



EVALUATION REPORT

CROATIA

GRETA

Group of Experts
on Action against
Trafficking
in Human Beings

Third evaluation round

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

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Executive summary

Since the second evaluation round of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, Croatia has taken a number of steps to develop the legislative and policy framework relevant to action against trafficking in human beings. In 2017, amendments were made to the Criminal Procedure Act, including the introduction of a mandatory procedure for individual assessment of victims of crime in order to reduce the risks of secondary victimisation. A new National Action Plan to Combat Trafficking in Human Beings was adopted for the period 2018-2021. Further, as recommended by GRETA in its second evaluation report, the Labour Inspectorate was included into the National Committee for Combating Human Trafficking and its Operational Team.

Croatia is a country of origin, destination and transit of victims of trafficking. While trafficking for the purpose of sexual exploitation of women and girls continues to be the main form of exploitation, there has been an increase in the number of victims of trafficking for labour exploitation (which has concerned mostly men) and exploitation in criminal activities. The number of foreign victims has increased, due to the detection in 2018 of a large-scale case of trafficking of persons from Taiwan for the purposes of fraudulent activities in an illegal call centre. The Croatian authorities reported a trend to use the internet and technology to facilitate trafficking, in particular social media platforms for the recruitment of children.

The focus of the third evaluation round of the Convention being on trafficking victims' access to justice and effective remedies, the report analyses in detail the implementation of provisions of the Convention establishing substantive and procedural obligations relevant to this topic.

The Ministry of the Interior has developed two information sheets - one for adult and one for child victims - which explain the rights of victims of human trafficking and are available in 22 languages. Nevertheless, GRETA considers that the Croatian authorities should strengthen the provision and availability of information to presumed victims and formally identified victims of trafficking regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of trafficking. This concerns in particular the right to a recovery and reflection period.

In criminal proceedings, the right to free legal aid is ensured to adult and child victims of trafficking, who are entitled to counselling services at government expense before being interrogated, as well as to a legal representative appointed at government expense. Legal aid is also available in civil proceedings in order to claim compensation for damages caused by criminal offences. The Croatian Bar Association provided training to lawyers on human trafficking in 2018-2019 and established a list of specialised lawyers who can provide legal aid to victims of trafficking. Nevertheless, GRETA considers that the authorities should take steps to ensure that access to primary legal aid and the appointment of a lawyer are guaranteed as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, including in the case of asylum seekers and persons placed in detention prior to deportation, before the persons concerned have to decide whether or not they want to co-operate with the authorities and/or make an official statement.

A victim of human trafficking can claim compensation from the perpetrator in criminal or civil proceedings, but there have been no such cases. Further, there have been no judgements in human trafficking cases resulting in the confiscation of assets. Victims of violent criminal offences committed with intent in Croatia have the right to state compensation under certain conditions. However, no requests for state compensation have been received from victims of trafficking. GRETA urges the Croatian authorities to review 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 to make state compensation available to all victims of trafficking when the offence was committed in Croatia, regardless of their nationality and residence status. Furthermore, GRETA urges the Croatian authorities to guarantee effective access to compensation for victims of trafficking, including by ensuring that the collection of evidence about the harm the victim has suffered is part of the criminal investigation, with a view to supporting compensation claims in court, and making full use of the legislation on the freezing and forfeiture of assets and international co-operation to secure compensation to victims of THB.

In the period 2015-2018, a total of 65 investigations were conducted into human trafficking cases. The number of convictions in the same period was 16 (two judgments were not yet final). Further, there were two final convictions in 2019. GRETA notes with concern that not all complaints about possible human trafficking offences are taken seriously by the police and urges the Croatian authorities to ensure that human trafficking offences are promptly investigated, 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. The authorities should further 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 trafficking of access to protection, support and compensation. The plea-bargaining procedure should be used only exceptionally in human trafficking cases, subject to appropriate safeguards.

There is still no specific legal provision in Croatian law concerning the possibility of not imposing penalties on victims of trafficking for their involvement in unlawful activities, to the extent that they have been compelled to do so, nor is there any guidance for prosecutors on the non-punishment provision. GRETA urges the Croatian authorities to ensure compliance with Article 26 of the Convention through the adoption of a provision on the non-punishment of victims of trafficking and/or the development of guidance for prosecutors. Public prosecutors should be encouraged to be proactive in establishing whether an accused person is a potential victim of trafficking and to consider trafficking in human beings as a serious violation of the rights of the victim. While the identification procedure is ongoing, potential victims of trafficking should not be punished for immigration-related offences and persons forced into prostitution should not be subjected to penalties.

GRETA notes positively the establishment of the mandatory needs assessment for victims of crime and the setting up of victim and witness support services. However, victims of trafficking are reportedly subjected to multiple interviews and hearings, increasing the risk of secondary victimisation and re-traumatisation. GRETA urges the Croatian authorities to build the awareness of all actors in the criminal justice system on how to avoid the re-victimisation and stigmatisation of victims of trafficking, to ensure that cross-examination of victims and offenders does not take place, and to avoid repeated and lengthy questioning of victims of trafficking.

Whilst welcoming the steps taken to ensure child-sensitive procedures for obtaining access to justice and remedies, including the setting up of 60 specially equipped rooms for interviewing children, GRETA considers that the Croatian authorities should strengthen their efforts to ensure that child victims are in practice afforded special protection measures. GRETA is concerned that the personal details of children are often revealed by the media and urges the Croatian authorities to adopt measures to ensure that the identity of child victims of trafficking is not made publicly known when it is not in their best interest.

The report also examines progress made on the implementation of previous GRETA recommendations on selected topics. GRETA notes the provision of preventive actions and awareness raising of the risks of child trafficking, but considers that the Croatian authorities should further sensitise and train child protection professionals and staff in childcare institutions, and raise children's awareness of their rights and the risks of human trafficking, especially recruitment through Internet/social networks and online exploitation.

GRETA also urges the Croatian authorities to take additional steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures contained in the Convention, in particular by increasing 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, and by providing appropriate funding to specialised NGOs. Procedures for screening migrants for indicators of trafficking should be institutionalised and implemented, and the authorities should ensure that the pre-removal risk assessments prior to all forced removals fully assess risks of trafficking or re-trafficking on return, in compliance with the obligation of *non-refoulement*. Further, the authorities should increase their efforts to proactively identify victims of trafficking for the purpose of labour exploitation, including by providing training to relevant actors and paying particular attention to at-risk sectors, such as agriculture, construction and hospitality.

Moreover, GRETA considers that the Croatian authorities should make further efforts to adapt assistance measures to the specific needs of male victims, in particular by ensuring training for professionals coming into contact with victims of trafficking to sensitise them to the specific needs of male victims, bearing in mind also the type of exploitation to which the male victims have been subjected.

GRETA urges the Croatian authorities to institutionalise and implement procedures for screening unaccompanied children for human trafficking indicators and to ensure that the relevant actors take a proactive approach and increase their outreach work to identify child victims of trafficking, paying particular attention to children in care institutions, Roma children and unaccompanied children. Guardianship services should be offered consistently by specially trained staff, and interpretation should be provided for such services.

Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) was established pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention"), which entered into force on 1 February 2008. GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party.

In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions of the Convention on which the evaluation procedure is based.

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

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims' access to justice and effective remedies, which is essential for victims' rehabilitation and reinstatement of rights, and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic, in particular articles 12, 15, 23, 26, 27, 28, 29, 30 and 32.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, access to translation and interpretation, when appropriate, regularisation of the victim's stay, the right to seek and enjoy asylum, and full respect for the principle of *non-refoulement*. These preconditions, corresponding to various provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics through a separate country-specific part of the questionnaire. GRETA's findings and analysis of these topics are presented in a separate chapter.

I. Introduction

1. The Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) entered into force for Croatia on 1 February 2008. GRETA’s first evaluation report¹ on Croatia was published on 30 November 2011, and the second evaluation report² on 4 February 2016.

2. On the basis of GRETA’s second report, on 23 May 2016 the Committee of the Parties to the Convention adopted a recommendation to the Croatian authorities, requesting them to inform the Committee within a one-year period of measures taken to comply with the recommendation. The report submitted by the Croatian authorities was considered at the 21st meeting of the Committee of the Parties (13 October 2017), and was made public.³ Subsequently, on 8 February 2018, the Croatian authorities submitted additional information as a follow-up to their report sent in reply to the Committee of the Parties’ recommendation.

3. On 20 February 2019, GRETA launched the third round of evaluation of the Convention in respect of Croatia by sending the questionnaire for this round to the Croatian authorities. The deadline for submitting the reply to the questionnaire was 20 June 2019 and the authorities’ reply was received on 19 June 2019.

4. In preparation of the present report, GRETA used the reply to the third round questionnaire by the Croatian authorities,⁴ the above-mentioned report and additional information submitted by them in reply to the Committee of the Parties’ recommendation, and information received from civil society. An evaluation visit to Croatia took place from 16 to 20 September 2019 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Mr Ryszard Piotrowicz, First Vice-President of GRETA;
- Mr Francesco Curcio, member of GRETA;
- Ms Ursula Sticker, Administrator in the Secretariat of the Convention.

