



Strasbourg, 24 February 2015

GRETA(2015)7

---

**Reply from Croatia  
to the Questionnaire for the evaluation of the  
implementation of the Council of Europe Convention on  
Action against Trafficking in Human Beings by the Parties**

**Second evaluation round  
(Reply submitted on 3 November 2014)**

---

The Croatian authorities have agreed to the publication of this reply.



**GOVERNMENT OF THE REPUBLIC OF  
CROATIA**  
Office for Human Rights and Rights of  
National Minorities

**Questionnaire for the evaluation of the implementation  
of the Council of Europe Convention  
on Action against Trafficking in Human Beings**

**Second evaluation round**

**Replies to the questionnaire  
REPUBLIC OF CROATIA**

**October, 2014**

**Petya Nestorova**  
**Executive Secretary**  
**of the Council of Europe Convention on Action**  
**against Trafficking in human beings**  
**F-67075 Strasbourg Cedex**

**E-mail:petya.nestorova@coe.int**

Dear Mrs. Nestorova,

Thank you very much for your letter dated 3 June 2014 on the questionnaire for the second evaluation round of the Council of Europe Convention on Action against Trafficking in Human Beings.

It is my pleasure to transmit the information on the measures taken by Croatia to implement the said Convention.

Yours sincerely,

**DIRECTOR**

**Branko Sočanac, M.A.**

## **A. Follow-up questions**

### **Question 1:**

The police, being aware of the importance of constantly upgrading the system, which has already been set up, are adapting its operational methods and adjusting them to the latest trends recorded in relation to trafficking in persons. In the previous three-year period of applying the National Plan for Combating Trafficking in Human Beings for the period 2009-2011, it was noted that the Republic of Croatia is increasingly becoming a country of origin and a country of destination for victims of human trafficking, particularly for victims from this region. Although most victims are still women and girls, it was noted that there was an increase in the number of male victims who are subject to labour exploitation. The new trends identified make it necessary for the police to adjust its work on combating trafficking in human beings to these trends.

In order to ensure efficient identification of victims, it was necessary to ensure the application of standard operative procedures and a proactive approach in police work, which is guided by criminal intelligence: all this contributed to improving the identification of human trafficking victims and to identifying the perpetrators of this criminal offence pursuant to Article 175 of the Criminal Code (i.e. Articles 105 and 106 of the new Criminal Code). Amendments to the Criminal Code came into force as of the 1<sup>st</sup> January 2013. According to these amendments, the provisions on THB are now stipulated in Article 106. This means that what was previously Article 175 “THB and Slavery” was divided into two separate articles: Article 105 “Slavery” and Article 106 “THB”.

In this context, police dedicates a lot of efforts to uncovering potential cases of trafficking in human beings during the tourism season and to detecting the victims recruited through the Internet and through other open sources.

The National Plan for Combating Trafficking in Human Beings for the period from 2012 to 2015 pays special attention to further strengthening the cooperation between the Public Prosecution Service of the Republic of Croatia and the Ministry of Interior in criminal proceedings related to the cases of human trafficking and to improving the methods aimed at identifying the victims of human trafficking and ensuring the protection of the best interests of THB victims.

The areas covered by the National Plan for Combating Trafficking in Human Beings for the period from 2012 to 2015 are the following:

1. The legislative framework
2. Identification of THB victims
3. Detection, prosecution and sanctioning of perpetrators of the criminal offence of THB
4. Providing assistance and protection to THB victims
5. Prevention
6. Education
7. International cooperation
8. Coordination of activities

- In 2013 and continuing in 2014, we point out as a significant trend the rise in the number of juvenile victims of trafficking in human beings, for the purpose of sexual exploitation, who are citizens of the Republic of Croatia. Over the past 4 years there has been a noticeable trend

that almost all foreign victims were citizens of Serbia, and Bosnia and Herzegovina, which demonstrates the trend mentioned earlier that the Republic of Croatia is a destination country for victims from the region. Also in 2013 a rise was recorded in the total number of victims identified and in 2013 a total of 31 victims were identified. Almost half the identified victims were juveniles (mostly females that had been sexually exploited or males exploited for forced begging. In the meetings of the Operational Team special attention was given to this phenomenon and juvenile victims received help and assistance within the Croatian social welfare system. In 2014, up to 30 October, 26 victims of trafficking in human beings have been identified.

Regarding all the identified victims, from 2002 until today, 147 victims of trafficking have been identified.

As the main form of trafficking, sexual exploitation still prevails. Male victims are exploited for forced labour in agriculture or forced begging.

- In the part relating to amendments to the legislative framework, we point out that on 21 October 2011 the Croatian Parliament adopted a new Criminal Code, which was published in the Official Gazette, no. 125/11 after which it was amended by the Act on Amendments and Supplements to the Criminal Code (Official Gazette, no. 144/12) and came into force on 1 January 2013, (hereinafter: the CC/11).

The previous Article 175 of the Criminal Code (Official Gazette, nos. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05 and 71/06, hereinafter: the CC/97) (Trafficking in Human Beings and Slavery) was separated into two articles: Slavery, which is now prescribed in Article 105 and Trafficking in Human Beings, which is prescribed in Article 106 of the CC/11. This more clearly delimits these two criminal offences. The criminal offence "trafficking in human beings" is aligned with the definition of trafficking in human beings from the CE Convention on Action against Trafficking in Human Beings, with the the Council Framework Decision on combating trafficking in human beings; 2002/629/JHA of 19 July 2002, the Additional Protocol to the CE Convention on Human Rights and Biomedicine which relates to transplantation of organs and tissue of human origin.

Article 105 of the CC/11 "Slavery" reads:

(1) Whoever violates the rules of international law by placing another in slavery or a similar relationship or who holds him/her in such a relationship, purchases, sells, hands over or mediates a sale, or purchase or handover of such a person, or entices another to sell their liberty or the liberty of a person they support, or take care of, shall be punished by a prison sentence of between one and ten years.

(2) Anyone who transport persons who are being held in slavery or a similar relationship, shall be punished by a prison sentence of between six months and five years.

(3) Whoever commits the offences from paragraph 1 and 2 against a child, shall be punished by imprisonment of between three and fifteen years.

Article 106 of the CC/11 "Trafficking in Human Beings" reads:

(1) Whoever by use of force or threat, deception, fraud, kidnapping, abuse of power or of a difficult position or dependent relationship, giving or receiving monetary compensation or other benefits to obtain the consent of a person who has control over another person, or otherwise recruits, transports, transfers, harbours or receives a person or exchanges or transfers supervision of a person for the sake of taking exploiting their labour, as forced labour or servitude, by establishing slavery or a similar relationship, or for the sake of their

exploitation for prostitution or other forms of sexual exploitation, including pornography, or for unlawful prohibited or forced marriage, or for taking parts of their body, or for their use in armed conflicts or for committing unlawful acts

shall be punished by a prison sentence of between one and ten years.

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

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

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

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

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

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

The CC/11 in Article 386 point 12 prescribes that the same provisions which are aligned with the acts of the European Union, which include Directive 2011/36/EU of the European Parliament and the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims.

As well as this, the Act on Amendments and Supplements to the Criminal Procedure Act (Official Gazette, no. 56/13) Directive 2011/36/EU of the European Parliament and Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, was transferred to the legal order of the Republic of Croatia (SL L 101, 15. 4. 2011).

The Criminal Procedure Act Official Gazette, nos. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13 and 145/13, hereinafter: the CPA/08) in Article 45 prescribes;

(1) A victim of a criminal offence against sexual freedom and the criminal offence of trafficking in human beings, alongside the rights referred to in Articles 43 and 44 of this Act, is also entitled:

- 1) to talk to counsel at the expense of the budget funds before the interview;
- 2) to be interviewed by a person of the same sex from the police or the Public Prosecutor's Office,
- 3) to be interviewed in the presence of a person of trust;

4) to refuse to answer unnecessary questions related to the strictly private life of the victim;

5) to request to be interviewed via an audio-video device pursuant to Article 292 paragraph 4 of this Act;

6) to the confidentiality of personal data;

7) request the exclusion of the public at the hearing.

(2) Prior to the first interview, the court, the Public Prosecutor, the investigator and the police shall inform the victim of the criminal offence referred to in paragraph 1 of this Article of his/her rights as referred to in this Article.

Victims of the criminal offence of trafficking in human beings may be interviewed in their own home or in another place where they are resident. They may be interviewed by means of an audio-video device, operated by an expert 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. This witness may only be interviewed again as an exception, if the court deems it necessary.

Articles 43 and 44, to which Article 45 refers, read:

#### Article 43

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

1) 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.

2) the right to take part in the criminal proceedings as the injured party.

3) the right to notification from the Public Prosecutor about the actions taken following his/her complaint (Article 206a) and filing of a complaint with a senior public prosecutor (Article 206a).

4) other rights prescribed by law.

(2) In accordance with special regulations, a victim of a criminal offence for which punishment of imprisonment for a term of five years or longer is prescribed, if he/she is suffering from severe psychological and physical injuries, or serious consequences of the criminal offence, shall have the right to professional assistance of a counsellor at the expense of budget funds before testifying in criminal proceedings or submitting claims for indemnification.

3) A victim of a violent criminal offence committing with intent, has the right to monetary indemnity from state budget funds pursuant to a separate act. If the victim was allowed a claim for material indemnity its level shall be taken into account in estimating the monetary compensation, and the court shall act in the same way in assessing the claim for monetary indemnity, if the victim has previously been granted monetary indemnity from the state budget funds.

(3) When undertaking the first action in which the victim is involved, the court, the Public Prosecutor, the investigator or the police authority shall notify the victim of:

1) the rights referred to in paragraphs 1, 2 and 3 of this Article and Articles 44 and 45 of this Act;

2) the rights which the victim is entitled to as an injured party.

(5) The notifications given and the statement by the victim shall be entered in the minutes regarding whether he/she wishes to participate in the proceedings in the capacity of injured party.

## Article 44

(1) Other than the rights to which the victim is entitled as referred to in Article 43 and other provisions of this Act, a child who is a victim of a criminal offence shall be entitled to:

- 1) a legal representative at the expense of budget funds;
- 2) the presence of a person of trust when taking part in activities;
- 3) the confidentiality of personal data;
- 4) the exclusion of the public.

(2) The court, the Public Prosecutor, the investigator and the police shall treat the child who is a victim of a criminal offence with particular consideration for his age, personality and other circumstances, in order to avoid possible harmful consequences to the future education and development of the child. In proceeding 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 reached the age of 18 years.

In relation to the institutional framework, there have not been any significant changes. The national system of combating trafficking in human beings consists of:

The National Anti-Trafficking Coordinator

The National Committee for Combating Trafficking in Human Beings

The Operational Team of the National Committee for Combating Trafficking in Human Beings

The National Anti-Trafficking Coordinator leads and coordinates all activities connected with combating trafficking in human beings. He leads the sessions of the Operational Team.

The position of National Coordinator was established by the Ruling on Amendments to the Ruling on the Establishment of the National Committee for Combating trafficking in human beings

The National Committee for Combating Trafficking in Human Beings was established on 9 May 2002 and the latest Decision to establish it was adopted by the Government in March 2012.

The members are: representatives of all relevant ministries and government agencies (the Government Office for Human Rights and the Rights of National Minorities, the Ministry of the Interior, the Ministry of Health, the Ministry of Social Policy and Youth, the Ministry of Foreign and European Affairs, the Ministry of Justice, the Ministry of Education, the Public Prosecution Service, the Croatian Employment Service, non-government organisations (PETRA network) and the media.

The president is the Deputy Prime Minister responsible for social welfare and human rights.

Its primary assignment is creating programmes and plans in the field of combating trafficking in human beings, as well as regulating the most important political guidelines in that field. It is an advisory body to the Government.

The Operational Team: established in order to resolve problems related to specific cases of trafficking in human beings and to coordinate the activities of all parties involved in their resolution.

Its members are representatives of all relevant ministries, government agencies and non-government organisations.



The leader of the Operational Team is the National Coordinator who also convenes the sessions of the Operational Team at least once a month.

- Currently the National Plan to Combat Trafficking in Human Beings 2012-2015 is in force. This document is at the same time both a strategic and an operational document, since, apart from its aims, it also contains measures and activities, which must be implemented, and defines those responsible for them. In its introduction this National Plan states that it is of utmost importance that the system that has already been set up is constantly upgraded, and that it is adjusted to the latest trends with respect to the phenomenon of trafficking in human beings. In the previous three-year period of applying the National Plan for Combating Trafficking in Human Beings, for the period from 2009 to 2011, it was noted that the Republic of Croatia is increasingly becoming a country of origin and a country of destination for victims of human trafficking, particularly for victims from this region. Also, although most victims are still women and girls, it was noted that there is an increase in the number of male victims who are subjected to labour exploitation. The competent institutions have responded to these trends by action focused on the more efficient identification of victims of human trafficking. After completing the implementation of the National Plan for Combating Trafficking in Human Beings, the implementation results were evaluated. The new National Plan for Combating Trafficking in Human Beings for the period from 2012 to 2015 covers all areas of the previous national documents that deal with the topic of combating human trafficking, and the proposed measures and activities are based on the operational experience of all competent bodies of state administration, civil society organizations and international organizations. The new National Plan for Combating Trafficking in Human Beings for the period from 2012 to 2015 dedicates special attention to further strengthening cooperation in criminal proceedings between the Public Prosecution Service of the Republic of Croatia and the Ministry of the Interior in cases of human trafficking, and to advancing the methods aimed at identifying the victims of human trafficking and ensuring the protection of the best interests of human trafficking victims. The main bodies responsible for its implementation are: The Public Prosecution Service of the Republic of Croatia, the Ministry of the Interior, the Ministry of Foreign and European affairs, the Ministry of Social Policy and Youth, the Ministry of Health, the Ministry of Defence, the Ministry of Science, Education and Sport. The Reports on the implementation of the National Plan for Combating Trafficking in Human Beings 2012-2015 is available on the web site of the Government Office for Human Rights and the Rights of National Minorities [www.uljppnm.vlada.hr](http://www.uljppnm.vlada.hr)

## **B. Cross-cutting questions**

### **Gender equality**

#### **Question 2:**

Members of ethnic minorities have equal rights as all other victims of trafficking in human beings identified in the Republic of Croatia.

