should continue to raise public awareness with a view to achieving a better understanding of THB and the situation of victims of trafficking. Awareness-raising campaigns, education in schools and specialised training of relevant professionals should aim at overcoming the existing prejudice against victims of THB and increasing public awareness about the importance of reporting suspected THB cases. The prevention efforts should be based on research and evaluation of the impact of campaigns and education measures taken in the past.

7. GRETA invites the Croatian authorities to continue raising awareness on trafficking for the purpose of labour exploitation, including among labour inspectorates, trade unions, social workers and recruitment agencies. The list of indicators drawn up by the ICMPD to detect cases of THB for the purpose of labour exploitation should be used by relevant officials.

Social, economic and other initiatives to groups vulnerable to THB

8. GRETA urges the Croatian authorities to enable the application of the Protocol on integration and reintegration of victims of trafficking in human beings to all victims of THB, regardless their nationality and residence status.

9. GRETA considers that specific economic and social measures should be taken by the Croatian authorities for the benefit of persons and groups vulnerable to THB. Such measures should be based on the identified causes of THB (economic and social conditions, poverty, inadequate education, absence of employment opportunities, gender-based violence, etc.) and should consist of actions aiming to decrease and ultimately eliminate these causes.

Border measures to prevent THB and measures to enable legal migration

10. GRETA considers that the Croatian authorities should inform the general public, especially persons in socially and economically disadvantaged situation, about the importance of legal and safe migration.

Identification of victims of trafficking in human beings

11. GRETA considers that the Croatian authorities should take further measures to:

- ensure that law enforcement agencies and other relevant actors adopt a proactive approach and increase their outreach work to identify victims of THB;
- implement targeted policy measures, including outreach work, for the identification of trafficked children;
- develop and implement measures necessary to detect THB for the purpose of labour exploitation, including through the provisions of training to staff of labour inspectorates, and carrying out regular inspections in areas where THB for the purpose of labour exploitation may occur;
- strengthen partnerships with NGOs to enhance their involvement in the identification of victims of THB.

Assistance to victims

12. GRETA considers that a better balance should be struck between the need to place victims of THB who have obtained residence permits in a shelter, which has a special regime, and the need to achieve their recovery and rehabilitation through access to education, vocational training and employment. Greater awareness is necessary among staff working with victims of trafficking as regards the need to respect the confidentiality of victims' personal data and victims' privacy. Any limitation of the personal liberty of victims of THB should always be proportionate to the objectives aimed at by such limitation.

13. GRETA encourages the Croatian authorities to assess whether the measures available are adapted to the needs of male victims of trafficking.

Residence permits

14. GRETA encourages the Croatian authorities to ensure that victims of THB are systematically provided with information concerning the right to apply for a temporary stay permit, including the procedure to follow and the conditions to be met.

Compensation and legal redress

15. GRETA considers that the Croatian authorities should adopt legislative and practical measures to facilitate access to compensation for all victims of THB, and in particular:

- ensure that victims of THB are systematically informed of the right to obtain compensation and the procedure to be followed;
- enable victims of trafficking to exercise their right to compensation by ensuring their effective access to legal aid;
- include all victims of THB into the scope of the Act on Pecuniary Compensation of Damage to Crime Victims, irrespective of their nationality and residence status, or the type of injury sustained;
- consider amending the Act on Pecuniary Compensation of Damage to Crime Victims to allow its entry into force at the earliest convenience.

Repatriation and return of victims

16. GRETA encourages the Croatian authorities to continue ensuring that the existing framework for the voluntary return of victims of THB is applied, with due regard to the safety, dignity and protection of victims and, in the case of children, by fully respecting the principle of the best interest of the child.

17. Further, GRETA encourages the Croatian authorities to develop co-operation arrangements with States of return with a view to ensuring effective and comprehensive risk assessment relating to the possible return of victims of THB and enable their safe return.

Substantive criminal law

18. GRETA considers that the Croatian authorities should take necessary measures to establish as criminal offences the acts of retaining, removing, concealing, damaging or destroying a travel or identity document of another person when committed intentionally and for the purpose of enabling THB.

Investigation, prosecution and procedural law

19. GRETA urges the Croatian authorities to step up the training provided to judges, prosecutors and other relevant professionals on the issue of THB and the relevant criminal law provisions with a view to ensuring practical application of these provisions so that traffickers are prosecuted and receive sentences commensurate with the seriousness of this offence.

20. Further, GRETA encourages the Croatian authorities to make full use of the protection measures envisaged in law in respect of witnesses who are victims of THB and/or their families where necessary.