5. During the visit, the GRETA delegation met Mr Alen Tahiri, Director of the Office for Human Rights and Rights of National Minorities and National Co-ordinator for Combating Human Trafficking, as well as members of the National Committee for Combating Human Trafficking and its Operational Team. Amongst the officials met by GRETA were representatives of the Ministry of the Interior, the Ministry of Justice, the Ministry of Demography, Family, Youth and Social Policy⁵, the Ministry of Health, the Ministry of Science and Education, the Ministry of Foreign and European Affairs, the Ministry of Labour and Pension System, the State Inspectorate/Labour Inspectorate, the Croatian Employment Service (CES), the General Prosecutor’s Office, as well as members of the judiciary. The delegation also held meetings with the Deputy Ombudsman, the Deputy Ombudsperson for Children and representatives from the Office of the Ombudsperson for Gender Equality. Furthermore, the GRETA delegation travelled to Rijeka where it met members of the mobile team against human trafficking, which is involved in the identification of victims of trafficking and their referral to assistance.

6. In the course of the visit, the GRETA delegation visited a shelter for victims of human trafficking and the Reception Centre for Foreigners in Ježevo.

¹ [GRETA\(2011\)20, 1st evaluation report of GRETA on Croatia.](#)

² [GRETA\(2015\)33, 2nd evaluation report of GRETA on Croatia.](#)

³ [CP\(2017\)16, Report submitted by the Croatian authorities on measures taken to comply with Committee of the Parties Recommendation CP\(2016\)3.](#)

⁴ <https://rm.coe.int/greta-2018-26-reply-croatia/168096f7e2>

⁵ Since the time of the visit, the name of this ministry has changed to Ministry of Labour, Pension System, Family and Social Policy.

7. Separate meetings were held with representatives of non-governmental organisations (NGOs) and lawyers. The GRETA delegation also met representatives of the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR).
8. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in the appendix to this report. GRETA is grateful for the information provided by them.
9. GRETA wishes to place on record the co-operation provided by the Croatian authorities and in particular by Mr Alen Tahiri, Director of the Office for Human Rights and Rights of National Minorities and National Co-ordinator for Combating Human Trafficking, and Ms Danijela Gaube and Ms Kristinka Režek of the Office for Human Rights and Rights of National Minorities.
10. The draft version of the present report was approved by GRETA at its 37th meeting (29 June – 3 July 2020) and was submitted to the Croatian authorities for comments. The authorities' comments were received on 15 September 2020 and were taken into account by GRETA when adopting the final report. The report covers the situation up to 9 October 2020; developments since that date are not taken into account in the following analysis and conclusions. GRETA's conclusions and proposals for action are summarised in Appendix 1.

II. Overview of the current situation and trends in the area of trafficking in human beings in Croatia

11. Croatia is a country of origin, destination and transit of victims of trafficking in human beings (THB). According to statistics provided by the Ministry of the Interior, the number of identified victims was 38 in 2015, 30 in 2016, 29 in 2017, 76 in 2018 and 27 in 2019 (a total of 200). More than half of the victims identified over the period 2015-2019 were women. At the same time, the number of identified male victims of THB has been on the rise, and in 2018 they accounted for approximately 60% of all victims. The total number of identified child victims was 50 (four in 2015,⁶ 11 in 2016, 14 in 2017, four in 2018 and 17 in 2019). The number of foreign victims has increased over the years, totalling 86 for the period 2015-2019. Foreign victims mainly originated from Taiwan (59) and Bosnia and Herzegovina (14), but there were also victims originating from Afghanistan (three), Pakistan (two), Thailand (two), Serbia (one), Slovak Republic (one), Romania (one), Hungary (one), Nigeria (one) and the Philippines (one). According to the authorities, all victims were identified by the police in line with the Protocol on Identification, Assistance and Protection of Victims of THB (see paragraph 177), except for one victim who was identified by members of the Operational Team of the National Committee for Combating THB.

12. While trafficking for the purpose of sexual exploitation of women and girls continues to be the main form of exploitation, there has been an increase in trafficking for labour exploitation (which concerns mostly men, in particular in the sectors of agriculture and construction), exploitation in criminal activities⁷ and forced begging. In 2017 and 2018, there were also two cases of THB for the purpose of forced marriage. Civil society actors reported an increase in social welfare benefits abuse, in which victims were obliged to share their benefits with traffickers, as well as victims being forced by traffickers to take out loans or sign contracts with car or telephone companies. The Croatian authorities also reported a trend to use the internet and technology to facilitate human trafficking, in particular social media platforms for the recruitment of child victims of trafficking.

III. Developments in the legal, institutional and policy framework for action against human trafficking

13. In July 2017, the Croatian Parliament passed amendments to the Criminal Procedure Act (CPA) implementing the provisions of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 on the establishment of minimum standards for the rights, assistance and protection of victims of crime. The amendments introduced, *inter alia*, a mandatory procedure for individual assessment of victims of crime in order to reduce the risks of secondary victimisation through the victim's participation in criminal proceedings (see paragraph 107).

14. There have been no significant changes to the anti-trafficking institutional framework since the second evaluation. It continues to consist of three key institutions: the National Anti-Trafficking Co-ordinator, the National Committee for Combating THB, and the Operational Team of the National Committee for Combating THB. The National Anti-Trafficking Co-ordinator, who is the Head of the Government Office for Human Rights and Rights of National Minorities, is responsible for leading and co-ordinating activities related to action against THB.

⁶ Not counting three victims who were under 18 years of age at the time the offence was committed.

⁷ Telecom fraud has been uncovered as a new form of exploitation in one trafficking case in Croatia. In 2018, 59 women and men from Taiwan were identified as victims of THB in a case of an illegal call centre (see paragraph 91).

15. The National Committee for Combating THB (hereafter, the National Committee), established in 2002, is tasked with defining anti-trafficking policies and strategies in Croatia.⁸ It continues to be chaired by the Deputy Prime Minister responsible for social welfare and human rights, and acts as an advisory body to the government. It meets at least twice a year.

16. The Operational Team of the National Committee for Combating THB (hereafter, the Operational Team) ensures day-to-day co-ordination between stakeholders in handling trafficking cases, including assistance to victims of THB.⁹ It meets monthly. Since GRETA's second evaluation, the Labour Inspectorate¹⁰ has been included to the National Committee for Combating THB and its Operational Team.

17. In addition, two co-ordinators, who are distinct from the National Anti-trafficking Co-ordinator, continue to deal with cases of possible victims by overseeing their referral and assistance. One co-ordinator, from the Ministry of Demography, Family, Youth and Social Policy, is in charge of child victims. The other co-ordinator, from the Croatian Red Cross, deals with adult victims.

18. At the local level, there continue to be four mobile teams, based in Zagreb, Rijeka, Split and Osijek, which cover the entire country. Their composition is flexible, but includes at a minimum a representative from the local social welfare centre (a designated social worker acting as a co-ordinator), the Croatian Red Cross, and representatives of NGOs involved in anti-trafficking action in the respective region (see also paragraph 177). Civil society actors reported that 28 new mobile team members had been appointed.

19. The three protocols in the field of combating THB which were already in place at the time of GRETA's previous evaluation visits have been revised since the second GRETA evaluation. The Protocol on Identification, Assistance and Protection of Victims of Human Trafficking, which specifies the actors involved in the identification, assistance and protection of victims and their respective role, and the Protocol on Procedures during the Voluntary Return of Human Trafficking Victims, were revised in 2017, whereas the Protocol on Integration/Reintegration of Victims of Trafficking in Human Beings was revised in 2019.¹¹ Further, a Protocol on the Exchange of Information on Identified Victims of Trafficking is planned by the end of 2020. A Working Group for drafting this protocol was established in May 2020 and held its first meeting in June 2020. The aim of the protocol is to improve the database of THB cases and the prosecution of THB and related criminal offences.

⁸ It includes representatives of the Government Office for Human Rights and Rights of National Minorities, competent ministries (Ministry of the Interior, Ministry of Health, Ministry of Demography, Family, Youth and Social Policy, Ministry of Foreign and European Affairs, Ministry of Justice, Ministry of Science and Education), each of which has a designated THB co-ordinator, public bodies (State Inspectorate/Labour Inspectorate, Public Prosecution Service, Croatian Employment Service), NGOs (PETRA network, Croatian Red Cross) and the media (Association of Croatian Journalists).

⁹ It is composed of representatives of the above-mentioned ministries, represented by their THB co-ordinator, as well as the public agencies and NGOs.

¹⁰ Following the introduction of the State Inspectorate Act in 2018, as of April 2019, Croatia has re-established the State Inspectorate as an independent state administration body to unify related inspection activities. It has taken over the inspection tasks in the field of labour and occupational safety from the Ministry of Labour and Pension System/Labour Inspectorate. The central office is based in Zagreb with five to six regional offices and departments across the country. For more information, see OECD Reviews of Regulatory Reform Regulatory Policy in Croatia 2019, p. 94.