The Republic of Croatia does not differentiate between men and women as victims of trafficking in human beings, and provides them with the same assistance and protection, prescribed by the national referral system.

During all procedures to provide assistance and protection to (potential) victims of trafficking in human beings, from the initial interview right up until they leave the programme of assistance and support, organizations of the civil society, do not differentiate between men and women and everyone is provided with the same access to the assistance programme. Due to the specific needs of male and female victims of trafficking in human beings, differences are recognized and an effort is made to respond in the best possible manner to their specific needs.

### **Non-discrimination**

#### **Question 3:**

Affiliation to a specific ethnic minority has never been an obstacle to provision of assistance and protection to the victim, and they have never been denied any form of assistance to which they have the right when identified as victims of trafficking in human beings.

#### **Question 5:**

During all procedures to provide assistance and protection to (potential) victims of trafficking in human beings, from the initial interview right up until they leave the programme of assistance and support, organizations of the civil society do not differentiate between men and women and everyone is provided with the same access to the assistance programme. Due to the specific needs of male and female victims of trafficking in human beings, differences are recognized and an effort is made to respond in the best possible manner to their specific needs.

### **Training of relevant professionals**

#### **Question 6:**

In line with plans for police training and the National Plan for Combating Trafficking in Human Beings for 2012 to 2015, in 2012 and 2013 one-day working meetings were held with 27 police officers in the border police, who are multipliers for training in combating trafficking in human beings. In the plans and programmes of courses for border police, courses are planned on the subject of combating trafficking in human beings, of 3 school hours per course. In 2012 6 such courses were held, and about 300 police officers passed the course. In 2013 3 such courses were held, and about 252 police officers passed the course.

FRONTEX (the European Agency for management of operational cooperation on the external borders of European Union member states) created the Anti-trafficking Training for Border Guards – Trainer's Manual. The Manual has been translated into Croatian, sent to all police directorates and is used to train police officers on a regional and local level. In 2013 two police officers from the border police attended courses for trainers in relation to combating trafficking in human beings organized by FRONTEX.

The Office, in fulfilling its role as the national coordinating body, in 2013 continued its work on educating all the target groups prescribed in the National Plan. The Office for Human Rights and the Rights of National Minorities conducted training on the subject of combating trafficking in human beings for representatives of the competent institutions and civil society organizations which deal with these issues. Special attention was paid to the training of judges, public prosecutors, and police officers.

We point out in particular the training for trainers which took place as part of the IPA 2010 Project, "Enhancing the Identification of Victims of Trafficking in Human Beings". This project was run in 2013. The training courses were aimed at police officers, public prosecutors, social workers, county coordinators, employment inspectors, members of the mobile teams and representatives of civil society organizations. A total of 4 courses were run, which were run on a regional principle, as follows:

- from 4 to 5 July 2013 2 courses were run - in Osijek and Rijeka

- from 11 to 12 July another 2 courses were run in Šibenik and Marija Bistrica

All the educational activities conducted by the Office and other competent bodies are found in the Report on the Implementation of the National Plan for Combating Trafficking in Human Beings, under the heading, "Education", which is on the Office web site [www.uljppnm.vlada.hr](http://www.uljppnm.vlada.hr)

The Public Prosecution Service of the RC Pursuant to the National Plan to Combat Trafficking in Human Beings for 2012 to 2015 according to which the education of judges, public prosecutors and other relevant professionals was recognised as an extremely important activity, public prosecutors and deputy public prosecutors are included in special training courses run by the Office for Human Rights and the Rights of National Minorities of the Republic of Croatia and workshops run by the Judicial Academy. Over the past few years the training is not only aimed at trafficking in human beings as a criminal offence, for the most effective prosecution and processing of perpetrators, but the content of the workshops has been expanded to trafficking in human beings as a gross violation of human rights, and as a result several workshops have been held at which public prosecutors have improved their knowledge on victims' rights, both in criminal proceedings and outside those proceedings, amongst other things in relation to the rights of victims to compensation.

The Ministry of Social Policy and Youth In order to evaluate the effects of the training courses held so far and to make an assessment for the future optimum form and content of these courses, in April 2014 the Ministry of Social Policy and Youth sent a questionnaire to all rapporteurs appointed in Social Welfare Centres, as part of which the rapporteurs were asked to assess their satisfaction with the training courses conducted so far, and for each one to assess for themselves separately which type and content of education was most necessary in the near future In the replies by the coordinators, the usefulness was emphasized of the education courses, especially when they are organized between departments, in view of the fact that this training, alongside the improvement of competence for work with victims of trafficking in human beings, also include elements of mutual networking, which in the end results in better and simpler cooperation in cases of identified victims. Following these results, education courses are planned for the near future.

The Ministry of Foreign and European Affairs As part of preparations for departure to Croatian diplomatic missions, or consulate offices, there are compulsory preparations in the Consular Business Sector. During the preparations, officials are informed about international and national legislation in the area of combating trafficking in human beings, and especially with ways of recognizing potential victims of trafficking in human beings and steps that must be taken, depending on whether it is a case of a Croatian citizen or a foreigner.

## **Special measures concerning children**

### **Question 7:**

The social welfare system is an integrated part of the national mechanism to combat trafficking in human beings and as such acts on a national level and county or regional level. Apart from representatives in the National Committee for Combating Trafficking in Human Beings, the social welfare system also has its own representatives - coordinators (hereinafter the MSPY coordinators) in the Operational Team of the National Committee, which has the obligation to organize 24-hour duties and coordinate the activities within the social welfare system in each individual case of a victim of trafficking in human beings, with the emphasis on coordination activities when it is a matter of juvenile victims of trafficking in human beings. On a county level in the social welfare centres, county coordinators have been appointed to combat trafficking in human beings, who are responsible for counselling and assistance to victims of trafficking in human beings, whereby the county coordinators in four major Croatian cities - Zagreb, Rijeka, Split and Osijek, are also the regional coordinators, who as well as the MSPY coordinators, have the obligation to provide 24-hour duty.

Regional coordinators are also members of four mobile teams that act in these cities and provide assistance and support to all identified victims of trafficking in human beings. When a child victim of trafficking in human beings is identified, the MSPY coordinator takes on the role of coordinator of the mobile team and monitors all the activities of provision of assistance and protection of victims of trafficking in human beings. It is also important to point out that of the two national shelters for victims of trafficking in human beings, one is intended to accommodate child victims of trafficking in human beings. The shelters are run by non-governmental organizations who work to combat trafficking in human beings, and the funding for their work is provided from the social welfare system. Of course, an important part of care for victims of trafficking in human beings, especially when children are involved, is also the social welfare centres, or other services providers within the social welfare system, such as for example foster families, and the Standard Operating Procedures of the Ministry of Social Policy and Youth prescribe conduct with victims of trafficking in human beings, with the emphasis on action aimed at assistance and protection for child victims.

### **Question 8:**

The birth of a child in a health institution must be registered by the health institution. The birth of a child outside a health institution must be registered by the child's father, or the person in whose home the child was born or the mother, when she is able to do so, or the midwife, or doctor who participated in the birth. If there are no such persons or they are not able to register the birth, it must be done by a person who learns about the birth of the child. If social welfare workers learn about such a case, they shall register the birth of the child. In relation to the question of training professionals who work with children, apart from the replies to Question no. 6, it may also be pointed out that professionals in the social welfare system are continuously being trained in the area of their work, in this case the area of protection of the rights and interests of children.

### **Question 9:**

If it is not possible to establish the age of the THB victim, and there are no identification data available, and if it is assumed that the victim is a minor, all measures and steps applied to this

person will be those designed for minors, until the age is confirmed in the identification process.

Article 44 paragraph 3 of the CPA/08 prescribes that 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 reached the age of 18 years.

If there is doubt in the age of the potential victim, and the possibility exists that he/she is a child, he/she shall be treated within the framework of the social welfare system as though he/she were a child, and on that basis she/he shall be provided with the appropriate form of assistance and protection.

### **Question 10:**

According to the Aliens Act (Official Gazette, No. 130/11 of 13 November 2011, and Official Gazette No. 74/13 of 19 June 2013) and its Article 69 para 1 and 2, the Ministry shall take necessary measures to determine the victim's identity and appoint a guardian for a minor victim within the procedure of granting temporary residence on humanitarian grounds.

According to the Aliens Act (Official Gazette, No. 130/11 of 13 November 2011, and Official Gazette No. 74/13 of 19 June 2013) and its Article 69 para 1 and 2, all bodies involved in the programmes that provide assistance and protection to minor victims within the procedure of granting temporary residence on humanitarian grounds shall bear in mind the best interests of the minor concerned.

If the victim is a minor referred to in paragraph 1 of this Article, the Ministry shall take the necessary measures to determine the minor's identity and nationality and to locate other family members.

According to the Aliens Act (Official Gazette, No. 130/11 of 13 November 2011, and Official Gazette No. 74/13 of 19 June 2013) and its Article 65, temporary residence on humanitarian grounds shall be granted to aliens who are victims of THB if they accepted the victim assistance and protection programme.

A temporary residence permit shall be issued for the term of validity of up to one year.

According to Article 67, an alien identified as a victim of THB shall be entitled to decide whether to participate in the assistance and protection programme for the duration of 60 days.

The guardian of a minor identified as a THB victim shall be entitled to decide whether to participate in the assistance and protection programme within 90 days, with consent of the Social Welfare Centre, bearing in mind the best interest of the minor and taking into account the opinion of the minor.

The deadline referred to in paragraph 1 of this Article needs to be complied with, except when it concerns a minor, or if it is established that the alien identified as a THB victim is actually not a victim, or if he actively, voluntarily and out of his own personal initiative renewed the contacts with the perpetrators of the criminal offence or if so required for reasons of protecting public order and national security.

According to Article 69, all bodies involved in the assistance and protection programme for minor victims shall bear in mind the best interests of the minor concerned.

According to the Aliens Act (Official Gazette, No. 130/11 of 13 November 2011, and Official Gazette No. 74/13 of 19 June 2013) and its Article 66, paragraph 3, the assistance and protection programme shall include health and psychological assistance, safe accommodation, translation and interpretation services, legal assistance and a safe return to the country of origin.

According to the Aliens Act (Official Gazette, No. 130/11 of 13 November 2011, and Official Gazette No. 74/13 of 19 June 2013) and its Article 70, paragraph 2, minors who are victims of trafficking shall not be returned to any state if, after an evaluation of the risks and safety, there are indications that the return would not be in the best interest of the minor concerned.

In all cases where the victim of trafficking is a child or minor, in order to initiate emergency assistance and protection, police officers for juvenile delinquency and criminal protection of children and minors are engaged. Additional education and training is provided in order to achieve specialization among police officers and social workers, which should contribute to achieving better coordination as soon as possible.

If the potential victim is a child, the interview is carried out by a police officer responsible for the protection of children, in the presence of the parents or the legal guardian of the child. The work of the mobile team is co-ordinated by a representative of the social welfare authorities. The decision about accepting the assistance and protection programme is made by the child's guardian in consultation with the social welfare representative and taking into account the child's views.

Child victims are also entitled to access to education.

If a child is found in the territory of the Republic of Croatia who is suspected to be a victim of trafficking in human beings, the coordinator of the Ministry of the Interior (hereinafter: the MI coordinator) informs the MSPY coordinator about this who then informs the regional coordinator competent for the area where the child was found. The regional coordinator is present while the police process the potential juvenile victim of trafficking in human beings and together with the other members of the mobile team, undertakes activities aimed at providing assistance and support to the child.

The regional coordinator proposes a guardian ad litem for the child victim of trafficking of human beings at the competent social welfare centre, whose task is to take care of the protection of the rights and interests of the child. Having undertaken the procedure of identification, the child is provided with accommodation in one of the competent social welfare homes or in the national shelter for child victims of trafficking in human beings. Children up to the age of seven years are provided with special accommodation, appropriate to their age. As part of the accommodation, the child's basic needs are met (safe accommodation, food and rest, procurement of the necessary clothing and footwear, provision of health care and psychological and social assistance, interpreting services if necessary) and he/she is given what is known as a recovery and reflection period. During that period of time, the child, alongside the forms of assistance already mentioned, is also provided with information on the possibilities they have in relation to their status, and so that the child is able to express their opinion about the desired outcome of the situation they find themselves in, if they are capable of understanding what all of this means. Also, the regional coordinators,

in cooperation with the guardian ad litem, submits a request to the Ministry of the Interior for approval of temporary residence for humanitarian reasons.

If it is found to be in the child's best interests, all the necessary measures will be taken to find the child's family and establish contact between the child and the family. If the child victim as a foreign citizen, expresses the desire to return to their homeland, an assessment is made of the risk and security of their return. If it is found that it is possible to ensure the child's safe return, the child's guardian ad litem renders a decision on this on the basis of the expressed opinion of the child, and with the approval of the competent social welfare centre. In the procedure of the voluntary and safe return of the child to their homeland, the child is provided with a chaperone in the person of the guardian ad litem.

In relation to the legislative framework in the Republic of Croatia, which deals with these matters, we cite:

Article 44, paragraph 1, point 1 of the CPA/08 prescribes that a child victim of a criminal offence has the right to a legal representative at the expense of the budget, and Article 53 of the same Act prescribes that:

(1) If the injured party is a child, and the interests of the child are in opposition to the interests of the parents, the body conducting the proceedings shall invite the competent social welfare body to appoint a guardian ad litem for the child, if this is necessary in order to protect his/her interests.

(2) If the injured party is a child or a person who has been divested of legal capacity, his or her legal representative or guardian ad litem is authorized to make all statements and undertake all activities for which the injured party is authorized under this Act.

(3) As an exception from the provisions of paragraph 2 of this Article, an injured party who has reached the age of sixteen years may make statements him or herself and undertake activities in the proceedings.

Article 44, paragraph 1, point 3 of the CPA/08 guarantees the secrecy of personal data of a child victim of a criminal offence.

