



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

**Recommendation CP/Rec(2020)07  
on the implementation of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
by Croatia**

*adopted at the 27th meeting of the Committee of the Parties  
on 4 December 2020*

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

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

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

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

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

Recalling Committee of the Parties' Recommendation CP(2016)3 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Croatia and the report of the Croatian authorities on measures taken to comply with this recommendation, submitted on 23 May 2017;

Having examined the third report concerning the implementation of the Convention by Croatia, adopted by GRETA at its 38th meeting (6-9 October 2020), as well as the comments of the Croatian Government received on 24 November 2020;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in chapter V of GRETA's third report on follow-up topics specific to Croatia;

Welcoming the measures taken and progress achieved by the Croatian authorities in implementing the Convention, and in particular:

- the adoption of the National Action Plan to Combat Trafficking in Human Beings 2018-2021, which is supported by a dedicated budget;
- the legislative amendments related to the rights of victims of crime, introducing a mandatory procedure for individual assessment in order to reduce the risks of secondary victimisation;
- the steps taken to ensure child-sensitive procedures for obtaining access to justice and remedies;

- the efforts made to provide access to work, vocational training and education to victims of human trafficking;
- the existence of police investigators specialised in dealing with human trafficking cases;
- the steps taken prevent and combat trafficking for the purpose of labour exploitation, including the inclusion of labour inspectors in the National Committee for Combating Human Trafficking and its Operational Team;
- the active engagement in international co-operation in the investigation and prosecution of human trafficking.

A. Recommends that the Government of Croatia take measures to address the following issues for immediate action<sup>1</sup> identified in GRETA's report:

1. investigate proactively the reasons for the absence of compensation claims and awards to victims of trafficking, and make efforts to guarantee effective access to compensation for victims of trafficking, in line with Article 15 (4) of the Convention, including by:
  - ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim and the financial loss for the victims, is part of the criminal investigation, with a view to supporting compensation claims in court;
  - enabling victims of trafficking to effectively exercise their right to compensation, by ensuring access to legal assistance and legal aid (primary and secondary) at the outset of the criminal proceedings, and building the capacity of legal practitioners to support victims in claiming compensation;
  - including compensation in training programmes for prosecutors and the judiciary, and encouraging them to use all the possibilities the law offers to uphold compensation claims by victims of trafficking;
  - making full use of the legislation on the freezing and forfeiture of assets and international co-operation to secure compensation to victims of trafficking;
  - reviewing the eligibility criteria for state compensation, in particular the criterion of serious injury, ensuring that co-operation of the victim with law enforcement does not influence the award of compensation, and making state compensation available to all victims of trafficking when the offence was committed in Croatia, regardless of their nationality and residence status (paragraph 82).
2. strengthen the criminal justice response to human trafficking, and in particular:
  - ensure that human trafficking offences are promptly investigated, regardless of whether a complaint about the reported crime has been submitted or not, making use of all possible evidence gathered through special investigation techniques and financial investigations, and not having to rely mainly on testimony of victims or witnesses. In this context, the Croatian authorities should take steps to ensure that all complaints of possible human trafficking offences are registered, and that complainants are treated respectfully by the police.
  - ensure that property used to commit crimes, or which can reasonably be considered to constitute proceeds of crime, is seized to the greatest extent possible;
  - ensure that THB cases are prosecuted as such and lead to effective, proportionate and dissuasive sanctions for those convicted. If an alternative charge is preferred in human trafficking cases, this should be recorded and monitored by the Prosecutor's Office. The plea-bargaining procedure should be used only exceptionally in human trafficking cases, subject to appropriate safeguards, where the reduction of a sentence is clearly outweighed by the advantages offered by the plea agreement (these advantages being indicated in the judicial

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<sup>1</sup> The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

- decision approving the agreement) and the agreement is not in any way detrimental to the rights of the victims, including their access to compensation;
- continue providing training, and encourage the specialisation of prosecutors and judges to deal with human trafficking cases and to ensure that they are not re-qualified as other offences which carry lighter penalties and deprive victims of THB of access to protection, support and compensation (paragraph 98);
3. ensure compliance with Article 26 of the Convention through the adoption of a provision on the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, and/or the development of guidance for prosecutors (paragraph 103);
  4. take additional steps to protect victims of human trafficking, and in particular:
    - make use of the available measures to protect vulnerable victims and witnesses of human trafficking and to prevent intimidation during the investigation, as well as during and after the court proceedings;
    - build the awareness of all actors in the criminal justice system on how to avoid re-victimisation and stigmatisation of victims of trafficking through training and awareness-raising, as well as prioritising the rights, needs and interests of victims;
    - ensure that cross-examination (direct confrontation) of victims of trafficking and offenders does not take place in order to avoid re-victimisation and ensure the psychological integrity of the victim;
    - avoid repeated and lengthy questioning of victims of trafficking by setting up adequate procedures and internal regulations (paragraph 114);
  5. adopt measure to ensure that the identity of child victims of trafficking is not made publicly known, through the media or by any other means (except in order to facilitate the tracing of family members or otherwise secure the well-being and protection of the child) (paragraph 142);
  6. take additional steps to ensure that all victims of human trafficking are identified as such and can benefit from the assistance and protection measures contained in the Convention, and in particular:
    - increase the training provided to members of the mobile teams, border police officers and staff working in facilities for asylum seekers and migrants to enable them to identify victims of trafficking;
    - institutionalise and implement procedures for screening migrants for indicators of human trafficking;
    - systematically inform all asylum seekers, in a language they can understand, about their rights in the framework of the asylum procedure, and the legal rights and the services available to victims of trafficking;
    - ensure that risk assessments prior to all forced removals from Croatia fully assess risks of trafficking or re-trafficking on return, in compliance with the obligation of *non-refoulement*;
    - secure adequate funding for specialised NGOs to enable them to effectively take part in the identification performed by mobile teams and to undertake outreach work in order to proactively identify victims of trafficking, including through having regular access to facilities for asylum seekers and detained migrants (paragraph 187);
  7. take further steps to strengthen the identification and assistance of child victims of trafficking, and in particular:
    - institutionalise and implement procedures for screening unaccompanied children for trafficking indicators;

- ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of human trafficking by paying particular attention to children in care institutions, Roma children and unaccompanied children;
- train all professionals working with child victims of trafficking to recognise and respond appropriately to their needs (paragraph 203).

B. Recommends that the Croatian authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.

C. Requests the Government of Croatia to report to the Committee of the Parties on the measures taken to comply with this recommendation by **4 December 2022**.

D. Invites the Government of Croatia to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.