¹¹ See GRETA's 2nd report on Croatia, paragraph 20, and 1st report on Croatia, paragraph 11.

20. The current National Action Plan to Combat Trafficking in Human Beings 2018-2021 covers the same areas as the previous Action Plan (legislative framework; identification of victims of THB; prosecution and sanction of traffickers; assistance to and protection of trafficked victims; prevention; education/training; international co-operation and co-ordination). It includes activities aimed at strengthening the proactive approach in detecting cases of recruitment of victims of human trafficking through the Internet and other open sources, and organising a public campaign on various forms of recruiting the victims through the Internet, with special emphasis on women and children. The sources of funding of each measure are specified in the National Action Plan. However, civil society actors reported that most of the anti-trafficking measures depended on external funding. According to the Croatian authorities, there is a dedicated State budget for the implementation of the National Action Plan. In 2018, a total of 744,156 HRK (approximately €98,600) was spent, and additional funds were provided by each stakeholder responsible for measures under the National Action Plan. In 2019, a total of 1,692,715 HRK (approximately €224,300) was spent. In 2020, a total of 347,620 HRK (approximately €46,000) is planned from the budget of the Office for Human Rights and the Rights of National Minorities, and in 2021, a total of 157,320 HRK (approximately €20,850). Further, each stakeholder implementing measures under the National Action Plan has secured funds for this purpose.

21. The two shelters for victims of human trafficking (one for adults and one for children), the locations of which are secret, are funded by the Ministry for Demography, Family, Youth and Social Policy and run by NGOs (see paragraph 22). The duration of the funding agreement has been extended from one to three years. According to the Croatian authorities, the funding for the shelters has increased over the years. In 2018, the Ministry of Demography, Family, Youth and Social Policy provided funding for the shelters in the amount of HRK 609,055 (approximately €80,700). In 2019, a total of 983,736 HRK (approximately €130,370) was spend for that purpose, and in 2020 and 2021, the amount of 450,000 HRK (approximately €59,600) is planned per year.

22. The Croatian Red Cross continues to play a central role in anti-trafficking action, running the state-funded shelter for adult victims of human trafficking, leading the Zagreb mobile team and acting as co-ordinator for the referral of adult victims of THB. The PETRA network,¹² co-ordinated by the NGO Centre for Women War Victims - ROSA,¹³ brings together 11 NGOs working on issues related to violence against women, including human trafficking. The NGO BREZA, which is not affiliated to the PETRA network, has been contracted to run the state-funded shelter for child victims of human trafficking (see paragraph 200). Moreover, a helpline for victims of human trafficking continues to be operated by the NGO ROSA from the PETRA network (see paragraph 178).

23. The Croatian authorities have indicated their intention to designate an independent National Rapporteur. **Referring to the recommendation made in its second evaluation report, GRETA encourages the Croatian authorities to establish an independent National Rapporteur for monitoring the anti-trafficking activities of state institutions, as provided for in Article 29, paragraph 4, of the Convention.**

¹² For more information on the PETRA network, see: <http://www.petra-nvo.net/>

¹³ For more information on the NGO Centre for Women War Victims – ROSA, see: <http://www.czzzr.hr/trgovanje.php>

IV. Access to justice and effective remedies for victims of human trafficking

1. Introduction

24. Victims of human trafficking, by virtue of their status as victims of crime and victims of human rights violations, have the right to access to justice and effective remedies for any harm committed against them. These rights must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of parties to the Convention, irrespective of their immigration status or presence on the national territory, and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

25. The right to effective remedies is a reflection of the human-rights based approach underpinning the Convention. Regardless of whether a State is implicated in the trafficking or directly responsible for the harm, the positive obligations arising from international human rights law require States to facilitate and guarantee effective access to remedies if they have failed to take reasonable steps to prevent human trafficking, protect potential or actual victims of trafficking, and effectively investigate trafficking offences.¹⁴

26. According to the Basic Principles on the Right to an Effective Remedy for Victims of Trafficking in Persons,¹⁵ the right to an effective remedy is considered to include restitution,¹⁶ compensation,¹⁷ rehabilitation,¹⁸ satisfaction¹⁹ and guarantees of non-repetition.²⁰ All victims of trafficking require access to appropriate and effective remedies, starting with access to justice. The provision of effective remedies serves multiple purposes. The remedy of compensation, for instance, for any injury, loss or harm sustained, can provide critical support in victims' recovery and empowerment, help their social inclusion and prevent re-victimisation. The remedy of rehabilitation can similarly help in victims' recovery, as well as social inclusion. Of relevance in this respect is also the 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which outlines the main steps to be taken

¹⁴ *Rantsev v. Cyprus and Russia*, application no. 25965/04, judgment of 7 January 2010; *L.E. v. Greece*, application No. 71545/12, judgment of 21 January 2016; *Chowdury and Others v. Greece*, application No. 21884/15, judgement of 30 March 2017; *S.M. v. Croatia*, application No. 60561/14, Grand Chamber judgment 25 June 2020.

¹⁵ UN General Assembly, Basic principles on the right to an effective remedy for victims of trafficking in persons, Annex to the Report by the Special Rapporteur on trafficking in persons, especially women and children, 28 July 2014, A/69/33797.

¹⁶ Restitution includes restoration of liberty, including release of the victim from detention; enjoyment of human rights and family life, including reunification and contact with family members; safe and voluntary repatriation; temporary or permanent residence status, refugee status, complementary/subsidiary protection or third-country resettlement; recognition of the victim's legal identity and citizenship; restoration of the victim's employment; assistance and support to facilitate social integration or reintegration; return of property, such as identity and travel documents and other personal belongings.

¹⁷ Compensation may cover damages for physical or mental harm; damages for lost opportunities, including employment, education and social benefits; reimbursement of costs of necessary transportation, child care or temporary housing; material damages and loss of earnings; moral or non-material damages; reimbursement of legal fees and other costs relating to the participation of the victim in the criminal justice process; reimbursement of costs incurred for legal, medical or other assistance.

¹⁸ Rehabilitation includes medical and psychological care, legal and social services, shelter, counselling and linguistic support, independently of the capacity or willingness of the victims to co-operate in legal proceedings.

¹⁹ Satisfaction includes effective measures aimed at the cessation of continuing violations; verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety, privacy and other interests of the victims or their families; an official declaration or a judicial decision restoring the dignity, reputation and rights of the victim; public apologies; judicial and administrative sanction against the perpetrators.

²⁰ Guarantees of non-repetition include ensuring the effective investigation, prosecution and sanctioning of traffickers; all measures necessary to protect victims from re-trafficking; providing or strengthening training of relevant officials; strengthening the independence of the judiciary; modifying practices that cause, sustain or promote tolerance to trafficking, including gender-based discrimination and situations of conflict and post-conflict; effectively addressing the root causes of trafficking; promoting codes of conduct and ethical norms for public and private actors; protecting legal, medical and other professionals and human rights defenders who assist victims.

to improve access to justice and fair treatment, restitution, compensation and social assistance for victims of crime.²¹

27. The Convention provides specifically for the substantive right of victims of trafficking to compensation and legal redress, as well as for a number of procedural rights necessary to ensure access to these entitlements. These include the rights to be identified as a victim of trafficking, to be granted a recovery and reflection period, as well as a residence permit (to enable a victim to remain in the country and seek access to remedies), and to receive counselling, information, legal assistance and free legal aid. Another important procedural right is provided by the non-punishment provision of the Convention (Article 26), according to which victims of human trafficking must not be imposed penalties for their involvement in unlawful activities committed while they were being trafficked. Further, the Convention requires State Parties to enable the seizure and confiscation of the assets of traffickers, which could be used to fund State compensation schemes for victims.

28. Children need special support to access remedies, the best interests of the child being the primary consideration in all actions concerning trafficked children. The appointment of legal guardians to represent unaccompanied or separated children plays a vital role in enabling child victims of trafficking to access justice and remedies. Further, facilitating family reunification can be an important element of restitution.²²

29. Civil society, including NGOs, trade unions, diaspora organisations and employer organisations, plays a vital role in enabling victims of THB to claim compensation and other remedies.²³ In this context, reference should be made to the international projects COMP.ACT - European Action on Compensation for Trafficked Persons²⁴ and Justice at Last - European Action for Compensation of Victims of Crime,²⁵ which aim to enhance access to compensation for trafficked persons.

30. The private sector should also play a role in enabling access to, as well as providing, remedies to trafficked persons, in accordance with the UN 'Protect, Respect and Remedy' Framework and the United Nations Guiding Principles on Business and Human Rights.²⁶ The role of businesses includes steps to ensure that their supply chains are free of trafficked labour, as well as the adoption and implementation of measures to facilitate access to remedies for victims for any harm that occurs. Further, businesses have the potential to help trafficked persons regain economic autonomy.²⁷ States should therefore ensure that business enterprises implicated in human trafficking are held responsible and take steps to reduce barriers that could lead to a denial of access to remedies.