Article 43, paragraph 1, point 1 of the CPA/08 prescribes that a victim of a criminal offence, which includes a child who is the victim of a criminal offence, has the right to effective psychological and other professional assistance and support of bodies, organizations or institutions for assistance to victims of criminal offences, pursuant to the law. Paragraph 2 of the same Article prescribes that a victim of a criminal offence for which punishment of imprisonment for a term of five years or longer is prescribed, if he/she is suffering from severe psychological and physical injuries, or serious consequences of the criminal offence, shall have the right to professional assistance of a counsellor at the expense of budget funds before testifying in criminal proceedings or submitting claims for indemnification. Further, it is to be pointed out that in Article 8 of the Criminal Procedure Act, the right of parties and other participants in proceedings is guaranteed to use their own language, including sign language for the deaf and deaf-blind.

Note: the reply also relates in part to Question 42a.

Article 292 of the CPA/08 reads:

(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 an expert 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 would 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 other room where they reside. These witnesses may be interviewed by means of an audio-video device, operated by an expert 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) The interview shall be conducted in the manner prescribed in paragraph 3 of this Article, at their request, of witnesses who are victims of a criminal offence against sexual freedom or sexual morality, a criminal offence of trafficking in human beings or if the criminal offence was committed in the family. This witness may only be interviewed again as an exception, if the court deems it necessary.

Also, Article 115 of the Juvenile Courts Act (Official Gazette no. 81/11, 143/12 and 148/13) prescribes that:

(1) When the police learns that a criminal offence has been committed against a child from Article 113, paragraph 3 of this Act, for which a prison sentence is prescribed of three years or more, they shall immediately inform the public prosecutor for juveniles. The competent public prosecutor for juveniles, 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, shall file a motion to hold an evidential hearing in order to interview the child as a witness.

(2) If a child is being interviewed as a witness who has been injured by a criminal offence from Article 113 of this Act, and who at the time of the interview has not yet reached the age of 16 years, the interview shall always be conducted pursuant to the Criminal Procedure Act on interviewing a child as a witness (Article 292, paragraph 1 of the CPA/08). The interview may also be attended by a person whom the child trusts.

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

(4) When a child is being 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 the 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 recorded, 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 do not apply to a child for refusal to testify. A summons to a child as a witness is sent through his/her parents.

### **Question 11:**

Croatia is implementing practical measures to enhance the identification of victims of trafficking among unaccompanied foreign minors, including asylum seekers, such as the training of employees of the Ministry of Interior in methods of identifying THB victims. During the asylum procedure, if there is any doubt that a person is a victim of trafficking, competent national authorities are notified, and requested to provide an assessment. So far, there have been no recorded cases of THB victims among asylum seekers.

The return of the victim to his/her country of origin is voluntary, which is also prescribed by the Protocol on procedure regarding the voluntary return of victims of trafficking in human beings. When the victim is a child, a formal decision on return is rendered by the guardian ad litem, with the approval of the social welfare centre, but also with respect for the child's opinion expressed after he/she has been informed in a way he/she can understand about all the possibilities available to him/her and the facts and consequences related to return. In Croatia there have been no cases of non-voluntary return of a child victim of trafficking in human beings.

The return of the victim to his/her country of origin is voluntary, which is also prescribed by the Protocol on procedure regarding the voluntary return of victims of trafficking in human beings. When the victim is a child, a formal decision on return is rendered by the guardian ad litem, with the approval of the social welfare centre, but also with respect for the child's opinion expressed after he/she has been informed in a way he/she can understand about all the possibilities available to him/her and the facts and consequences related to return. In Croatia there have been no cases of non-voluntary return of a child victim of trafficking in human beings.

### **Question 12:**

If a child victim of trafficking in human beings expresses the desire to remain in the territory of the Republic of Croatia, the guardian ad litem renders a decision on acceptance of the programmes of assistance and protection and the child continues to receive the most appropriate form of care and conditions necessary for his/her integration into society. It is important to point out that the Republic of Croatia does not condition provision of assistance and protection to the victim by testifying against the perpetrator. In procedures with child victims of trafficking in human beings, regardless of their country of origin, the social welfare system is governed by the principle of the best interests of the child. If it is established that it is in the child's best interests to be united with his/her family, every effort will be aimed at that goal. If however it is established that being united with his or her family, or return to the

environment they came from would cause the risk of them being victimized once again, or this would be against the best interests of the child in some other way, the appropriate measures are taken of family law protection, and all the available resources are used to provide the best possible form of care for the child within the social welfare system.

## **C. Questions related to specific articles**

### **Definitions**

#### **Question 13:**

Criminal investigation of a criminal offence of THB pursuant to Article 106 of the Criminal Code was carried out in 2013 and 2014, and it identified foreign nationals who were victims of THB, who had illegally entered the Republic of Croatia, where they were promised paid jobs, but were consequently taken to the mountains where their passports were seized and they were forced to do work of shepherds during the coldest period of the year, from January to April, living without the basic means of livelihood, and on minimal daily meals.

In 2013 the public prosecution service received criminal complaints against a total of six persons for the criminal offence of trafficking in human beings from Article 106, paragraph 1. of the Criminal Code, for exploitation of labour, in which persons were reported for recruiting several persons and transporting them from the Republic of Bosnia and Herzegovina to the Republic of Croatia, in order to exploit their work through forced labour, and a criminal complaint against six persons for the criminal offence of slavery from Article 105. of the Criminal Code. In prosecuting these perpetrators, the public prosecution service has not encountered any major difficulties, and in all these cases indictments were filed, and the cases are now in the trial phase.

#### **Question 14:**

As was mentioned earlier, the definitions of "a position of helplessness or authority" which existed in the previous criminal offence according to the Criminal Code (Official Gazette, nos. 110/97, 27/98, 50/00, 129/00, 51/01, 113/03, 190/03, 105/04, 84/05, 71/06, CC/97) "Trafficking in Human Beings and Slavery" (Article 175) have been replaced in the CC/11 by the words "difficult position or dependent relationship", since it is not necessary for a person to be completely helpless for authority to be exercised over them within the meaning of this Article. Moreover, pursuant to Article 106 § 7 of the CC/11 the consent to exploitation of the person who is the victim of trafficking in human beings does not affect the existence of that criminal offence.

*Note : The reply also relates in part to Question 1*

In the same way, in relation to the definition of the terms: "abuse of authority", "particular vulnerability", "abuse of a difficult position or dependent relationship", these terms are found in the criminal legislation of the Republic of Croatia, so for example in the case of serious criminal offences against sexual freedom, from Article 154, paragraph 1 point 2. of the Criminal Code, according to which provisions a prison sentence of between 1 and 10 years shall be imposed on anyone who commits the offence from Article 152, paragraph 1 of the Criminal Code (the criminal offence of sexual relations without consent) against a victim who is particularly vulnerable due to his/her age, illness, dependence, pregnancy, disability, or

serious physical or mental disorder. In the same way, the provisions of Article 106, paragraph 1 of the Criminal Code prescribe the punishment of a person who, amongst other things by abuse of authority and the difficult position or dependent relationship, recruits, transports, transfers, conceals or receives a person or exchanges or transfers supervision of a person, in order to exploit their labour or for their sexual exploitation or for an illicit or forced marriage, and other purposes pursuant to the provisions of Article 106, paragraph 1 of the Criminal Code.

When the case law is analysed of prosecution of criminal offences of trafficking in human beings in the context of abuse of authority or difficult position or dependent relationship in trafficking in human beings, it was noticed that amongst the victims of this criminal offence there were those who were particularly vulnerable due to their difficult position or dependent relationship, so for example in a case of trafficking in human beings from 2013, in which case an indictment was filed against one perpetrator for the criminal offence of trafficking in human beings from Article 106, paragraph 1 of the Criminal Code, the perpetrator gave the victim narcotic substances, whereby he created dependence on narcotic drugs in the injured party, whilst for instance in a case where an indictment was filed against a male person for the criminal offence from Article 106, paragraph 1 of the Criminal Code, the perpetrator use the mild mental retardation of the victim, to recruit her by deception in order to exploit her work by forced labour.

#### **Question 15:**

CC/11 protected people from being forced into marriage, by two criminal offences, trafficking in human beings from Article 106, paragraphs 1 and 2 which has already been mentioned (Article 106, paragraph 1 of the CC expressly mentioned forced marriage as one of the purposes for undertaking action, which forms the characteristics of this criminal offence, and in the same way in the provisions of Article 106, paragraph 2 of the Criminal Code, the punishment is prescribed of anyone who recruits, transports, transfers, harbours or receives a child, or exchanges or transfers supervision of a child for illegal adoption but also the criminal offence of forced marriage from Article 169 of the CC/11. This Article prescribes:

- (1) Whoever forces another person into marriage, shall be punished by imprisonment of between six months and five years.
- (2) Whoever entices another person to come to another country than the one where they are domicile, in order to force them into marriage there, shall be punished by imprisonment of up to three years.

Illegal adoption is a form of trafficking in human beings and as such is found within the criminal offence "Trafficking in Human Beings."

Although in the territory of the Republic of Croatia in the Roma population forced marriages are not unusual, the sensitivity of this cultural difference has not prevented cases of forced marriage from being prosecuted in the context of prosecution of the criminal offence of trafficking in human beings, and so the County Public Prosecution Service in Vukovar is conducting an investigation against two persons due to the existence of a well-founded suspicion that they gave a monetary fee to a person who had supervision of another person, in order to obtain consent for an illicit and forced marriage, where the criminal offence was committed against a child.

### **Question 16:**

According to the criminal legislation of the Republic of Croatia, forced begging is deemed to be one of the purposes for which a perpetrator undertakes actions which have the characteristics of the criminal offence of trafficking in human beings, and so from the records of final judgements it may be seen that one perpetrator was convicted of the criminal offence of trafficking in human beings, precisely because he forced the victim to beg, and from the records of proceedings pending, it stems that there are several cases being prosecuted of trafficking in human beings precisely for forced begging.

Article 106 of the CC/11 reads:

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

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

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

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

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

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

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

Also, we draw attention to the fact that Article 177 of the CC/11 prescribes the criminal offence of violation a the rights of a child. It states:

(1) A parent, adoptive parent, guardian or another person who severely neglects his duties in raising, bringing up or educating a child shall be punished by imprisonment of up to three years.

(2) Anyone who abuses a child or forces it to excessive work or work which is not appropriate to its age, to begging or causes it to behave in another way which is harmful to its development, or in some other way grossly violates the rights of that child, shall be punished by imprisonment of between six months and five years.

(3) If due to the criminal offence mentioned in paragraphs 1 and 2 of this Article the child is engaging in begging, prostitution or other forms of socially unacceptable behaviour, or severe physical injury has been caused to the child, the perpetrator shall be punished by imprisonment of between one and eight years.

(4) If the criminal offence referred to in paragraphs 1 and 2 of this Article results in the death of the child, the perpetrator shall be punished by imprisonment for between three and fifteen years.

#### **Question 17:**

Yes. The provisions of Article 106, paragraph 1 of the Criminal Code prescribe the punishment of anyone who, as these provisions describe, forces someone to commit unlawful acts as well as criminal activities.

#### **Prevention of THB**

#### **Question 18:**

Evaluation of awareness raising campaigns is conducted by monitoring the SOS help line and registering the increased number of calls made during the campaign. Also, it is evaluated through the Report on the Implementation of the National Plan for Combating Trafficking in Human Beings.

#### **Question 19:**

Funds for research into THB are not specifically provided in the state budget for the Office for Human Rights and the Rights of National Minorities, but they are provided through applications for projects. Thus, in 2013 the national coordinator's office implemented the IPA 2010 FFRAC project "Enhancing identification of victims of trafficking in human beings". Within the scope of this project an analysis of the established victim identification system in the Republic of Croatia, as well as a research report for Republic of Croatia were undertaken.

#### **Question 20:**

According to the Aliens Act (Official Gazette, No. 130/11 of 13 November 2011, and Official Gazette No. 74/13 of 19 June 2013) and its Article 73, paragraphs 1 and 2, an alien may work in the Republic of Croatia on the basis of the issued residence and work permits or based on a work registration certificate, unless provided otherwise by this Act. A residence and work permit may be issued based on the annual quota and outside the annual quota.

The requirements for entry and stay of foreigners are prescribed in the Act on Foreigners, and since the Republic of Croatia joined the EU, the provisions are also applied of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (SL L 105 13 4 2006).

### **Question 21:**

Article 106 of the CC/11 prescribe the forms of criminal offences related to taking body parts of victims of the criminal offence of trafficking in human beings.

Also, we draw attention to Article 107 of the CC/11 which prescribes:

(1) Anyone who procures, possesses, transports, transfers, keeps, receives or transplants a human organ, tissue, cells, embryo or foetus, or knew or should have known that it originated from a person who was the victim of trafficking in human beings for the purpose of taking body parts, from Article 106 of this Act, shall be punished by imprisonment for between one and ten years.

(2) Further, a prison sentence of one to eight years will be imposed on anyone who by the use of force, or threat, deception or fraud, kidnapping, abuse of authority or difficult circumstances or an dependent relationship, possesses, transports, transfers, keeps or receives a human organ, tissue, cells, embryo, foetus or dead body for the purpose of harvesting body parts.

(3) Whoever, by giving a monetary fee or other comparable benefit, obtains a human organ, tissue, cell, embryo, foetus or dead body, shall be punished by imprisonment of between six months and five years.

(4) The punishment referred to in paragraph 3 of this Article shall be imposed on anyone who for the sake of profit entices another or helps them to give their own organ, tissue, cell, embryo or foetus for a monetary fee or other benefit.

(5) Anyone who removes or transplants a human organ, tissue, cell, embryo or foetus, if he knew or should and could have known that the donor was given a monetary fee or other benefit for it, shall be punished by imprisonment of up to three years.

(6) The punishment referred to in paragraph 5 of this Article shall be imposed on anyone who advertises the need or availability of a human organ, tissue, cell, embryo, foetus or dead body, offering or requesting a monetary fee or other benefit.

We point out that so far we have not had a single prosecuted case of this in practice.