31. Because human trafficking is often a transnational crime, effective international co-operation is essential for fulfilling the obligations with regard to the right to justice and effective remedies. This includes co-operation in tracing and seizing criminal assets, and in returning confiscated proceeds for the purpose of compensation.

²¹ United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985, available at: https://www.unicef-irc.org/portfolios/documents/472_un-declaration-crime.htm

²² UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 7-8, available at: http://icat.network/sites/default/files/publications/documents/Ebook%20ENG_0.pdf

²³ OSCE Compensation for Trafficked and Exploited Persons in the OSCE Region, 2008, pp. 48-53.

²⁴ <http://www.compactproject.org/>

²⁵ <http://lastradainternational.org/about-lsi/projects/justice-at-last>

²⁶ United Nations Guiding Principles on Business and Human Rights, implementing the UN 'Protect, Respect and Remedy' Framework, Doc. A/HRC/17/31 (2011).

²⁷ UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 8-9.

2. Right to information (Articles 12 and 15)

32. Victims who are no longer under their traffickers' control generally find themselves in a position of great insecurity and vulnerability. Two common features of victims' situation are helplessness and submissiveness to the traffickers, due to fear and lack of information about how to address their situation. Article 12, paragraph 1, sub-paragraph d, of the Convention provides that victims are to be given counselling and information, in particular as regards their legal rights and the services available to them, in a language that they understand. Further, pursuant to Article 15, paragraph 1, of the Convention, Parties must ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings, in a language they can understand.

33. The information that victims of trafficking must be provided with deals with essential matters, including availability of protection and assistance arrangements, the various options open to the victim, the risks they run, the requirements for legalising their presence in the Party's territory, the various possible forms of legal redress, how the criminal-law system operates (including the consequences of an investigation or trial, the length of a trial, witnesses' duties, the possibilities of obtaining compensation from persons found guilty of offences or from other persons or entities, and the chances of a judgment being fully and effectively enforced). The information and counselling should enable victims to evaluate their situation and make an informed choice from the various possibilities open to them.²⁸

34. Many victims do not speak, or barely speak, the language of the country they have been brought to for exploitation. Ignorance of the language adds to their isolation, and is one of the factors preventing them from claiming their rights. The provision of translation and interpretation, where needed, is an essential measure for guaranteeing access to rights, which is a prerequisite for access to justice. GRETA has stressed the need for ensuring the availability, quality and independence of interpreters.²⁹

35. In Croatia, pursuant to Article 43, paragraph 4, of the CPA, before undertaking the first interaction with a victim in the context of criminal proceedings, the court, prosecutor, investigator and police are obliged to inform the victim of his/her rights in a way that is understandable to the victim, verbally or through the provision of written information. Article 43 of the CPA lists the general rights for all victims of crime, while its paragraphs 2 and 3, and Article 44 of the CPA list the rights of specific categories of victims of crime: victim of a criminal offence punishable by imprisonment for more than five years who has suffered severe harm as a result of a criminal offence, victim of an intentional violent crime, child victims of crime, victims of sexual criminal offences and human trafficking, and victims with special protection needs.

36. According to the Protocol on Identification, Assistance and Protection of Victims of THB, the police collaborate with the mobile teams when presumed victims of THB are detected. It is not necessary for mobile teams to be present during the first interview with presumed victims, which is conducted by police officers who inform victims of their rights, including to assistance and protection. Mobile team members also conduct an interview with presumed adult victims, without the presence of police officers, in order to assess the victim's needs and inform victims of their rights and the services provided pursuant to the Protocol on Identification, Assistance and Protection of Victims of THB, such as safe accommodation, psychological and social rehabilitation, material assistance for personal needs,³⁰ access to emergency medical care, medical assistance, translation and interpretation services for foreign victims, and free legal aid. If needed, an interpreter is appointed. GRETA was informed that the police and the Croatian Red Cross have their own lists of interpreters.

²⁸ See Explanatory Report on the Convention, paragraphs 160-162.

²⁹ See GRETA's 8th General Report, paragraph 169, available at <https://rm.coe.int/8th-/168094b073>

³⁰ Pursuant to Article 22, paragraph 2, of the Social Welfare Act (NN 157/13, 152/14, 99/15, 52/16, 16/17, 130/17 and 98/19), victims of THB have entitlements under the social welfare system and to the cash allowance provided by the state under the conditions prescribed by this Act.

37. According to the Croatian authorities, at the initial contact with victims of THB, police officers provide them with contact details of state institutions and civil society organisations engaging in the protection of, and assistance to, victims of crime, such as the Service for Victim and Witness Support of the Ministry of Justice, competent Social Welfare Centres and the National Call Centre for Victims of Crime.³¹ Further, GRETA was informed that the police, prosecutors and the courts are required to provide the necessary application form for requesting state compensation (see also paragraph 74).³²

38. The Ministry of the Interior has developed two information sheets - one for adult and one for child victims - entitled "Notification on the Rights of a Victim of Criminal Offence against Sexual Freedom/ Victim of THB", which explain the rights a victim of THB is entitled to according to Articles 43 and 44 of the CPA. These information sheets have been translated into 22 languages (German, Slovenian, Italian, English, Dutch, Polish, Czech, Hungarian, French, Slovak, Albanian, Bosnian, Bulgarian, Montenegrin, Macedonian, Portuguese, Romanian, Russian, Serbian, Spanish, Turkish and Chinese) and are handed out to victims on first contact.³³ The victims are asked to sign the sheet in order to confirm that they have received the information. GRETA notes that victims of THB who are traumatised may have difficulties in adequately understanding and analysing the information before taking a decision. This is why it is important that information on rights be provided repeatedly by different professionals, including psychologists, social workers and lawyers, while ensuring that the provision of information is structured and consistent throughout the victims' pathway of engaging with different agencies and organisations.

39. GRETA notes that the right to a recovery and reflection period, which is regulated by the Foreigners Act and mentioned in the Protocol on Identification, Assistance and Protection of Victims of THB (a period of 60 days for adult victims and 90 days for child victims), is not mentioned in the information sheets which are handed out to adult and child victims of THB.

40. Regarding information rights related to on-going proceedings, according to Article 43, paragraph 1, of the CPA, victims of crime have, *inter alia*, the right to be informed of the dismissal of a criminal complaint and the decision of the public prosecutor not to prosecute; to be informed about the termination of custody or investigative imprisonment, the escape of the defendant and the release of the accused from prison³⁴ and the measures taken to protect the victim; and to be informed of any decision terminating the criminal proceedings.³⁵

³¹ Victims can also turn to Victim and Witness Support Departments, regardless of the status of the proceedings, for detailed information on their rights, emotional support, information on the criminal and misdemeanour proceedings, and other practical information. In addition to the Victim and Witness Support Departments, a newly created network of civil society organisations, financed by the Ministry of Justice for the duration of three years, provides support to victims and witnesses in counties where there are no Victim and Witness Support Departments (see paragraph 114).

³² Available in Croatian and English on the Government's national information portal: <https://gov.hr/moja-uprava/pravna-drzava-i-sigurnost/zrtve-zlocina-i-nestale-osobe/prava-zrtava/1671>; <https://pravosudje.gov.hr/UserDocsImages//arhiva/Root%20Folder/MPRH/PDF//The%20application%20form%20for%20financial%20compensation%20of%20the%20crime%20victims.pdf>

³³ Information is also available (in Croatian) on the Government's national information portal: <https://gov.hr/moja-uprava/pravna-drzava-i-sigurnost/zrtve-zlocina-i-nestale-osobe/prava-zrtava/1671>

³⁴ The Service for Victim and Witness Support informs the victims about the conditional or regular release of perpetrators from prison based on the Law on the Execution of Prison Sentences for criminal offences against sexual freedom and sexual morality, against life and body or the criminal offence with elements of violence.

³⁵ If requested by the victim, he/she will be informed of the release of the defendant from investigative imprisonment (by the police) or from prison (by the Service for Victim and Witness Support of the Ministry of Justice). Statistics are kept by the Service for Victim and Witness Support on the number of victims who were informed of the defendant's release: in 2015, two cases related to THB were recorded with three victims; in 2016, one THB case was recorded with one victim; in 2017, three THB cases were recorded with four victims; in 2018, two THB cases were recorded with two victims.

41. If the victim chooses to participate in criminal proceedings as an injured party,³⁶ according to Article 51, paragraph 1, of the CPA, he/she has the right to inspect the case file, to request a public prosecutor's notice of actions taken on his/her application, and to be informed about the outcome of the criminal proceedings. In principle, an injured party, who does not speak or understand the language in which the proceedings are conducted, has the right to request a written translation at the State's expense. In addition, he/she has the right to request that a relevant document or other written evidence be translated. If oral or written translation is refused, the injured party has the right to appeal. The injured party shall be provided with interpretation upon his/her request during the hearing or examination as a witness, as well as when interpretation is necessary for participation in the hearing.

42. According to Article 8, paragraph 3, of the CPA, parties and other participants in the proceedings have the right to use their own language, including the deaf and deaf-blind sign language. If the action in the proceedings is not carried out in a language spoken and understood by the participant, translation or interpretation are provided. The person is to be informed of the right to an interpreter and translator before the first interrogation/interview takes place. Further, pursuant to Article 205, paragraph 3, of the CPA, when filing a criminal complaint, the victim has the right to receive acknowledgement in writing of that complaint. Victims who do not understand and/or speak Croatian have the right to file a formal complaint in their native language with the help of a translator/interpreter, free of charge.

43. **While welcoming the steps taken to ensure the provision of information, GRETA considers that the Croatian authorities should strengthen the provision and availability of information to presumed victims and formally identified victims of trafficking regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of trafficking. This concerns in particular the right to a recovery and reflection period. Law enforcement officers (including border police and immigration officers) should continue being trained and instructed on how to properly explain to victims their rights, in a simple and accessible language, and systematically refer them to specialised NGOs which enable victims to exercise their rights. Similarly, staff working at asylum reception centres and detention centres should continue to be trained and instructed on how to provide information, in a proactive manner, to persons and groups at risk of being trafficked** (see also paragraph 119).

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

44. Article 15(2) of the Convention obliges Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. As court and administrative procedure is often very complex, legal assistance is necessary for victims to be able to claim their rights. It is for each Party to decide the requirements for obtaining such free legal aid. Parties must have regard not only to Article 15(2) of the Convention, but also to Article 6 of the ECHR. Even though Article 6(3)(c) of the ECHR provides for free assistance from an officially appointed lawyer only in criminal proceedings, European Court of Human Rights case-law³⁷ also recognises, in certain circumstances, the right to free legal assistance in civil matters on the basis of Article 6(1) of the ECHR. Thus, even in the absence of legislation granting free legal assistance in civil matters, it is for the courts to assess whether, in the interest of justice, an applicant who is without financial means should be granted legal assistance if unable to afford a lawyer.

³⁶ The CPA defines a victim as a natural person who has suffered physical and emotional consequences, property damage or a violation of basic rights and freedoms that are a direct consequence of a criminal offence (Article 202, paragraph 11, of the CPA), whereas an injured person is a natural person or legal entity against whom the criminal offence was committed and who is involved in the criminal proceedings as an injured party (Article 202, paragraph 12, of the CPA).

³⁷ *Airey v. Ireland* judgment, 9 October 1979.

45. GRETA's reports highlight the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with the authorities. Early access to legal assistance is also important to enable victims to take civil actions for compensation and redress.³⁸

46. In Croatia, according to the Protocol on Identification, Assistance and Protection of Victims of Human Trafficking and the Protocol on the Integration/Reintegration of Victims of Trafficking in Human Beings, free legal aid is to be provided to victims of THB in accordance with national legislation. Identified victims of THB must be informed, immediately upon identification or at a later stage, depending on the physical and psychological state of the victim, of the possibility to be provided with free legal aid. Upon the victim's consent,³⁹ a mobile team member contacts an organisation that provides free legal aid to victims of THB as part of an early legal intervention.

47. In criminal proceedings, according to Article 44 of the CPA, the right to free legal aid is ensured to adult and child victims of THB, regardless of their nationality, country of origin, citizenship or the type of exploitation. Victims of THB have a right to counselling services at government expense before being interrogated, as well as to a legal representative appointed at government expense.

48. The right to free legal aid is prescribed in the Free Legal Aid Act (FLAA), which regulates the purpose, beneficiaries and types of free legal aid, legal aid providers, conditions, procedures for obtaining legal aid, cross-border legal aid, financing of legal aid and supervision of the implementation of this Act. Article 5 of that instrument stipulates that, in addition to Croatian nationals, the following may benefit from free legal aid: unaccompanied foreign children, foreigners with a temporary residence permit (on the basis of reciprocity), foreigners with permanent residence, foreigners who reside illegally and foreigners during a short-term stay involved in proceedings of deciding on deportation or readmission, foreigners under temporary protection, asylum seekers, refugees and foreigners under subsidiary protection, in proceedings in which legal assistance has not been provided for them by another act.

49. Free legal aid is of two types: primary and secondary legal aid. According to Article 9 of the FLAA, primary legal aid covers general legal information, legal advice, drawing up submissions before public bodies, the European Court of Human Rights and international organisations, representation in proceedings before public bodies and legal assistance in out-of-court settlement of disputes. Pursuant to Article 6, paragraph 1 of the FLAA, primary legal aid is provided by state administration offices, licensed associations and legal clinics.⁴⁰ According to Article 12 of the FLAA, secondary legal aid includes legal advice, drawing up of petitions in procedures to protect the rights of a worker before his employer, drawing up of petitions in court proceedings, representation in court proceedings, legal assistance in dispute resolution, exemption from payment of the costs of court proceedings and exemption from payment of court fees. Pursuant to Article 6, paragraph 3 of the FLAA, secondary legal aid is provided by lawyers.

50. In civil proceedings, according to Article 15, paragraph 1, subparagraph b, of the FLAA, victims of violent criminal offences are entitled to secondary legal aid, regardless of their material situation, in exercising their rights to compensation for damages caused by the criminal offence (see also paragraph 70).

³⁸ See 8th General report on GRETA's activities.

³⁹ In the case of a child victim, the decision is made by the child's guardian, in consultation with the social welfare co-ordinator and taking into account the child's views.

⁴⁰ To provide free primary legal aid, civil society organisations need to be licensed from the Ministry of Justice and registered within the Register of Legal Aid Providers of Croatia (see also VOciare National Report Croatia, p. 27, available at: https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOciare_National_Report_Croatia_interactive.pdf)

51. The Croatian authorities could not provide GRETA with information on the number of victims of trafficking who had received free legal aid, due to the fact that the database on secondary legal aid is maintained by type of proceedings and not by recipient status. The Ministry of Justice and Public Administration carries out every year public procurement procedures in compliance with the provisions of the FLAA, as part of which authorised associations and law faculties provide primary legal aid to vulnerable victims. In its annual report for 2019, the Croatian Legal Centre reported four cases of providing primary legal aid to potential victims of trafficking in human beings among asylum seekers. According to the authorities, the State budgetary funds for providing free legal aid have been increasing (in 2019, they were higher by 43.77 % than in 2014, when the FLAA came into force).

52. The National Plan for Combating THB 2018-2021 foresees measures to ensure the provision of legal aid to victims of THB, such as training lawyers on human trafficking and setting up a list of specialised lawyers. According to the Croatian authorities, the Croatian Bar Association has established a list of specialised lawyers to provide legal aid to victims of trafficking in all legal proceeding.⁴¹ Further, the Croatian Bar Association held seminars in 2018 and 2019 for lawyers on providing legal aid to victims of trafficking.

53. However, civil society actors reported a lack of funding for NGOs - as authorised providers under the FLAA - for the provision of primary legal aid.⁴² Civil society actors highlighted that the system for legal aid is difficult and complicated to access, both for the victim and the legal aid provider, and that the remuneration for lawyers is too low for the work involved. Further, GRETA was informed that lawyers needed special permission to enter detention centres after they had been appointed by a client.

54. **GRETA considers that the Croatian authorities should take further steps to ensure trafficking victims' access to legal assistance and free legal aid at an early stage, and in particular:**

- **ensure access to primary legal aid and appoint a lawyer as soon as there are reasonable grounds for believing that a person - including an asylum seeker - is a victim of human trafficking, i.e. before the person concerned has to decide whether or not he/she wishes to co-operate with the authorities and/or make an official statement;**
- **ensure sufficient funding for the provision of legal aid, in particular of primary legal aid.**

4. Psychological assistance (Article 12)

55. Human trafficking and exploitation may have serious psychological and physical consequences for the victims, including mental health problems and loss of self-esteem. Psychological assistance is needed to help victims of trafficking deal with the trauma they have been through, and to achieve a sustained recovery and social inclusion. Some victims require long-term therapeutic attention due to the violence they have suffered. Every victim of trafficking should have a clinical assessment tailored to include an evaluation of their particular readiness for therapy, conducted by an experienced clinician.⁴³

⁴¹ Available on the web site of the Croatian Bar Association: <http://www.hok-cba.hr/>

⁴² The Ministry of Justice has reduced by half the 2016 funding allocation (HRK 750.000,00 HRK/ approx. EUR 100.000,00) to NGOs for primary legal aid in comparison to 2015 (one and half million HRK/ approx. EUR 200.000,00), see ECRI Report on Croatia (fifth monitoring cycle), p.29, published on 15 May 2018, available at: <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

⁴³ OSCE, *Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment* (2013), Vienna, p.115.

56. According to the Protocol on Identification, Assistance and Protection of Victims of Human Trafficking and the Protocol on the Integration/Reintegration of Victims of THB, if the victim has given his/her consent to the assistance and protection programme, he/she is provided with psychosocial treatment and counselling. The need for psychosocial treatment and counselling is established on the basis of an individual needs assessment. A psychotherapist or a counselling therapist implements the psychotherapy or counselling on the premises of the shelter or in a health or social care institution.