### **Measures to discourage the demand**

#### **Question 22 and 23:**

The “Two Girls” campaign is implemented with the goal of preventing the trafficking in women and girls with the aim of sexual exploitation, and it was launched in 2013 by the Centre for Education, Counselling and Research (CESI), together with the Police Directorate, the Embassy of the United Kingdom of Great Britain and Northern Ireland, the Ombudsman for gender equality, and the Office for Human Rights and Rights of National Minorities. The “Two Girls” campaign is focused on raising awareness about the risks that the potential

victims of THB are exposed to, and on educating girls how to recognize potentially dangerous situations, and strengthening prevention and protection.

So far, 13 European states were involved in the campaign, and in Croatia, the campaign was launched on 17 September 2013 in Zagreb. So far, eight activities were implemented within this campaign with participation of the Police Directorate of the Ministry of Interior, at five different locations: four in the city of Zagreb, and one in Šibenik, Krapina, and at the Bajakovo-Batrovci border crossing respectively.

Within this campaign, the CESI and the Ministry of Interior organized the following events and activities:

1. Zagreb, 3 June 2013, a panel discussion was organized at the Faculty of Political Science, and the participants included guest lecturers from the Faculty of Philosophy, Ministry of Interior and “Rosa” Centre for Women War Victims.
2. Zagreb, 17 September 2013, the campaign was promoted in the cinema hall of the “X. gimnazija Ivan Supek” secondary school, where the fourth grade high school girls were shown the short film entitled “Two Girls”, followed by a discussion on THB. Besides the representatives of the Ministry of Interior, the event was attended by H.E. Mr David Slinn, the ambassador to the United Kingdom of Great Britain and Northern Ireland, the author of the film, Ms Ruth Beni and the representatives of the CESI.
3. Zagreb, 17 September 2013, the film “Two Girls” was shown at the residence of the ambassador to the United Kingdom of Great Britain and Northern Ireland.
4. Krapina, 6 November 2013, at the Krapina Secondary School, a workshop was organized for teachers and professionals working in primary and secondary schools.
5. Šibenik, 29 November 2013, after the educational sessions provided to pupils in final grades of the secondary vocational school, the pupils became involved in raising awareness activity in the city centre, handing out packets prepared for citizens.
6. Bajakovo-Batrovci border crossing, 17 October 2013: event on the occasion of the European Anti-Trafficking Day, with the presentation of the “Two Girls” campaign, where passengers who were travelling through this border crossing were informed about the problem of THB. The activity was implemented in cooperation with the police of the Republic of Serbia, with participation of the General Police Director of the Republic of Croatia, Mr. Vlado Dominić, and the Police Director of the Republic of Serbia, Mr. Milorad Veljović.
7. Zagreb, 3 December 2013: an educational session was organized for pupils of the Dobriša Cesarić primary school, along with awareness raising for the general public, and the participants included the representatives of the Police Directorate, Ministry of Interior, Police Administration Zagreb, City of Zagreb, Department for Promoting Human Rights and Gender Equality, Relations to National Minorities, Religious Communities and Civil Society Development, the CESI, and the Roma association “Ne Boj Se – Madara”.
8. Bjelovar, 13 June 2014: in City administration premises, there was a launch of activities planned within the campaign organized by the Commission for Gender Equality at the local level, and supported by the Police Directorate of the Ministry of Interior and the CESI. The campaign was focused on unemployed persons and pupils in final grades of secondary schools in Bjelovarsko-Bilogorska County, being aware that they will enter the labour market after finishing school. Participants also included various experts, persons who are heading school preventive programmes in secondary schools of the Bjelovarsko-Bilogorska County and the entire local community.

Activities planned within the campaign will be implemented as workshops aimed at mitigating the risk factors and strengthening the protection mechanisms.

Preventive programmes are targeted at population between 13 and 17 years of age.

The European Anti-Trafficking Day was marked in cooperation with other competent state bodies, institutions and civil society organisations from the Republic of Croatia, through the central event at the Cvjetni trg in Zagreb, and in various police administrations in cooperation with partners in their local communities.

The preventive programmes focused on the topic of preventing human trafficking were implemented by:

1. The Osječko-Baranjska Police Administration, in cooperation with the Osječko-Baranjska County, the Red Cross and the Centre for Missing and Abused Children, within the project called *Stop Human Trafficking*, aimed at familiarizing the public and raising public awareness of the problem of THB, but also at informing the public about the institutions and associations that provide assistance in cases of human trafficking. The target group of the event were pupils of primary and secondary schools.
2. Virovitičko-Podravska Police Administration, in cooperation with the Administrative Department for Education, Culture, Sports and Technical Culture of the Virovitičko-Podravska County, the association called “S.O.S. Telephone – Call for Help”, the Council for Prevention of Crime in cities and municipalities within the project called *Prevention of Human Trafficking*. The aim was to familiarise young people and raise their awareness of the problem of THB, and to inform the groups potentially at risk about the institutions and organisations that provide assistance in cases of human trafficking, and the target group were pupils of primary and secondary schools.

In relation to the educational programmes included in the implementation of the Civic Education curriculum in 12 elementary and high schools in the 2012/2013 and 2013/2014 school years, the Decision and the Curriculum were published on the web site of the Ministry of Science, Education and Sport and the Croatian Education and Teacher Training Agency. It is planned for them to be compulsory in all schools in the 2014/2015 school year.

Combating trafficking in children is part of the human rights dimension of civic competence, and should become an integral part of regular teaching of all children from first grade of elementary school to the end of high school. Professional conferences have been held for teachers - 4058 elementary and high school teachers, professional associates and headteachers throughout the whole of the Republic of Croatia, by the Croatian Education and Teacher Training Agency, and 6313 participants were included by the Croatian Red Cross.

In total 11070 participants have been involved in seminars, workshops, round tables, county professional councils in cooperation with the Croatian Education and Teacher Training Agency and the Croatian Red Cross: elementary and high school teachers, pupils of elementary and high schools, county leaders, the County Professional Council for Democratic Society, and Red Cross trainers of volunteers.

In 2013 the Education and Teacher Training Agency, in cooperation with the Croatian Red Cross, held professional conferences (seminars, workshops etc) for elementary and high school teachers, professional associates and headteachers throughout the entire Republic of Croatia, who are trained to develop civic competence in their pupils, which also encompasses



combating trafficking in human beings. In 2013 the professional training was intensified, and included 7800 educational workers.

In the same way, in relation to the campaign to reduce demand, we especially emphasize the campaign by the Office for Human Rights and the Rights of National Minorities. On 18 October (European Anti-Trafficking Day) the Office for Human Rights and the Rights of National Minorities launched a public campaign aimed at raising awareness of potential users of services of victims of trafficking in human beings. The campaign slogan is, "If you are a real man, you won't buy a woman". The campaign was presented at the session of the National Committee for Combating Trafficking in Human Beings, held precisely on 18 October 2013. Also, in order to present the campaign to the public, the Office organized a public event on the Flower Square in Zagreb. During this event, the competent institutions, civil society organizations and international organizations in the Republic of Croatia, presented their projects and activities in the field of combating trafficking in human beings. The campaign will last for a year, and includes the creation of flyers, city light posters, and jumbo posters, and launching a Facebook page.

Also, in 2013, the Centre for Education, Counselling and Research - CESI, together with the Embassy of the United Kingdom of Great Britain and Northern Ireland, the Ombudsperson for Gender Equality, the Ministry of the Interior and this Office, launched a campaign entitled "Two Little Girls" in the Republic of Croatia. Thirteen European states have been included in this campaign so far. In Croatia the campaign was launched officially on 17 September 2013 in Zagreb.

It is important to point out that the Office for Human Rights and the Rights of National Minorities every year by submission of tenders, finances projects of civil society organizations dealing in these issues.

#### **Question 24:**

FRONTEX drew up a joint programme of basic training for border guards of EU member states (the EU Common Core Curriculum). The programmes also relates to specialist training for recognition and behaviour in situations which include particularly vulnerable persons, such as unaccompanied juveniles and victims of trafficking in human beings.

Apart from this training for trainers in relation to combating trafficking in human beings, in October 2011 two police officers from the border police will attend training on the topic of protection of human rights, also organized by FRONTEX.

Police officers who are border guards also attend FRONTEX training related to interviewing illegal immigrants on the first and second line of border control (screeners, debriefers).

#### **Question 25:**

Last year, bearing in mind the aspect of prevention, special attention was dedicated to undertaking a range of activities at places such as busy airports, and nautical marinas at the Adriatic coast and at attractive tourist destinations with the aim of identifying and recording indicators that may possibly point to elements of human trafficking as the criminal offence.

#### **Question 26:**

On 23 July 2014 the Government of the RC adopted the Strategy of Integrated Border Management with the accompanying Action Plan. The Strategy and Action Plan also relate to inter-agency cooperation on borders.

## **Identification of victims**

### **Question 27:**

The Protocol on Identification, Assistance and Protection of Victims of Human Trafficking, adopted in 2008, sets out the normative and procedural framework for the identification of victims of THB.

A national referral mechanism was established to identify victims, deploying mobile teams with NGO participation to identify and refer trafficking victims for assistance.

The National Referral System, which has been established, and was evaluated in the first round of evaluation by GRETA, is still in force. Three national strategic plans have been adopted and the new National Plan for Combating Trafficking in Human Beings covers the period from 2012-2015.

- Three Protocols have been adopted, which are: the Protocol for Identification, Assistance and Protection of Victims of Trafficking in Human Beings (2008, amended and supplemented in 2010), the Protocol on Conduct in the Voluntary Return of Victims (2009) and the Protocol on Integration/Reintegration of Victims of Trafficking in Human Beings (2011).

- The following cooperation agreements have been concluded: The Agreement on Cooperation between the Office for Human Rights and the Petra Network (2007), the Agreement on Cooperation between the Ministry of the Interior, the former Ministry of Health and Social Welfare, and non-governmental organizations for provision of assistance and support to victims of trafficking in human beings (2008), and the Agreement on Cooperation in relation to the SOS phone line for assistance to victims, between the Office for Human Rights, the Ministry of the Interior and the Petra Network (2010).

The National system of combating trafficking in human beings consists of:

- the National Committee for Combating Trafficking in Human Beings
- the Operational Team of the National Committee for Combating Trafficking in Human Beings
- the National Coordinator for Combating Trafficking in Human Beings

The system of combating trafficking in human beings established in the Republic of Croatia includes the active work of a large number of state administration bodies and non-governmental organizations.

The bodies included in the work to combat trafficking in human beings are: The Ministry of Foreign and European Affairs, the Ministry of the Interior, the Ministry of Justice, the Ministry of Health, the Ministry of Social Policy and Youth, the Ministry of Science, Education and Sport, the Ministry of Defence, the Public Prosecution Service of the Republic of Croatia, the Office for Combating Corruption and Organized Crime (USKOK), and the Office for Human Rights and the Rights of National Minorities of the Government of the RC, the Croatian Red Cross, and the network of associations: PETRA - network of non-governmental associations promoting women's human rights.

A change took place in relation to the National Committee for Combating Trafficking in Human Beings, which was first founded by a Decision of the Government of the Republic of Croatia in 2002, and the latest Decision on its foundation was adopted by the Government of the Republic of Croatia in March 2012.

The National Committee is responsible for adopting programmes and plans in the area of combating trafficking in human beings, and proposes the most important political guidelines in this area. It was founded as a multi-disciplinary, inter-departmental body, in which representatives were appointed of all the relevant bodies of state administration, international organizations and non-governmental associations, which should, each in its own field of competence, conduct activities in the area of combating trafficking in human beings.

On 18 December 2012, the constituting session was held of the National Committee for Combating Trafficking in Human Beings which was chaired by the Deputy Prime Minister of the Republic of Croatia, and Minister of Social Policy and Youth, Milanka Opačić. The National Committee meets twice a year in its new format. The last session was held on 8 July 2014.

In relation to the current situation in the Republic of Croatia, the Office for Human Rights and the Rights of National Minorities is continuing the activities it had already begun in the area of combating trafficking in human beings. Regular meetings are held of the Operational Team of the National Committee for Combating Trafficking in Human Beings, which meets within the Office for Human Rights and the Rights of National Minorities, and is chaired by the National Coordinator for Combating Trafficking in Human Beings.

#### **Question 28:**

In all police districts there are determined police officers dealing with detection and suppression of THB, who participate directly in the identification of victims and perpetrators of this crime, in each individual case (in total, there are 26 police officers in the Criminal Police, and 27 police officers within the Border Police).

In all cases where the victim of trafficking is a child or a minor, for the purpose of initiating emergency assistance and protection, police officers for juvenile delinquency and criminal protection of children and minors are engaged.

#### **Question 29:**

(Potential) victim: A person who is identified as a victim of trafficking in human beings in order to be granted access to specific procedures and/or rights on this basis without ruling out the possibility that the person's status will later be assessed otherwise. /i.e. not identified/confirmed as a victim/

Presumed victim: A person who has met the criteria of EU regulations and international Conventions but has not been formally identified by the relevant authorities (i.e. the police) as a trafficking victim or who has declined to be formally or legally identified as a trafficked person.

When there is information that a person might be a victim of trafficking, police officers of the Ministry of Interior invite the co-ordinators of the competent mobile team who is responsible for providing initial assistance and protection (including placing the potential victim in a reception centre, shelter or other accommodation facility) to participate in the identification interview. After the interview, the police determine if the person can be identified as a victim

of trafficking and if that is the case, the National Coordinator and the Operative Team are informed without delay.

A national referral mechanism was established to identify victims, deploying mobile teams with NGO participation to identify and refer trafficking victims for assistance.

**Question 30:**

Implementing numerous preventive actions at the level of the Ministry of Interior (answers to questions 22 and 23), as well as participation of this Ministry in public campaigns in cooperation with the Government Office for Human Rights and Rights of National Minorities, and the Croatian Red Cross.

**Question 31:**

Measures taken in our country for identifying victims of THB during the examination of asylum applications include training of employees aiding identification of potential victims of trafficking. When it is suspected that an asylum seeker is a victim of trafficking, competent bodies in charge of assessment procedures are informed, and they continue to investigate the case.

As part of the project "Victims of Trafficking in Human Beings amongst Illegal Immigrants" in September and November 2013, on the basis of the FRONTEX Anti-trafficking Training for Border Guards – Trainer's Manual mentioned above, a training course was run on the subject of recognizing potential victims of trafficking in human beings. The training course was attended by police officers and officials from the Reception Centre for Foreigners, who work on the return of foreigners, and police officers from the border police of Zagreb Police Directorate and the Sisak-Moslavina Police Directorate, a total of 25 police officers. The project was financed by the Office for Human Rights and the Rights of National Minorities.