57. In criminal proceedings, pursuant to Article 43, paragraph 1, of the CPA, victims of crime have a right to psychological assistance. Psychological assistance is provided to all identified adult victims upon their request and is funded by the Government. The Croatian Red Cross and the Ministry of Demography, Family, Youth and Social Policy have signed an Agreement on the provision of shelter accommodation and social services for adult victims, and psychological assistance is an integral part of the services.

58. In case the victim's state requires an intervention by a clinical psychologist, the victim is referred to the nearest clinical medical center (for Croatian nationals it is covered by health insurance and for foreign victims and those who do not have health insurance it is covered by the Ministry of Health). In case there is a need for long-term psychotherapy, victims are usually referred to an external therapist and this would be funded by the Ministry of Demography, Family, Youth and Social Policy.

59. Regardless of the status of the proceedings, victims can turn to Victim and Witness Support Departments for emotional support or to civil society organisations participating in the "Network of Support and Co-operation for Victims of and Witnesses to Crime", for emotional support and psychosocial counselling (see also paragraph 114).

5. Access to work, vocational training and education (Article 12)

60. Article 12, paragraph 4, of the Convention requires State Parties to enable victims of trafficking who are lawfully present in the country to have access to the labour market, vocational training and education. An important element of the recovery and successful social inclusion of trafficked persons is their economic empowerment, which can be achieved through job placement, microbusinesses and social enterprises.⁴⁴ GRETA has stressed the need to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking.⁴⁵

61. The Protocol on the Integration/Reintegration of Victims of THB foresees measures to provide education and vocational training to victims of trafficking. Victims have the right to primary and secondary education. Victims who are foreign nationals can participate in secondary education in accordance with the relevant laws and regulations. The costs of attending primary and secondary education are to be covered by the Ministry of Science and Education. The Croatian Employment Service (CES) is responsible for on-the-job training and social training, development of professional skills, with the aim of improving the victim's employability and employment.⁴⁶

⁴⁴ Rebecca Surtees, NEXUS Institute, *Re/integration of trafficked persons: supporting economic empowerment*, Issue paper No. 4, King Baudouin Foundation (2012).

⁴⁵ 8th General report on GRETA's activities.

⁴⁶ See also brochure 'Living and Working in Croatia', prepared by the CES National Co-ordination Office for EURES, available in English at: <http://www.hzz.hr/UserDocsImages/Living&workingCRO.pdf>

62. Further, the Protocol on the Integration/Reintegration of Victims of THB defines the procedure for providing access to the labour market for victims of THB. The regional and branch offices of the CES are supposed to provide support to victims by preparing them for employment, employment mediation and active employment policies. All regional and branch offices of the CES have appointed advisers – coordinators for victims of domestic violence and victims of human trafficking.⁴⁷ The CES conducts regular activities in providing assistance to victims of THB such as individual counselling, individual consultations, career guidance activities, mediation and other activities aimed at raising employability and supporting employment. Based on an assessment of work ability and profiling, the most appropriate activities and measures are undertaken by specially assigned and trained counsellors. Victims who are third-country nationals are entitled to labour market access in accordance with the legislation regulating the work of foreign nationals. Article 73 of the Aliens Act prescribes that a third-country national may work in Croatia on the basis of a residence and work permit or a work registration certificate, and foreigners with regulated status, such as a temporary permit on humanitarian grounds, may work without a residence and work permit or a work registration certificate. In 2019, one temporary permit was granted to the victim of human trafficking in accordance with the provisions of the Aliens Act.

63. The National Action Plan to Combat THB in 2018-2021 foresees training measures provided by the CES to encourage the employment of victims of human trafficking, as well as further training for CES staff on topics related to THB. The CES has taken measures to facilitate the integration into the labour market of victims of trafficking as a vulnerable category of workers by subsidising jobs with payments from 75-100% of earnings.⁴⁸ To register as unemployed, a victim of THB has to fulfil the conditions set out in the Labour Market Act, which are the same for everyone. In the period 2015-2019, there were five victims of THB registered as unemployed. Each person has undertaken at least one individual counselling and a number of individual consultations. It is recorded that one victim of THB was employed in 2016.

64. According to the Croatian authorities, in January 2017, amendments were made to the Act on Education in Elementary and Secondary Schools, which provided the opportunity to better integrate child refugees in the national education system. Further, the authorities have made reference to training sessions delivered by the Education and Teacher Training Agency for educational staff covering the topics of inclusion of refugee children, and adequate psychosocial assistance.

65. GRETA welcomes the efforts made by the Croatian authorities to provide access to work, vocational training and education to victims of THB. Nevertheless, GRETA considers that the Croatian authorities should strengthen effective access to the labour market for victims of THB, as well as their economic and social inclusion, through the provision of vocational training, language courses and job placement. This should involve measures for the promotion of micro-businesses, social enterprises and public-private partnerships, including through state-supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking, including foreign nationals and persons with disadvantaged socio-economic backgrounds.

⁴⁷ A co-ordinator is the contact person with whom other institutions or associations schedule appointments for the victim in the regional or branch office. The co-ordinator informs the victim of the possibilities of employment. Once the victim is registered in the unemployment register, an employment advisor is assigned to the victim who provides support in accessing the labour market, in particular by defining the victim's job potential, selecting education and training programmes, identifying occupations with the highest employment opportunities, providing information on the local labour market.

⁴⁸ See GRETA's 2nd evaluation report on Croatia, paragraph 96.

6. Compensation (Article 15)

66. Article 15(3) of the Convention establishes a right of victims to compensation. The compensation is pecuniary and covers both material injury (such as the cost of medical treatment) and non-material damage (the suffering experienced). However, even though it is the trafficker who is liable to compensate the victim, in practice there is rarely full compensation whether because the trafficker has not been found, has disappeared or has declared him/herself bankrupt. Article 15(4) therefore requires that Parties take steps to guarantee compensation of victims. The means of guaranteeing compensation are left to the Parties, which are responsible for establishing the legal basis of compensation, the administrative framework and the operational arrangements for compensation schemes. In this connection, Article 15(4) suggests setting up a compensation fund or introducing measures or programmes for social assistance to, and social integration of, victims that could be funded by assets of criminal origin. Of relevance in this respect is the European Convention on the Compensation of Victims of Violent Crimes, pursuant to which when compensation is not fully available from other sources the State shall contribute to compensate those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence, as well as the dependents of persons who have died as a result of such crime, even if the offender cannot be prosecuted or punished.

67. Compensation fulfils multiple purposes: payment of reparation for injury, loss or harm caused by the offender, access to justice, empowerment of victims, as well as being seen as a form of punishment and deterrence of traffickers. As such, compensation plays a crucial role in the fight against human trafficking, not only as an instrument of restorative justice, but also by way of prevention and recognition by States of their failure to meet their human rights obligations.

68. Victims often leave the country where they were exploited at the end of the criminal proceedings. This creates obstacles to making civil claims for compensation, which in addition are associated with a number of other barriers, such as high costs, unavailability of free legal aid and victim-support services, as well as the claimant bearing the burden of proof of the amount of the damage. State parties should therefore consider adopting a procedure through which victims are entitled to obtain a decision on compensation by the offender as part of the criminal trial, within a reasonable time.

69. The legal framework for compensation of victims of THB in Croatia has remained unchanged since GRETA's second evaluation.⁴⁹

70. A victim of THB can claim compensation from the perpetrator in criminal or civil proceedings. In order to claim compensation in criminal proceedings, the victim must acquire the status of an injured party. A claim for compensation will be considered as part of the criminal proceedings, provided that this does not considerably delay the proceedings (Article 153 of the CPA). It must be submitted at first instance, before the conclusion of evidentiary proceedings before the first instance court. A prerequisite for its acceptance is that the court finds the defendant guilty. Pursuant to Article 158, paragraph 1, of the CPA, "the court shall have jurisdiction to decide on claims for compensation". Furthermore, Article 158, paragraph 2, of the CPA prescribes that "the court may, in a judgement of conviction, satisfy the claim of the injured person fully, or it may satisfy it partially while directing the injured person to assert the rest of the claim in a civil action. If the evidence established in criminal proceedings provides no reliable basis for either full or partial adjudication, the court shall direct the injured person to assert his/her claim in a civil action".⁵⁰ As explained in paragraph 49, pursuant to the FLAA, secondary legal aid for civil proceedings to obtain compensation for damages caused by the criminal offence will be approved without having to establish the applicant's material situation if he/she is a victim of a violent criminal offence (i.e. it is not means-tested).

⁴⁹ See paragraphs 107-108 of GRETA's 1st report and paragraphs 132-135 of GRETA's 2nd report on Croatia.
⁵⁰ Unofficial translation.

71. According to Article 77, paragraph 1, of the Criminal Code (CC), the proceeds of crime shall be confiscated based on a court decision that an unlawful act (as defined in Article 87, paragraph 2, of the CC) was committed. A claim for compensation by the injured person has priority over the confiscation of proceeds of crime (Article 77, paragraph 2, of the CC). Where the court establishes that confiscation in full or in part of objects or rights acquired as proceeds of crime is impossible, the court shall order the perpetrator to pay the corresponding money equivalent, and it may order that payment be made in instalments (Article 77, paragraph 4, of the CC). A special case of confiscating proceeds of crime is prescribed in Article 78 of the CC, as what is called an 'extended confiscation of the proceeds of crime' from the competence of the Office for the Suppression of Corruption and Organised Crime. If THB was committed in the framework of a criminal association, it would be covered by the provisions on the 'extended confiscation of the proceeds of crime' from Article 78 of the CC. In that case, if the perpetrator owns or owned property that is disproportionate with his or her legitimate income and unless he or she makes it probable that the property is of legitimate origin, it is presumed that such property constitutes proceeds of crime (Article 78, paragraph 2, of the CC).

72. Since GRETA's second evaluation round, there have been no judgements in THB cases resulting in the confiscation of assets⁵¹ and no cases in which assets were seized as part of human trafficking criminal cases. Nevertheless, the Croatian authorities indicated that as part of criminal investigations, police officers seized objects and means which they reasonably suspected were used for the commission of THB, or were the result of it, and informed accordingly the Prosecutor's Office.

73. Further, according to the authorities, there have been no cases where victims of human trafficking claimed compensation from perpetrators in criminal proceedings, and consequently no compensation was awarded. The authorities indicated that the Municipal Court in Osijek, in a non-final judgment issued in August 2020 in civil proceedings, ordered the perpetrators to pay the plaintiff, who was identified as a victim of THB, compensation of 143,650 HRK (approximately €19,000).⁵²

74. Pursuant to the Act on Compensation for Victims of Criminal Offences, a victim of a violent criminal offence committed with intent in Croatia has the right to state compensation under the following conditions: (i) he/she is a Croat citizen or resident, or a citizen or resident of an EU Member State; (ii) he/she has suffered serious physical injury or serious damage to health as a result of a criminal offence; (iii) the criminal offence was registered or reported to the police or public prosecution service within six months of the day when it was committed; (iv) the victim has filed a written application on an official form and enclosed the necessary documentation. The victim can submit the application regardless of the institution of criminal proceedings and irrespective of whether the perpetrator is known. Applications for state compensation must be submitted to the Ministry of Justice on a form which can be downloaded from the Government's website.⁵³ According to the Croatian authorities, the police, prosecution and court provide victims with the form and, at the victim's request, offer guidance on how to fill out the application (see also paragraph 37).⁵⁴ GRETA notes that the application form is only available in Croatian and English.

⁵¹ However, reference was made by the Croatian authorities to a judgement dated 2014 (prior to GRETA's 3rd reporting period) of the Zagreb County Court (file number: 13.KO182/14) in a case of THB for the purpose of forced begging, where HRK 595.400,00 (approx. EUR 80.000,00) were calculated as estimated revenue of forced begging during the exploitation period of eight years from 2005 to 2013 (calculation: 300 days per year x HRK 200 per day + 24% VAT). The perpetrator was sentenced to five years' imprisonment and the forfeited pecuniary gain was paid into the state budget. The victim had not filed a motion for compensation in the criminal proceedings.

⁵² The perpetrators (two male and one female) recruited, transported and received the victim (a girl) by means of deception and fraud in order to subject her to sexual exploitation. The female perpetrator was sentenced to two years' effective imprisonment, one of the male perpetrators was sentenced to three years and 10 months' effective imprisonment, and the second male perpetrator was sentenced to one year conditional imprisonment, replaced by community service.

⁵³ Available in Croatian and English on the website of the Government's national information portal: <https://gov.hr/moja-uprava/pravna-drzava-i-sigurnost/zrtve-zlocina-i-nestale-osobe/prava-zrtava/1671>; <https://pravosudje.gov.hr/UserDocsImages//arhiva/Root%20Folder/MPRH/PDF//The%20application%20form%20for%20financial%20compensation%20of%20the%20crime%20victims.pdf>

⁵⁴ See also information leaflet on the right to state compensation for victims of violent crimes: <https://pravosudje.gov.hr/UserDocsImages/dokumenti/Iz%20pravosudnog%20sustava/podrška%20žrtvama%20i%20svjedocima/Brochure%20The%20victims%27%20rights%20pursuant%20to%20the%20crime%20victims%20compensation%20act.pdf>

75. When deciding on state compensation, the Committee on Compensation to Crime Victims takes into account the victim's conduct during and after the crime, his/her contribution to the cause of the damage, the extent of the damage, as well as whether he/she reported the crime to the competent authorities and when. In addition, an assessment is made of the victim's co-operation with the police and the competent authorities in order to bring the offender to justice. An application for compensation can be refused and/or the amount awarded reduced if the victim is found to be involved in organised crime or a criminal organisation. Compensation may also be refused, or the amount reduced, if the granting of full compensation would be contrary to the principle of fairness, morality and public policy.⁵⁵ GRETA notes that this risks arbitrary restrictions of compensation where the Committee on Compensation to Crime Victims disapproves of certain lifestyles and may raise questions of compatibility with the right to respect for private life.

76. While state compensation is calculated by taking into account the circumstances of each case, the applicant must prove the fulfilment of the legal requirements and that specific expenses or losses have been incurred. Victims have the right to compensation of medical treatment costs up to the threshold defined by the regulations on compulsory health insurance in Croatia, and compensation for lost earnings up to HRK 35,000 (approximately EUR 4,700).⁵⁶ If the applicant received partial compensation from the perpetrator, the amount will be taken into consideration when calculating state compensation. The Committee on Compensation to Crime Victims decides on the claim and the amount of compensation no later than 60 days from receipt of the application. Payment of fees is made within 30 days after the victim received a decision ordering payment of compensation. No appeal can be lodged against the decision; however, the applicant may lodge an administrative appeal within 30 days of the decision being served.⁵⁷

77. The Act on Compensation for Victims of Criminal Offences distinguishes between domestic and foreign cross-border cases. A domestic cross-border case exists when a person with a foreign residence becomes a victim of a crime on the territory of Croatia. The Committee on Compensation to Crime Victims decides about the application in that case. A foreign cross-border case exists when a person residing in Croatia becomes a victim of a crime on the territory of an EU Member State. The victim sends the application to the Croatian Ministry of Justice, which submits it to the competent authority of the country in which the applicant seeks compensation. If that authority requests that the applicant, witnesses, court-appointed experts or other persons be heard in Croatia, this is done by the Committee for the Compensation of Crime Victims, which then submits a report to the other country's authority.

78. According to the Croatian authorities, no administrative fees are due in the procedure for obtaining state compensation under the Act on Financial Compensation for Victims of Criminal Offences, and the costs of expert assessments and translations are covered from the state budget. Further, any state compensation that a victim receives on the basis of the Act on Financial Compensation for Victims of Criminal Offences is not taxable.

79. The Croatian authorities have stated that victims of THB could be deemed eligible, according to the provisions of the FLAA, for obtaining free legal aid for the purpose of pursuing a claim for state compensation.

80. According to the Croatian authorities, no requests for state compensation from victims of THB have been received within the framework of the Act on Compensation for Victims of Criminal Offences.

⁵⁵ For more information, see:

https://e-justice.europa.eu/content_rights_of_victims_of_crime_in_criminal_proceedings-171-hr-en.do?member=1

⁵⁶ A close blood relative of a deceased victim has the right to compensation because of the loss of legal maintenance of up to HRK 70,000.00 (approx. EUR 9,400.00) and funeral costs of up to HRK 5,000.00 (approx. EUR 670.00).

⁵⁷ See information provided at https://e-justice.europa.eu/content_if_my_claim_is_to_be_considered_in_this_country-491-hr-en.do?member=1; VOIARE National Report Croatia, p. 46, available at: https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOIARE_National_Report_Croatia_interactive.pdf

81. GRETA is concerned that no victims of THB have received compensation in Croatia, be it from the perpetrators or the state. GRETA notes that the Act on Compensation for Victims of Criminal Offences is too restrictive in relation to the possibility for victims of THB to receive state compensation, as such compensation concerns only victims who have sustained serious injuries from crimes committed on Croatian territory, and covers only Croatian nationals, nationals of other EU Member States or persons permanently residing in an EU Member State. The eligibility criteria therefore exclude third-country nationals and foreign victims who were present irregularly in the country at the time of the offence. GRETA notes that foreign victims subjected to exploitation in Croatia may not have legal residence in the country, which excludes them from the possibility to apply for state compensation.

82. GRETA urges the Croatian authorities to investigate proactively the reasons for the absence of compensation claims and awards to victims of trafficking, and to make efforts to guarantee effective access to compensation for victims of THB, 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 THB;**
- **making full use of the legislation on the freezing and forfeiture of assets and international co-operation⁵⁸ to secure compensation to victims of THB;**
- **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.**

83. Further, GRETA reiterates its recommendation from the second evaluation round, and considers that the Croatian authorities should develop a system for recording claims for compensation by victims of trafficking, as well as compensation awarded to victims of trafficking.