Also, in relation to the work of civil society organizations, staff from the Croatian Red Cross, who run a social programme in the Reception Centres for Asylum Seekers, or who run integration programmes for those granted asylum and persons under subsidiary protection, received training on the problem of trafficking in human beings, or they were acquainted with the basic indications of different forms of exploitation, which may lead to suspicion that it is a case of a potential victim of trafficking in human beings. They were also informed about further action, if the suspicion exists of trafficking in human beings.

**Protection of private life**

**Question 32:**

Apart from the legislation and documents which prescribe in general the obligation to respect privacy and keeping personal data secret on beneficiaries of the state administration services and especially to beneficiaries in the social welfare system (the Act on Protection of Personal Data, the Act on Civil Servants, the Social Welfare Act, the Code of Ethics of Civil Servants, the Social Workers' Code of Ethics, the Code of Ethics of Psychologists etc.) this obligation is additionally emphasized in the Protocol for identification, assistance and protection of victims of trafficking in human beings, which states that the procedure of assistance and protection

requires secrecy and that all professionals who participate in providing assistance and protection to trafficked persons, are acquainted with this and obliged to act accordingly. Correspondence that takes place between the coordinators in the Ministry of Social Policy and Youth and professionals in the field are addressed to the precisely designated name of each professional and contain the note "Restricted".

Data on all cases of victims of trafficking in human beings are extremely confidential and it is most strictly prohibited to reveal those data or share them with persons who have no connection to the specific case. Access to the stored files on victims is permitted exclusively to persons who are involved in direct work with the victims.

## **Assistance to victims**

### **Question 33:**

According to the Aliens Act, the assistance and protection programme shall include health and psychosocial assistance, safe accommodation, translation and interpretation service, legal assistance and a safe return to the country of origin.

As has already been mentioned, the national shelter for victims of trafficking in human beings is run by non-governmental organizations, and the funding for their work is provided from the budget of the Ministry of Social Policy and Youth. The Ministry renews its agreement with these organizations every year on mutual relations in running the shelters and monitors their work through the reports they are obliged to submit. Through the agreement the overheads of the shelter are financed throughout the year, and meeting all costs that arise in relation to each individual victim's accommodation is also prescribed. Within the shelter the victim is enabled to use services of individual or group counselling with a psychologist, social pedagogue, social worker, attorney and health services, as well as attending educational and craft training programmes. The shelters have standards and templates by which they act and with the help of which, with the individual approach to each victim, they ensure the standard provision of assistance and protection to each victim. During their stay in the shelter, an Assessment is made of the victim's condition, and on the basis of that assessment, an individual plan for a programme and support aligned with the needs of the victim. The assessment of the victim's condition is drawn up by a member of the mobile team that is taking care of the victim or the case manager in the shelter where the victim is accommodated, in cooperation with the regional coordinator who is also a member of the mobile team and the guardian ad litem if it is a case of a child victim of trafficking in human beings. The assessment assumes collecting all the available information about the victim, including information about schooling, work experience, how the person ended up as a victim of trafficking in human beings, the conditions of life and work when the person was sold/exploited, the condition of their health, and need for health care (in some cases all health care examinations have been undertaken previously, before entering the shelter). On the basis of this assessment, an individual plan of a programme and support is drawn up which is aligned with the specific needs of the victim, and it is drawn up by a member of the mobile team that is taking care of the victim or the case manager in cooperation with the regional coordinator, who is also a member of the mobile team and the guardian ad litem, if it is a case of a child victim of trafficking in human beings. In line with the obligations taken on from the National Plan for Combating Trafficking in Human Beings, from 2012 to 2015, all victims of trafficking in human beings in the system of assistance and protection, will be provided with all necessary health and psycho-social health

care, in line with the individually created programme of assistance and protection, drawn up by civil society organizations.

The legislative framework for provision of assistance and protection to victims of trafficking in human beings is:

- The Health Care Act (Official Gazette, no. 150/2008, 71/2010, 139/2010, 22/2011, 84/2011, 12/2012, 35/2012, 10/2012, 82/2013, 159/2013 and 22/2014)
- The Act on Compulsory Health Insurance (Official Gazette, nos. 80/2013 and 131/2013).
- The Act on Compulsory Health Insurance and Health Care for Foreigners in the Republic of Croatia (Official Gazette, no. 80/2013).

For provision of assistance and protection to victims of trafficking in human beings and the necessary health examinations funds are provided from the budget of the Republic of Croatia, as well as additional free funds especially for that purpose. In line with the adopted standards of operational procedures of the Ministry of Health, each victim of trafficking in human beings, who is found to be in poor health, shall be provided with urgent medical care without delay. Further, in the first week of entering a shelter for victims of trafficking in human beings or other safe accommodation for victims of trafficking in human beings, a general health examination is offered, with their consent. Following the established health examination, further provision is ordered of health care, and if necessary specialist health care, which in coordination with the national health and the network of county health coordinators, if provided in health care institutions, or commercial companies who perform health care work, by health workers and private health care workers. In the medical care and provision of health care to victims of trafficking in human beings, account is taken that each health care worker who provides direct health care and protection to a victim of trafficking in human beings, absolutely guards the privacy of the victim.

In line with the adopted standard operational procedures, the following is prescribed:

#### Establishing the general medical history and an examination

It is obligatory to examine the entire body of the victim of trafficking in human beings in order to establish possible injuries.

On the basis of their physical status, the victim is referred to another specialist as necessary.

The physical status of the person once established is written in the medical history, which includes:

- a) information on the victim of trafficking on human beings;
- b) the date and time of the examination
- c) a record of injuries, if they exist
- d) the presence of chronic illnesses or specific conditions, which may affect the examination
- e) if there is any suspicion, the victim shall be tested for the presence of narcotics and opiates.
- f) prescription of medication and/or provision of post-coital contraception, and broad spectrum antibiotics
- g) arranging a check-up examination of the victim according to the instructions of the specialist.

Professionals who take care of victims directly must:

- establish a network with general health care services, including a dentist;
- to relate to the victim with particular care and attention, especially in situations where it was difficult to maintain hygiene or they were not permitted to do so.
- establish a system of cooperation and referral with the appropriate agencies and take into account translation and interpretation

- if the victims of trafficking in human beings citizens of the Republic of Croatia, and due to specific circumstances and for the sake of the protection of the victim themselves, they should be able to have access to a new doctor/general practitioner

A victim of sexual exploitation shall be examined by a trained doctor, who is a specialist in gynaecology and obstetrics.

It shall be explained to the victim why the examination is being conducted and precisely what it includes.

#### Institutional assistance and support in the protection of mental health

When a victim comes to the hospital for a comprehensive health examination, it is necessary:

- a) to provide basic information about the forms of assistance and support and the existence of health care and support
- b) as necessary to provide contact with a professional from the services for protection of mental health, who is trained for work with victims of trafficking in human beings (e.g. a psychologist, a psychiatrist with experience) in order to provide support and prevent the development of a traumatic reaction
- c) within the professional service for protection of mental health the victim should be treated urgently in further appointments and arranging therapy.

#### Support in protection of mental health

Extra-institutional assistance and support includes wider measures of assistance and support to victims of trafficking in human beings.

#### Obligations towards other bodies

At the request of the public prosecution service or the police, health care institutions are obliged to send immediately:

- the complete health care documentation which is of importance to clarify and prove criminal offences.

#### **Question 34:**

According to the Aliens Act (Official Gazette, No. 130/11 of 13 November 2011, and Official Gazette No. 74/13 of 19 June 2013), the assistance to a victim of trafficking and granting the temporary residence permit does not depend on the victim's willingness to act as a witness and the temporary residence permit is issued as a biometric residence permit.

According to Article 52 paragraph 1 of the Aliens Act, a temporary residence permit shall be issued for the term of validity of up to one year.

As has already been mentioned, in the Republic of Croatia the provision of a programme of assistance and protection to the victim is not conditioned by their testifying against the perpetrator of the criminal offence. Therefore, identified victims of trafficking in human beings are issued with a temporary residence permit, for humanitarian reasons, regardless whether they are prepared to testify in court proceedings.

#### **Question 35:**

As was mentioned under the replies to questions 7 and 33, within the framework of the social welfare system, there are two national shelters for victims of trafficking in human beings, of

which one is intended for accommodation of adult victims and the other for accommodation of child victims of trafficking in human beings. The shelters are run by non-governmental organizations who work to combat trafficking in human beings, and the funding for their continuous work is provided from the social welfare system. Apart from accommodation in a shelter, victims may also be provided with accommodation in social welfare homes, and with other services providers from the social welfare system, such as for example, foster families. In the short term, child victims of trafficking in human beings are most often cared for, depending on their age, in a shelter or a social welfare home, and in the long term their integration is provided for through other forms of care, such as care in a foster family, who are recognized as good quality and who are assessed as have the capacity to care for a child victim of trafficking in human beings.

**Question 36:**

Pursuant to the Standard Operational Procedures of the Ministry of Social Policy and Youth, interviews with identified or potential victims are conducted by members of the mobile team alone, without the presence of the police, and the victim is given detailed information about the forms of assistance and protection. It is important that the arrangement with the victim on acceptance of the programme of assistance and protection offered is based on the voluntary consent of the victim, and they sign a form on their voluntary entry into the programme of assistance and protection.

**Question 37:**

Victims of trafficking in human beings, if they wish, can also after completing the programme of assistance and protection, refer for assistance and support to the professionals who were directly involved in provide assistance and support.

**Recovery and reflection period**

**Question 38:**

Article 68 of the Aliens Act (Official Gazette, No. 130/11 of 13 November 2011, and Official Gazette No. 74/13 of 19 June 2013) stipulates that an alien identified as the victim shall be entitled a deadline of 60 days to decide whether to participate in the assistance and protection programme.

The guardian of a minor identified as the victim shall be entitled to decide on participation in the assistance and protection programme within a term of 90 days, with the consent of the Centre for Social Welfare, bearing in mind the best interests of the minor and taking into account the opinion of the minor.

The deadline referred to in paragraph 1 of this Article needs to be complied with, except when it concerns a minor, or if it is established that the alien identified as a THB victim is actually not a victim, or if he actively, voluntarily and out of his own personal initiative renewed the contacts with the perpetrators of the criminal offence or if so required for reasons of protecting public order and national security.



Following the procedure of identification, the victim is provided with accommodation in social welfare centres, which are prescribed by the Standard Operative Procedure of the Ministry of Social Policy and Youth. Taking care of a victim in the reception centre presumes providing the requirements for safe accommodation, personal hygiene, food and rest, the procurement of vitally necessary clothes and footwear, the necessary health care and psycho-social assistance, psycho-social assistance, legal assistance and interpreters, if necessary. A victim of trafficking in human beings will be able to stay in the reception centre until their final decision on acceptance of the programme of assistance and protection, which must be rendered within 60 days from the day of identification. When it is a case of a child victim of trafficking, that deadline is 90 days. During that period, the victims are provided with information about the possibilities they have in relation to their status. All victims of trafficking in human beings identified in the territory of the Republic of Croatia have the right to a period of recovery and reflection, regardless of their nationality. So, victims are provided with the same forms of assistance as when the victim accepts the programme of assistance and protection offered.

### **Questions 39 and 40:**

According to the Aliens Act (Official Gazette, No. 130/11 of 13 November 2011, and Official Gazette No. 74/13 of 19 June 2013) and its Article 65 paragraph 1, temporary residence permit on humanitarian grounds shall be granted to an alien in the following cases:

1. If he/she, being a victim of trafficking in persons (hereinafter referred to as: the victim), has accepted a programme of assistance and protection
2. If he/she is a minor who was abandoned, or who was a victim of organized crime, or who, for some other reasons, lost parental protection, guardianship or became unaccompanied
3. To an alien who, before submitting an application, had a refugee status for the period of 10 years at least, or who has been included in the programme of reconstruction, return and housing care of refugees originating from the Republic of Croatia, which shall be proved by a certificate of the competent state body for refugees
4. If he/she cooperates with the competent bodies and his/her participation is essential in the criminal procedure being conducted against the employer employing him/her illegally
5. on serious justified grounds of humanitarian nature.

According to the Aliens Act (Official Gazette, No. 130/11 of 13 November 2011, and Official Gazette No. 74/13 of 19 June 2013) and its Article 52 paragraph 1, temporary residence permit shall be issued for the term of validity of up to one year.

### **Question 41:**

According to the Aliens Act (Official Gazette, No. 130/11 of 13 November 2011, and Official Gazette No. 74/13 of 19 June 2013), the assistance to a victim of trafficking and granting the temporary residence permit does not depend on his or her willingness to act as a witness.

### **Compensation and legal redress**

### **Question 42:**

At 7 County Courts (Zagreb, Zadar, Osijek, Split, Sisak, Vukovar, Rijeka) where a Department has been founded for support for witnesses and victims, emotional support and practical information will be provided to victims and members of their families. These departments refer victims and witnesses to specialized institutions and civil society organizations, depending on their needs, provide support to the elderly, disabled or victims and witnesses who have difficulty with mobility when they are interviewed outside the court building, provide practical assistance in finding their way around the court building, whereby they avoid the possibility that testifying will cause additional negative consequences, new suffering or traumas for the victim. If the need exists, the officials from the department can be present as escorts and support, even in the court room while the victim is testifying. There is also a waiting room for victims to prevent direct contact between the victim and the accused. The victim will receive information about the existence of the department upon receipt of the court summons because an integral part of the court summons is the text on the Department for Witness and Victim Support, with a description of the work the Department does and contact details. On the basis of this information the victim can, even before arriving at the court, contact the Department officials by telephone or e-mail in order to obtain additional information or support.

In cases of victims of trafficking in human beings, who are coming to testify from abroad in courts in the RC, or when victims from the RC are summoned to courts in other countries, or to a requested interview in Croatian courts in order to make a statement in cases being conducted in courts in other countries, and those summons were sent by means of international legal assistance, those victims are sent informative letters by the Department for Victim/Witness Support and International Cooperation at the Ministry of Justice, in which they are briefly informed about their rights and obligations, the possibility of realization of protection measures and other provisions of the CPA/08 and other Acts, and also the contact details of the Department official.

*Note : The reply also relates in part to Questions 53 and 54*

a.

Parties and other participants in the proceedings have the right to use their own language, including sign language for the deaf and deaf-blind. If the activities in the proceedings are not conducted in a language the person speaks and understands, oral interpretation will be provided or translation and interpretation in sign language for the deaf and deaf-blind of what they or others present, and documents and other written evidence materials which are presented. It shall be noted in the minutes that instructions have been given and what the parties state. The person shall be instructed before the first interview about the right to oral interpretation or translation or interpretation in sign language of the deaf and deaf-blind.

In criminal proceedings the injured party has the right to use their own language, including sign language of the deaf and deaf-blind and to the assistance of an interpreter if they do not understand or use Croatian, or a translator or interpreter of sign language if the injured party is deaf or deaf-blind.

b.

The Act on Free Legal Aid (Official Gazette, no. 143/13) which came into force on 1 January 2014, prescribes beneficiaries of free legal assistance, apart from Croatian citizens, are children who do not have Croatian citizenship but who were found in the Republic of Croatia unaccompanied by an adult responsible by law, foreigners with temporary residence, under the condition of reciprocity, and foreigners with permanent residence, foreigners under temporary protection, foreigners who are residing unlawfully and foreigners with short-term

residence in proceedings to resolve cases of expulsion or return, asylum seekers, those who have been granted asylum, and foreigners under subsidiary protection and members of their families who are legally resident in the Republic of Croatia, in proceedings in which legal assistance has not been provided for them by a separate act.

Beneficiaries of legal assistance may receive primary legal assistance that covers general legal information, legal advice, drawing up submissions before bodies vested with public authority, the European Court of Human rights and international organizations, in line with international agreements and the rules of the work of those bodies, representation in proceedings before bodies vested with public authority and legal assistance in out-of-court peaceful settlement of disputes. The procedure for exercising primary legal assistance is instituted by direct application to the provider of primary legal assistance (an authorized association, legal clinic or state administration office). Primary legal assistance may be provided in every legal matter.

Secondary legal assistance covers legal advice, drawing up petitions in procedures to protect the rights of a worker before his employer, drawing up petitions in court proceedings, representation in court proceedings, legal assistance in peaceful dispute resolution, exemption from payment of costs of court proceedings and exemption from payment of court fees. This type of legal assistance is provided by attorneys. It should be pointed out that secondary legal assistance will be approved without establishing the material situation if the applicant is a victim of a violent criminal offence in proceedings to realize the right to compensation for damages caused by the criminal offence.

c.

Payment by the perpetrator may be awarded in criminal or civil proceedings. When filing a motion for realization of property law claims the victim has the right to professional assistance of a counsellor at the expense of the state budget. A motion may be filed either with the body to which the criminal complaint was filed or to the court where the proceedings are being conducted, and it may be filed no later than the conclusion of the taking of evidence before the first instance court.

d.

Pursuant to the Act on Compensation for Victims of Criminal Offences (Official Gazette, no. 80/08 and 27/11) the victim of a violent criminal offence committed with intent on the territory of the Republic of Croatia, after 1 July 2013, has the right to receive compensation if: he/she is a citizen of the Republic of Croatia or is resident in the Republic of Croatia,

– the citizen of a member state of the European Union or is resident in a member state of the European Union,

- if he/she suffered serious physical injury or serious damage to health as a result of a criminal offence (they he/she has the right to compensation of medical costs, and compensation for lost earnings in a lump sum of 35,000.00 HRK) or if he/she is a close blood relative of a deceased victim (then they have the right to compensation due to loss of statutory maintenance up to 70,000.00 HRK and funeral costs up to 5,000.00 HRK).

- if the criminal offence was registered or reported to the police or public prosecution service within six months of the day the criminal offence was committed,

- if he/she filed a written application on the official form and enclosed the necessary documentation.

The Minister of Justice will create a flyer in Croatian and English and/or a booklet containing information on the right to compensation, the presumptions and procedure for exercising that

right and send them to the Ministry of the Interior, police stations, the public prosecution service and the courts, and may also, upon their request, send them to other legal persons who come into contact with victims of violent criminal offences in the course of their work. The information contained in the flyer and/or booklet and the forms needed for compensation are published on the web sites of the Ministry of Justice and the Ministry of the Interior, the public prosecution service, the courts and police stations in Croatian and English.

e.

So far we have not received any request from a victim of trafficking for compensation pursuant to the Act on Compensation for Victims of Criminal Offences.

**Public Prosecution Service of the RC:** In the structure of the new Criminal Procedure Act, the rights of victims are separated from the unit on the rights a person has as an injured party, so the provisions of Article 43 to Article 56 of the Criminal Procedure Act regulate the rights of victims. The basic right of a victim of a criminal offence is to be informed in good time of their rights in the proceedings, pursuant to the Criminal Procedure Act, and when undertaking activities, the police, investigators, the public prosecution service and the court must act with special care towards victims of criminal offences and take care of their rights in an appropriate manner.

Pursuant to the provisions of Article 206a. of the Criminal Procedure Act, a victim has the right to ask the public prosecutor for information on the action taken following a criminal complaint or report of an offence committed. The victim may also file a complaint with the senior public prosecutor for the failure of a public prosecutor to take action, which leads to stalling the proceedings, pursuant to the provisions of Article 206b paragraph 2 of the Criminal Procedure Act.

A special category of victim, which includes victims of the criminal offence of trafficking in human beings, have the right before being interviewed to talk to an advisor at the expense of the budget, and the right to be questioned at the public prosecution service by a person of the same gender, and to be interviewed in the presence of a person of trust. A victim of the criminal offence of trafficking in human beings also has the right to ask to be interviewed by audio-video equipment.

In relation to the right of victims to compensation for damages, a victim of trafficking in human beings has the right to compensation from the perpetrator (in criminal or civil proceedings) and the right to compensation from the state.

### **Question 43:**

In all cases of trafficking in persons, especially if it is established that the victim was subject to a long period of exploitation, the Office for the Prevention of Money Laundering and the Department for Economic Crime and Corruption of the Ministry of Interior also conduct financial investigations.

In relation to the legislative framework, which covers the regulations of conduct of financial investigations for the sake of effective seizure of material gain achieved by the criminal offence, it is necessary to mention Article 206 of the CPA/08, pursuant to which the Public Prosecutor is obliged, if the well-founded suspicion exists that a criminal offence has been committed for which criminal proceedings are instituted ex officio, and in that part material

gain has been acquired, immediately to undertake or to order the conduct of investigative activities in order to establish the value of that gain, and in order to establish where the assets so acquired are located. This is to emphasize the importance of undertaking an investigation to establish the material gain since there is an increasing number of criminal offences, including especially serious ones, whereby the main motive is material gain. Material gain, pursuant to the Act on the Procedure to Seize Material Gain Acquired by a Criminal Offence or a Minor Offence (Official Gazette, no. 145/10) is deemed to be any increase or prevention of the reduction of assets stemming from a criminal offence, and assets are things and rights acquired by the perpetrator of a criminal offence or related person, and encompasses all things and rights which may be the subject of enforcement and especially real property and movable property, business shares, stocks, money, precious metals, and other gems in the ownership, possession or under the control of the perpetrator of the criminal offence or related person. If the material gain acquired by a criminal offence has been concealed by the perpetrator, or there are grounds to suspect money laundering, the public prosecutor shall undertake all the necessary actions to find those assets and ensure their seizure. All state authorities and all legal persons who within the scope of their work or in performing their work learn about circumstances and information that indicate that assets have been acquired in legal transactions by a criminal offence, especially if conduct with financial resources acquired or assets suggests money laundering, or concealment of those assets, they are obliged to inform the public prosecutor of these circumstances and information without delay. When the necessary facts and information on the amount of material gain acquired have been collected by conduct of an investigation, or when it is established where the assets are located, the public prosecutor is obliged to propose the imposition of interim measures, without delay, to prevent those assets from being concealed or destroyed, and he is also obliged to propose in the indictment, or no later than at the preliminary hearing, for those assets to be seized.

#### **Question 44:**

The Act on Pecuniary Compensation to Victims of Criminal Offences (Official Gazette, nos. 80/08 and 27/11) recognizes national and foreign transborder cases, whereby a national transborder case is when a criminal offence is committed in the territory of the Republic of Croatia, and the right to compensation is decided by the Committee for Monetary Compensation, but the application for compensation was filed with the competent body in another European Union member state where the victim is resident. A foreign transborder case is a case when a criminal offence is 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.

#### **Repatriation and return of victims**

#### **Question 45:**

Pursuant to the Act on Foreigners and the Protocol on procedures during voluntary return of victims of human trafficking the return of victims of trafficking in human beings should be voluntary.

The Act on Foreigners prescribes the protection of vulnerable persons in taking measures for securing return (Article 100) and the prohibition of forced removal (Article 118), including respect for the principle of non-refoulement.

The Ministry of the Interior is competent for organizing the voluntary return of victims of trafficking in human beings, and if it is a matter of a child, the state administration body for social welfare is competent for voluntary return. In implementation of the safe return, the Ministry of the Interior and the competent state administration body for social welfare cooperate with the competent state bodies, international and non-governmental organizations and the Croatian Red Cross, whereby all the participants are obliged to procedure in line with the Protocol on procedures during voluntary return of victims of human trafficking. All activities in the area of voluntary return of victims of trafficking in human beings are realized by the joint and harmonized work of all the above mentioned participants in the voluntary return.

From identifying the victim to their return to the country of return, a risk assessment will be undertaken in order to establish the level of security of the victim and their family in the country of return. The assessment of risk and security is conducted by the Ministry of the Interior in cooperation with the competent state bodies, international and non-governmental organizations and the Croatian Red Cross, and if the victim is a child, the assessment of risk and security is conducted by the state administration body competent for social welfare. Before making a decision about return the victim must be informed in good time about all the facts and legal consequences of returning. Members of the mobile team, or the organization that is providing assistance and protection in safe accommodation, are responsible for informing the victim about the return, in their mother tongue or another language they understand. If the victim is a child, the consent of the guardian ad litem is also needed for the voluntary return. For a voluntary return the prescribed form is filled out which must be signed by the victim or the guardian in their name and members of the mobile team or organizations that provide assistance and protection in safe accommodation. If the victim is illiterate, they are informed about the content of the form, and instead of a signature, the victim places an "X" in the place indicated or some other sign. In these cases a special note is made to register the fact that the content of the form was read to the victim.

#### **Question 46:**

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

#### **Corporate liability**

#### **Question 47:**

According to Article 5 of the Act on the Liability of Legal Entities (Official Gazette, no. 151/03, 110/07, 45/11 and 143/12) a legal person shall be held liable for a criminal offence by the responsible person and thereby it may receive a penalty (a monetary fine and termination of the legal person) a suspended sentence or security measure (prohibition of performance of certain activities or work, prohibition of obtaining permits, authority, concessions or subventions, prohibition of business with beneficiaries of the state and local budgets and seizure of things). This provision is important for sanctioning trafficking in human beings which often takes place inside a legal entity registered for provision of service activities. We point out here that pursuant to Article 19 of the Act on the Liability of Legal Entities for Criminal Offence, for seizure of material gain and seizure of things, the provisions apply of the CC/11.

## **Aggravating circumstances**

### **Question 48:**

According to the data available from the Public Prosecution Service of the Republic of Croatia, so far not a single case has been prosecuted where the perpetrator of the criminal offence of trafficking in human beings from Article 106, paragraph 3 of the Criminal Code was an official, who would commit that offence in the exercise of their functions.

## **Non-punishment provision**

### **Question 49:**

Trafficking in human beings is a criminal offence against humanity and human dignity, as the highest values protected by international law. Therefore as a rule the unlawfulness of action by the victim of trafficking in human beings is excluded as a rule, pursuant to Article 22, paragraph 1 CC/11 (for example a trafficker in human beings threatens the victim that he will kill them if they do not commit a criminal offence of theft), because the evil committed is smaller than the one threatened, but in the case of realization of the characteristics of a serious criminal offence (for example, it would be a case of mitigating last resort from Article 22, paragraph 2 of the CC/11. This situation in which the victim of trafficking in human beings found themselves should be assessed according to the appropriate rules of necessity.

Article 22 - Necessity:

"(1) The unlawfulness of an offence is excluded when committed to remove from oneself or another the simultaneous danger which cannot be removed in any other way, if the wrong done is less than the wrong threatened.

(2) A person shall not be found guilty who commits an unlawful action to remove from him or herself or another a simultaneous, unprovoked danger, which cannot be removed in any other way, if the wrong that is done was not relatively more serious than the wrong that was threatened, and if that person was not obliged to expose him or herself to danger. If it was that person's duty to expose themselves to danger, they may receive a lesser penalty.

(3) If the perpetrator was avoidably mistaken about the circumstances from paragraph 2 of this Article which exclude guilt, he or she shall be punished according to the rules on negligence, when the law prescribes a punishment for negligence for commission of an offence.

The Public Prosecution Service of the RC: Our criminal legislation does not have any express provisions on the exclusion of criminal prosecution of the victim, however, in practice depending on the means used by the perpetrator in relation to the victim, and it is mainly a matter of means which represent an overt threat of harm to a protected subject (force, threat), it is possible to apply the provisions of Article 22 of the Criminal Code (necessity as a reason for exclusion of unlawfulness).

## **Ex parte and ex officio applications**

**Question 50:**

The criminal legislation of the Republic of Croatia is applied to anyone who commits a criminal offence in its territory, regardless of the citizenship of the victim of the criminal offence itself, whilst the victim herself, if she has left the territory of the Republic of Croatia, shall be interviewed by means of international legal assistance.

**Question 51:**

In all police districts there are determined police officers dealing with detection and suppression of THB, who participate directly in the identification of victims and perpetrators of this crime, in each individual case (in total, there are 26 police officers in the Criminal Police, and 27 police officers within the Border Police).

In all cases where the victim of trafficking is a child or a minor, for the purpose of initiating emergency assistance and protection, police officers for juvenile delinquency and criminal protection of children and minors are engaged.

In cases where the potential victim of trafficking is an alien who illegally entered or is resident of the Republic of Croatia, police officers involved in illegal migration, who have completed specialized training on combating trafficking in human beings, will be included in the case.

Mostly used special investigation methods include technical surveillance, physical surveillance, undercover work and use of informants.

When there is information that a person might be a victim of trafficking, police officers of the Ministry of Interior invite the co-ordinator of the competent mobile team who is responsible for providing initial assistance and protection (including placing the potential victim in the reception centre, shelter or other accommodation facility) to participate in the identification interview. After the interview, the police determine if the person can be identified as a victim of trafficking and if that is the case, the National Co-ordinator and the Operative Team are informed without delay.

Regarding financial investigations in THB cases to disrupt criminal money flows and to ensure asset recovery, financial investigations are conducted in conjunction with the Office for the Prevention of Money Laundering and the Department for Economic Crime and Corruption of the Ministry of Interior.

Establishing JIT's with third countries, liaison officers in third countries, faster exchange of information. Participating in the implementation of international and regional actions and projects aimed at the identification of victims, combating trafficking in persons, (Interpol, Europol, SELEC, regional and international police cooperation based on bilateral agreements) in order to exchange best practices and to encourage the establishment of joint investigation teams for the detection of crimes of trafficking and their perpetrators.



In the part relating to the competence of the Ministry of Justice, we point out that the CPA/08 in Article 332 prescribes separate investigatory activities which temporarily restrict certain constitutional rights of citizens.

(1) If the investigation of criminal offences cannot be conducted differently, or this would be possible only with disproportional difficulties, following a written, reasoned request by the public prosecutor, the investigation judge may order, by a written warrant with a full explanation, special investigative activities against persons for whom a reasonable suspicion exists that they committed themselves or they took part with other persons in a criminal offence from Article 334 of this Act, which temporarily restrict the constitutional rights of citizens, as follows:

- 1) surveillance and technical recording of telephone conversations and other remote communications,
- 2) intercepting, collecting and recording computer data,
- 3) entering premises in order to undertake an inspection and technical recording of the premises,
- 4) secret monitoring and technical recording of persons and objects,
- 5) use of undercover investigators and informants,
- 6) simulated sales and purchase of things and simulated giving of bribes and simulated receipt of bribes,
- 7) provision of simulated business services or conclusion of simulated legal transactions,
- 8) surveillance of transport and deliveries of the subject of a criminal offence,

(2) As an exception, if the danger exists of delay and if the public prosecutor has a reason to believe that he/she will not be able to obtain in time a warrant from the investigation judge, the warrant referred to in paragraph 1 of this Article, may be issued for a 24-hour period by a public prosecutor,

(3) The warrant referred to in paragraph 2 of this Article, may not be issued by the public prosecutor for special investigative activities from:

- paragraph 1, point 2 of this Article, if the manner of conducting those activities requires entering a home, or the remote entry into the suspect's computer, which is located in his/her home,
- paragraph 1, point 3) of this Article, if it for conduct of surveillance and technical recording it is necessary to enter a home,

(4) The warrant with an indication of the time it was issued and a letter in which an explanation is given for the reasons for issuing it must be sent by the public prosecutor to the investigation judge within eight days. Also, if he/she deems it necessary to continue the use of special investigative activities, he/she shall file a written request with a full explanation to the investigation judge to extend the warrant. Immediately upon receipt of the warrant and the explanation the investigation judge shall verify if the requirements were met for issuing the warrant and if the danger from delay existed referred to in paragraph 2 of this Article.

(5) The investigation judge shall decide by a ruling on the lawfulness of the public prosecutor's warrant. If the investigation judge approves the public prosecutor's warrant, and the public prosecutor has filed a request for continuation of the conduct of investigation activities, he/she shall proceed pursuant to paragraph 1 of this Article. If the investigation judge does not agree with the public prosecutor's warrant, he/she shall ask the chamber to render a decision about it. If further conduct of investigative activities is required, as ordered pursuant to paragraph 2 of this Article, they shall continue until a decision is rendered by the chamber. The chamber shall decide on the request by the investigation judge within twelve hours of receiving the request. If the chamber upholds the public prosecutor's warrant, and the public prosecutor has requested the continued conduct of investigative activities, the chamber

shall issue the warrant referred to in paragraph 1 of this Article. If the chamber does not approve the warrant, in the ruling it shall order the activities to be suspended immediately and the data collected on the basis of the warrant issued by the public prosecutor shall be handed over to the investigation judge, who will destroy them. The investigation judge shall write minutes on the destruction of the data.

(6) When for the implementation of the special investigation activities from Article 332, paragraph 1, point 3 of this Act, it is necessary to enter a home, they shall be ordered exclusively by a judge who is obliged to take account of the proportional restrictions of the right to the inviolability of personal and family life.

(7) The activities from point 1, paragraph 1 of this Article may also be ordered against persons for whom a well-founded suspicion exists that they are taking or receiving information and messages from or to the perpetrator of the criminal offence in relation to the criminal offence, or that the perpetrator is using their telephone connection or other telecommunications equipment, to conceal the perpetrator of the criminal offence, or by concealing the means by which the criminal offence was committed, traces of the criminal offence or things arising from or obtained by the criminal offence or in any other way are helping to prevent his discovery.

(8) Under the requirements from paragraph 1 of this Article the activities referred to in paragraph 1, points 1, 2, 3, 4, 5, 6, 7, and 8 of this Article, may be applied to the means, premises and things of the person, with the written consent of that person.

(9) In a case where there is no knowledge of the identity of the participants in the criminal offence, the activities from paragraph 1, point 8 of this Article may be ordered in relation to the subject of the criminal offence.

(10) Implementation of the activities from paragraph 1, points 5 and 6 of this Article may not comprise incitement to commission of a criminal offence.

Further, the provisions of Article 334, paragraph 1, point 1 of the CC/11 prescribe that these special investigation activities may amongst other things, be ordered for criminal offences of slavery from Article 105 of the CC/11, trafficking in human beings from Article 106 CC/11 and trafficking in human body parts and human embryos from Article 107 of the CC/11.

Also we draw attention to the fact that these activities may be ordered for a period of three months, but upon a motion by the public prosecutor, the investigation judge may extend those activities for a further three months if they are giving results, and a reason exists to continue their implementation to collect evidence. For the criminal offence of slavery from Article 105 of the CC/11 and trafficking in human beings from Article 106 of the CC/11 these activities may be extended for a further six months, and after the end of that time only exceptionally for a further six months, if their use is necessary in order to achieve the purpose for which they were ordered. Special investigation techniques shall be implemented by the police.

### **Question 52:**

We did not have any cases of THB for the purpose of the removal of organs.

According to data from the Public Prosecution Service of the Republic of Croatia, there have not been any cases so far of the criminal offence of trafficking in human body parts, or cases related to removal of organs for trafficking in human body parts, which criminal offence is regulated by the provisions of Article 107 of the Criminal Code.

## **Protection of victims, witnesses and collaborators with the judicial authorities**

### **Question 53:**

By way of introduction, we point out that in the part relating to the competence of the Ministry of Justice, Article 292 of the CPA/08 prescribes the manner of interviewing children as witnesses, but also witnesses as victims of the criminal offence of trafficking in human beings.

(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 an expert 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 would 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 other room where they reside. These witnesses may be interviewed by means of an audio-video device, operated by an expert 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) The interview of a witness who is a victim of the criminal offence of trafficking in human beings shall also be conducted in the manner prescribed in paragraph 3 of this Article at their request. This witness may only be interviewed again as an exception, if the court deems it necessary.

Further, the CPA/08 prescribes the possibility of further protection of witnesses. In a case where the probability exists that by giving testimony or answering certain questions, the witness would expose him/herself or a person close to them to danger to their life, health, physical integrity, freedom or a significant quantity of property (an endangered witness) they may refuse to give personal data, reply to a specific question or give testimony at all until they are provided with protection. Immediately upon learning about these facts, the public prosecutor shall propose to the investigation judge a special way of participating in the proceedings and a special form of interviewing the witness, this proposal shall be submitted by the public prosecutor to the investigation judge in a sealed envelope, designated "endangered witness - secret". If the investigation judge grants the motion by the public prosecutor, he shall order by a ruling a pseudonym for the endangered witness, a special way of participating in the proceedings, and a special form of interview, and data on the

endangered witness shall be sealed in a special cover and hand to the public prosecutor for safe keeping. Persons who learn about the endangered witness are obliged to keep that information secret. When summoning an endangered witness to a hearing, the investigation judge and the public prosecutor may order the police to take measures to protect the witness. Interviews if they include concealing the witness's appearance, shall be conducted using audio-video equipment, whereby the appearance and voice of the witness shall be altered, and the witness shall be located in a separate room. The endangered witness shall be questioned at the hearing in the same way.

Also, the CPA/08 established that the court chamber shall exclude the public from the hearing at the request of a victim of a criminal offence of trafficking in human beings, while they are being questioned as a witness.

The Public Prosecution Service of the RC: In relation to the measures taken in order to encourage the participation of victims and witnesses in criminal proceedings against traffickers in human beings, to ensure that their testimony is as credible as possible and precisely reflect their experience, as was mentioned above, precisely the provisions of Article 43 of the Criminal Procedure Act ensure the victim's right to effective psycho-social and professional assistance and support by the bodies, organizations or institutions that help victims of criminal offences. The right of a victim to the secrecy of personal data and the right to request the exclusion of the public from the hearing, within the meaning of the provisions of Article 45, paragraph 1 point 6 and 7 of the Criminal Procedure Act, also have a positive effect in terms of encouraging victims to testify.

#### **Question 54:**

A victim of a criminal offence has the right to psychological and other professional assistance by the bodies, organizations or institutions that help victims. They have the right to the professional assistance of a counsellor. If it is a case of a child victim of a criminal offence, the interview will be conducted with the assistance of a psychologist, pedagogue or other professional person. Also, we emphasize that the victim also has the right to be questioned in the presence of a person of trust.

Victims as witnesses are prepared for what they may expect while giving their testimony, where possible, they are referred to the Office for Support for Victims and Witnesses at individual courts. In some cases, the providers of assistance was with the victim while they were testifying.

#### **Question 55:**

The application of criminal legislation of the Republic of Croatia is prescribed in Articles 10 - 18 of the CC/11, but we are giving an overview here of Article 10 of the CC/11, Article 11 of the CC/11, Article 14 of the CC/11, Article 15 of the CC/11, Article 16 of the CC/11 and Article 18 of the CC/11.

In Article 10 of the CC/11 it is prescribed that the criminal legislation of the Republic of Croatia is applied to anyone who commits a criminal offence in its territory.

Article 11 of the CC/11 prescribes that the criminal legislation of the Republic of Croatia applies to anyone who commits a criminal offence on a national ship or aircraft, regardless where that ship or aircraft is located at the time the criminal offence is committed.

The application of criminal legislation for criminal offences committed by its citizens outside the territory of the Republic of Croatia

#### Article 14

(1) The criminal legislation of the Republic of Croatia shall apply to Croatian citizens and persons who have residence in the Republic of Croatia, who commit any criminal offence, outside the territory of the Republic of Croatia, apart from those covered by the provisions from Article 13 and Article 16 of this Act, if that criminal offence is also punishable pursuant to the law of the state in which it was committed.

(2) The provisions of paragraph 1 of this Article shall also be applied when the perpetrator acquires Croatian citizenship after committing the criminal offence.

(3) In the cases referred to in paragraphs 1 and 2 of this Article, in cases of the criminal offences from Article 115, paragraphs 3 and 4, Article 116, Article 153, Article 154, Article 158, Article 161, Article 162, Article 163, Article 164, Article 166 and Article 169 of this Act, and other criminal offences for which this is prescribed by an international agreement to which the Republic of Croatia is a party, the criminal legislation of the Republic of Croatia shall also be applied when the criminal offence is not punishable pursuant to the law of the state in which it was committed.

(4) When Croatian citizens are taking part in peace operations or other international activities outside the territory of the Republic of Croatia and in those operations or activities commit a criminal offence, the application of the legislation of the Republic of Croatia shall be guided by the provisions of this Act, if an international agreement to which the Republic of Croatia is a party does not prescribe otherwise.

The application of criminal legislation for criminal offences committed against its citizens outside the territory of the Republic of Croatia

#### Article 15

(1) The criminal legislation of the Republic of Croatia shall apply to foreigners who commit any criminal offence outside the territory of the Republic of Croatia against Croatian citizens and persons who have residence in the Republic of Croatia, or a legal person registered in the Republic of Croatia, which is not covered by the provisions of Article 13 and Article 16 of this Act, if that criminal offence is also punishable pursuant to the law of the state in which it was committed.

(2) In the case from paragraph 1 of this Article, the court may not impose a more severe penalty than the one prescribed by the law of the country in which the criminal offence was committed.

The application of criminal legislation for criminal offences against values protected by international law, committed outside the territory of the Republic of Croatia

#### Article 16

The criminal legislation of the Republic of Croatia shall be applied against anyone who commits a criminal offence outside its territory from Article 88, Article 90, Article 91, Article 97, Article 104, Article 105 and Article 106 of this Act, or a criminal offence which the

Republic of Croatia is bound to punish under an international agreement, even when it is committed outside the territory of the Republic of Croatia.

Special provisions regarding institution of criminal proceedings for criminal offences committed outside the territory of the Republic of Croatia

#### Article 18

(1) When in the case of the application of the criminal legislation of the Republic of Croatia, pursuant to the provisions of Article 13 of this Act, criminal proceedings are finally concluded in a foreign state, the Chief Public Prosecutor may relinquish criminal prosecution.

(2) In the cases referred to in Article 14, Article 15 and Article 17 of this Act, criminal proceedings for application of the criminal legislation of the Republic of Croatia shall not be instituted:

1. if the penalty imposed by the final judgement has been executed or is in the process of execution or may no longer be executed under the law of the state in which the person was convicted,

2. if the perpetrator in the foreign state was acquitted by a final judgement or if his punishment under the law of the state in which the criminal offence was committed was pardoned,

3. if the criminal offence, under the law of the state in which it was committed, is prosecuted upon a motion or a private complaint, and that motion or complaint were not filed, or the statute of limitations expired on criminal prosecution.

(3) In the case from Article 16 of this Act, criminal proceedings for application of the criminal legislation of the Republic of Croatia may be instituted if criminal prosecution has not been instituted before the International Criminal Court or the court of another state, or if the conduct of fair proceedings cannot be expected before the court of the state in which the criminal offence was committed, the court of the state of which the perpetrator is a citizen or another court with jurisdiction for the trial. If the criminal proceedings are conducted in another state in violation of internationally recognized standards of a fair trial, criminal proceedings may be instituted only with the consent of the Chief Public Prosecutor.

(4) In the cases referred to in Article 14, Article 15, Article 16 and Article 17 of this Act, criminal proceedings shall be instituted only if the perpetrator is located in the territory of the Republic of Croatia.

### **International co-operation**

#### **Question 56:**

The project “Introduction of Requirements for Establishing Joint Investigation Teams to Fight Trafficking in Human Beings in Southeast Europe” was launched with the aim of fighting organized crime and other forms of cross-border crime as effectively as possible, which should also have immediate effects on internal and external security in Southeast Europe. The project was supported by the Europol and Eurojust. Within the 8<sup>th</sup> Ministerial Conference on cooperation in the field of border security in Southeast Europe, which was held in Ljubljana on 28 February 2011, a Memorandum of Understanding was signed, the signatories of which committed themselves to support the project entitled: *Introduction of Requirements for Establishing Joint Investigation Teams to Fight Trafficking in Human Beings in Southeast*

*Europe (JIT THB)*. Other participating countries included: Albania, Bosnia-Herzegovina, Bulgaria, Monte Negro, Croatia, Macedonia, Moldova, Romania, Serbia and Slovenia.

The mentioned Project was focused on strategic activities, which will primarily ensure a logistic platform, which is necessary for future operational activities through joint investigation teams.

The topics covered by the mentioned Project include: a) an overview of the entire legislative framework relevant for setting up joint investigation teams, b) organisational workshops focused on preparation and implementation of JITs, c) overview of the existing information exchange systems, experiences of the EU member states, Europol and Eurojust and the PCC SEE Secretariat, d) presentation of the topic of THB, legal regulations of the issue of THB in individual countries, e) role of the police, judicial bodies and the NGOs in establishing and implementation of JITs, f) reaching agreement on communication channels for JITs in general, g) specific management issues concerning JITs.

Within this Project, a seminar took place in Opatija from 11-13 March 2014, and the participants included Croatian public prosecutors and specialized police officers for combating THB.

The topics included establishing JITs with third countries, liaison officers in third countries, faster exchange of information, participation in the implementation of international and regional actions and projects aimed at the identification of victims, combating trafficking in persons, cooperation between Interpol, Europol, SELEC, regional and international police cooperation based on bilateral agreements with the aim of exchanging best practices and encouraging the establishment of joint investigation teams in order to facilitate detection of the criminal offences of trafficking in human beings and their perpetrators.

The Ministry of Foreign and European Affairs is included in the procedure of organizing the return of victims of trafficking in human beings to their home countries, only in cases in which cooperation between the national coordinators or competent bodies (the Ministries of the Interior) become complex. So far there have been no problems with this cooperation.

The Office for Human Rights and the Rights of National Minorities, as part of international cooperation, conducts projects in partnership with EU member states. In 2013 the IPA project was run entitled: "Enhancing the Identification of Victims of Trafficking in Human Beings", in partnership with the Agency for Combating Trafficking in Human Beings of the Republic of Romania.

The project was registered within the area "Justice, Freedom and Security" and stems from the obligation to enhance work to identify victims of trafficking in human beings. It was a twinning light project, lasting 6 months and it began in January 2013. Through the project many activities were undertaken, which contributed to improving the identification of victims of trafficking in human beings.

#### **Question 57:**

Regarding police investigations about transmitting information to the other party concerning a victim, witness or collaborator, the other party is informed without delay.

Protection measures for such persons are described and determined in the Protocol on Identification, Assistance and Protection of Victims of Human Trafficking and if such persons need police protection, they will get it.

### **Question 58:**

In 2011, the Ministry of Interior, in cooperation with the Ministry of Science, Education and Sports, launched a project: interactive website on missing persons: [www.nestali.hr](http://www.nestali.hr). This is a part of the project of establishing National Records on Missing Persons (NENO), which clarifies the procedure and the complexity of the methodology of searching for missing persons and invites the families of missing persons, friends and broader community to get actively involved – in cooperation with the police – in the search for the missing person, because they are an important source of useful information about the habits and the lifestyle of the missing person.

After starting working on the topic of missing persons, there was an idea to collect all the profiles of missing persons at one place, without any exceptions, in order to make it possible to citizens to report useful information about any missing person. In order to do that, they don't have to go to the police station, but they can do it online, and the police are checking all the information.

The Centre for Missing and Abused Children was given a harmonized European short code for services of social significance, Call Centre for Missing Children, and thereby the free services of this number are also available in the Republic of Croatia. By opening the free phone line of the 116000 service with special social sensitivity, the Republic of Croatia, as the 24th country, joined the HOTLINE for missing children, within the European Union, where this form of assistance for parents and guardians and the missing children themselves, is already available. The basic services provided through the 116000 European phone number for missing children are receipt of reports of a missing child, passing on reports to the police, provision of support to parents/guardians of a missing child, and provision of additional support to the police in the investigation. In providing this service, the Centre for Missing and Abused children cooperates with the police and other organizations dealing with missing children. International cooperation is also important since the lack of the former border controls between EU countries makes it easier to transport missing children from the territory of one member state to another. The free phone line 166000 is available 24 hours a day, every day, and calls made to the 116000 line are answered by workers of the CMAC, who have completed the appropriate training for providing assistance to parents of missing children, and they receive information from citizens in a case of a missing child and with their consent, pass it on to the police or other competent institutions.

Apart from additional support to the police in investigation of a missing child, the Centre, thanks to its many years' experience in providing assistance to children in crisis situations, and its work to prevent this and its well-developed network of contacts with relevant organizations in this country and abroad, through the 116000 number provides services of psychological and other appropriate assistance to parents of missing children, or refers them to the appropriate institutions and helps them in communication and connection with them. If a child has gone missing in the territory of a foreign state, this form of assistance is extremely important, and facilitates unhindered communication with the competent organizations and institutions in the foreign country, thereby overcoming the language barriers which could make it difficult to receive information about a missing child. Also, services of assistance and support make it possible for children, once they have been found and returned to their family



to find and resolve the problems of the previous disappearance and prevent future disappearances, or flight.

The Ministry of the Interior runs National Records of missing persons and on their web site, [www.nestali.hr](http://www.nestali.hr) it publishes information on all missing persons, including children. The Centre for Missing and Abused Children also has a web site [www.nestaladjeca.hr](http://www.nestaladjeca.hr) on which it publishes all available information on missing children.

## **Co-operation with civil society**

### **Question 59:**

NGOs are an integral part of the national system of combating trafficking in human beings that consists of: the National Anti-Trafficking Coordinator, the National Committee for Combating Trafficking in Human Beings and the Operational Team of the National Committee.

In the Republic of Croatia there are not many NGOs dealing with anti-trafficking issues. There is the PETRA network, consisting of about 10 NGOs and the Croatian Red Cross. They are both members of the National Committee and the Operational team. The criteria are experience in the field, but in the new National Plan for Combating Trafficking 2012-2015, it is planned this year to create written criteria for membership in these bodies.

Representatives of NGOs, with the relevant ministries, are equal members of both the National Committee on Combating Trafficking in Human Beings and the Operational Team. Since the Operational Team meets once a month, joint work on each case of trafficking is very visible and the cooperation very direct. This means not only that they actively participate in the work of these bodies, but also, what is very important, members of the NGOs give their input to every strategic anti-trafficking document as well as Action Plans and Protocols that are later adopted by the Government. They are present in every working group dealing with new national documents and have the opportunity to share their point of view and make suggestions on measures needed. Furthermore, regarding the Annual Report on the implementation of the National Plan for Combating Trafficking, representatives of the NGOs also give reports on measures taken, and they are an integral part of the Annual Report.

In the Republic of Croatia both national shelters for victims (one for children and one for adults) are financed by the state budget, but run by NGOs. NGOs are in charge of providing all the necessary help and assistance to victims foreseen by the national referral mechanism, and they create an individual plan for each victim.

Regarding victim identification, apart from the opportunity to present a case at the meeting of the Operational Team, the NGOs that run the SOS help line (also financed by the Government) directly send all information to the police to be investigated.

One other form of cooperation are joint public campaigns. The National Coordinator's Office is currently conducting a public campaign with the Croatian Red Cross. As I mentioned before, the campaign is targeting potential users of services of trafficking victims and was officially launched with the slogan: "If you are a real man, you will not buy a woman".

There is also another aspect of NGO cooperation - the annual tender for projects on promotion and protection of human rights with one priority always dedicated to projects on combating trafficking in human beings.

### **Question 61:**

In the Republic of Croatia, there are no cases where victims or possible victims of THB have been granted refugee status or subsidiary protection.

### **E static on THB (per year, starting with 2010)**

In 2010 there were no cases of voluntary returns of victims of trafficking in human beings.

In 2011 one juvenile victim of trafficking in human beings was returned (BH)

In 2012 three victims of trafficking in human beings were returned (1 USA, 2 Romania)

In 2013 three victims of trafficking in human beings were returned from the Republic of Croatia to their country of origin (BH, Serbia and Romania).

## **D. Final questions**

### **Question 62:**

- The Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia
- Ministry of Interior
- The Ministry of Foreign and European Affairs
- The Ministry of Justice
- The Ministry of Social Policy and Youth
- The Ministry of Health
- The Public Prosecution Service
- The PETRA network
- The Croatian Red Cross

### **Question 63:**

The Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia

## **E. Statistics on THB (per year starting with 2010)**

The Ministry of Social Policy and Youth reports that in 2010 4 children were identified as victims of trafficking in human beings, in 2011 also 4, in 2012 none, whilst in 2013 that number rose to 16 child victims. At the time when this report is being submitted, in 2014 11 children have been identified as victims of trafficking in human beings. Regarding the structure of the gender of juvenile victims, they were mainly girls who were victims of sexual exploitation. Also, cases of forced marriage have been recorded in the case of the Roma national minority.

Since the more detailed figures on forms of care provided to victims of trafficking in human beings for the period from 2010 to 2013 were sent by the Ministry of Health and Social Welfare, or the Ministry of Social Policy and Youth, and the competent non-governmental organizations, and in order to draw up annual reports on the implementation of the National

Plan to Combat Trafficking in Human Beings, we present below figures on the forms of care provided to identified juvenile victims of trafficking, identified in 2014.

Of a total 12 victims identified, 11 were girls and 1 boy. In 7 cases it was a matter of recruiting juveniles to send explicit photographs by means of social networks in order to use them for pornography. All the victims were girls, with an average age of 17 years, and Croatian citizens. The girls were informed about the programme of assistance and protection, which they refused, they were provided with professional assistance and support within the social welfare system.

In two cases it was a matter of procurement of girls, aged 15 and 17, who were Croatian citizens. In the first case the girl was procured once by an older woman, her acquaintance, and at the suggestion of her older sister, in whom she confided she reported this to the police. The girl was provided with professional assistance and support and a measure of increased supervision was imposed on execution of parental care, in order to help the family of the victim and the need was considered to take other measures of family law protection. In the other case, the girl refused the offered programme of assistance and support, but she was provided with professional assistance and support within the social welfare system.

In the remaining three cases, it was a case of attempted transfer of children over the border with counterfeited documents, by a person who was pretending to be their grandmother. It was a case of 2 girls and 1 boys who had previously lived in Italy, but it was subsequently established that they were citizens of Bosnia and Herzegovina. The children, in view of their ages (2, 4 and 10 years) were accommodated in an appropriate home, where they were provided with the necessary care and integration into society of the appropriate age. The older girl is attending 4th grade of elementary school, and the younger children are attending kindergarten. At the time this report is being submitted, verification is under way by the competent services, who will establish the interests of the children for reunion with their family.

## 2014.

### Number of identified victims according to citizenship

<b>State</b>	<b>Number of victims</b>
Bosnia and Herzegovina	3
Croatia	22
Romania	1
<b>TOTAL</b>	<b>26</b>

### Number of identified victims according to sex

<b>State</b>	<b>Male</b>	<b>Female</b>
Bosnia and Herzegovina	1	2
Croatia	5	17
Romania	1	
<b>TOTAL</b>	<b>7</b>	<b>19</b>

### Number of identified victims according to age

<b>Identified victims according to age</b>	<b>Number of victims</b>
--------------------------------------------	--------------------------

0-18	16
19-30	7
31-40	2
41-50	-
other	1
<b>TOTAL</b>	<b>26</b>

Number of identified victims according to forms of exploitation

<b>Type of exploitation</b>	<b>Number of victims</b>
Labour	3
Sexual	20
Transit	3
<b>TOTAL</b>	<b>26</b>

**2013.**

Number of identified victims according to citizenship

<b>State</b>	<b>Number of victims</b>
Bosnia and Herzegovina	4
Croatia	22
Macedonia	1
Romania	3
Serbia	1
<b>TOTAL</b>	<b>31</b>

**2012**

Number of identified victims according to citizenship

<b>State</b>	<b>Number of victims</b>
Croatia	8
Romania	2
SAD	1
<b>TOTAL</b>	<b>11</b>

Number of identified victims according to sex

<b>State</b>	<b>Male</b>	<b>Female</b>
Croatia	2	6
Romania	2	
SAD		1
<b>TOTAL</b>	<b>4</b>	<b>7</b>

Year	Number	of	Number of acquittals	Number of negative
------	--------	----	----------------------	--------------------

	convictions		decissions
2010	4	1	2
2011	3	2	0
2012	2	0	0

Year	Number of reported persons for trafficking in human beings	Number of accusations for trafficking in human beings	Number of convictions for trafficking in human beings
2010	8	9	7
2011	7	2	5
2012	5	0	2