⁵⁸ In 2018, the European Union agreed on new rules concerning the mutual recognition of freezing and confiscation orders, which will apply to the Member States bound by it as of 19 December 2020 and will introduce a single Regulation covering freezing and confiscation orders, directly applicable in the Member States and based on the principle of mutual recognition. The new regulation will complement the 2014 directive on the freezing and confiscation of instrumentalities and proceeds of crime.

7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)

84. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB. Article 27(1) of the Convention establishes that the investigation or prosecution of THB offences must not depend on victims' reports. The aim is to avoid traffickers' subjecting victims to pressure and threats in attempts to deter them from complaining to the authorities. Pursuant to Article 27(2), if the competent authority with which the complaint has been lodged decides that it does not itself have jurisdiction in the matter, then it must forward the complaint without delay to the competent authority of the Party in whose territory the offence was committed. Further, under Article 27(3), each Party shall ensure to non-governmental organisations and other associations which aim at fighting trafficking in human beings or protection of human rights, the possibility to assist and/or support the victim with his or her consent during criminal proceedings concerning the offence of trafficking in human beings.

85. Article 23 requires Parties to match their action to the seriousness of the offences and lay down criminal penalties which are "effective, proportionate and dissuasive". Further, paragraph 3 of Article 23 places a general obligation on Parties to adopt appropriate legal instruments enabling them to confiscate or otherwise deprive offenders (e.g. by so called "civil" confiscation) of the instrumentalities and proceeds of human trafficking criminal offences. As trafficking in human beings is nearly always engaged in for financial profit, measures depriving offenders of assets linked to or resulting from the offence are an effective anti-crime weapon. The confiscation of criminal assets is crucial for reinforcing the effect of the penalty, as well as ensuring the payment of compensation to the victim. It requires as a prerequisite to detect, identify and seize the illegal assets at the time of the criminal investigations and to have adequate procedures to do so. The identified, seized and confiscated illegal profits of trafficking should be used to compensate victims of trafficking, directly or through a victim compensation fund.

86. Further, Article 22 of the Convention requires Parties to ensure that legal persons can be held liable for human trafficking offences committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person who has a leading position within the legal person. Liability under this article may be criminal, civil or administrative.

87. In its second evaluation report, GRETA urged the Croatian authorities to take additional legislative and practical measures to ensure that suspected cases of THB are investigated and prosecuted effectively and lead to effective, proportionate and dissuasive sanctions, and that the offence of THB is excluded from the plea-bargaining procedure.

88. As stipulated in Article 106 of the CC, the criminal offence of THB, in its basic form as prescribed by paragraph 1, is punishable by one to 10 years' imprisonment. According to Article 106, paragraph 3, of the CC, the aggravated form of THB, in which the crime is committed against a child, by a public official in the performance of his/her duties, or the offence was committed against a large number of persons, or the life of one or more persons was consciously endangered, is sanctioned by three to 15 years' imprisonment.

89. Pursuant to Article 206.i of the CPA, if there are grounds for suspicion that a criminal offence prosecuted *ex officio* has been committed and that a pecuniary advantage was obtained by it, prosecutors must immediately undertake or order the conduct of inquiries without delay in order to establish the value of such advantage and the location of the property thus obtained.⁵⁹ Where as a result of the inquiries the necessary facts and information on the amount of pecuniary advantage obtained are gathered, or where the location of such property is established, the prosecutor shall file a motion, without delay, for ordering a temporary security measure against the concealment or destruction of such property. The prosecutor shall also file a motion for the confiscation of the property in the indictment or no later than at the preliminary hearing. Financial investigations are conducted in co-operation with the Office for the Prevention of Money Laundering of the Ministry of Finance and the Police National Office for the Suppression of Corruption and Organised Crime (PNUŠKOK) of the Ministry of the Interior (see also paragraph 148).

90. The Croatian authorities reported that in the period 2015-18, a total of 65 investigations were conducted into THB cases.

91. Reference should be made to an investigation carried out in 2018 by the General Police Directorate, the Criminal Police Directorate, the Police National Office for the Suppression of Corruption and Organised Crime and the Criminal Police Sector of the Zagreb Police Administration, in co-operation with the police of Slovenia and Taiwan, which led to the identification of 59 women and men from Taiwan as victims of trafficking. The persons concerned were fraudulently recruited with promises of legal jobs by four suspects (two Croatians and two from Taiwan). They were brought first to Slovenia and then Croatia in the period September 2017 - January 2018, where they were held captive in two rented houses near Zagreb. The victims worked in an illegal call centre and contacted at random people in China, pretending to be police officers, prosecutors or judges, informing them that they had illegal content on their computers or phone devices and were therefore breaking the law, and offering to drop the charges if they paid money.⁶⁰ The two suspects from Taiwan were convicted in Croatia, whereas the proceedings against the two Croatian suspects were still on-going at the time of GRETA's visit. According to information provided by the Croatian authorities, the criminal case against two Croatian nationals is still pending. A hearing was held on 18 June 2020 and another hearing was scheduled for 31 August 2020. Two other perpetrators, citizens of China, were convicted in separate proceedings where they pleaded guilty, and are currently serving prison sentences of one year and three months, which is the unconditional part of the sentence of two years and eight months. There was no request for seizure of assets in this case. The victims were returned to Taiwan in line with the Protocol on Voluntary and Safe Return of Victims of THB.

92. According to the Croatian authorities, the number of convictions for THB was four in 2015 (one judgement was not yet final), none in 2016, five in 2017, and seven in 2018 (one judgement was not yet final). Four of the convictions were for THB for the purpose of sexual exploitation, three for THB for the purpose of labour exploitation, four for THB for the purpose of criminal activities, one for THB for the purpose of begging and servitude, and one for THB for the purpose of servitude. Two of the perpetrators were juveniles when the offences were committed. The sanctions for the adult perpetrators ranged from a custodial sentence of one year replaced by community service, to an unconditional custodial sentence of four years and six months. In 2019, courts rendered decisions against 12 defendants in six THB cases. Of these 12 defendants, eight were acquitted (for two of them the decision is final) and four were convicted (two final and two non-final decisions).

⁵⁹ Unofficial translation.

⁶⁰ See also "Focus Taiwan" article of 25 January 2018, available at: <https://focustaiwan.tw/society/201801250012> , article on "help net security" of 23 January 2018 : <https://www.helpnetsecurity.com/2018/01/23/defraud-chinese-computer-users/> and local news article of 20 January 2018 on <https://www.jabuka.tv/u-luksuznom-zdanju-u-zagrebu-kinezi-su-radili-poput-robova/>

93. GRETA refers to the decision of the Grand Chamber of the European Court of Human Rights of 25 June 2020 in the case of *S.M. v. Croatia* (application no. 60561/14),⁶¹ which concerns a Croatian woman who had lodged a criminal complaint against T.M., a former policeman, alleging that he had physically and psychologically forced her into prostitution. The policeman was subsequently indicted on charges of forcing somebody to prostitution, as an aggravated offence of organising prostitution. In 2013 the criminal court acquitted him on the grounds that, although it had been established that he had organised a prostitution ring in which he had recruited the applicant, it had not been established that he had forced her into prostitution. He had only been indicted for the aggravated form of the offence in issue and thus he could not be convicted for the basic form of organising prostitution. The State Attorney's Office appeal against the decision was dismissed and the applicant's constitutional complaint was declared inadmissible. The Court found that the relevant authorities had not fulfilled their procedural obligations of effective investigation under Article 4 of the European Convention on Human Rights. In particular, they had neither investigated in depth all the relevant circumstances, nor made any assessment of the possible impact of psychological trauma on the applicant's ability to consistently and clearly relate the circumstances of her exploitation. The applicant's personal situation undoubtedly suggested that she had belonged to a vulnerable group, while T.M.'s position and background suggested that he had been capable of assuming a dominant position over her and abusing her vulnerability. While the prosecuting authorities had reacted promptly to the applicant's allegations, they had failed to follow some obvious lines of inquiry capable of elucidating the circumstances of the case and establishing the true nature of the relationship between both parties. Although the available evidence suggested that T.M. had used Facebook to recruit the applicant and to threaten her after she had left him, the authorities had failed to inspect their respective accounts to determine the real nature of their first contacts and relationship, in particular whether those threats suggested the use of a means of coercion by T.M. Nor had they given any consideration to obtaining evidence from the applicant's parents, despite the fact that the applicant's mother had had earlier contacts and difficulties with T.M., which the latter had used as one of the means of pressure and threats towards the applicant. The prosecuting authorities had never identified and interviewed any of the neighbours and the owner of the flat where the applicant lived with T.M., who could have provided information on the relationship between the applicant and T.M. and clarified whether she had been under his control at the material time. The prosecuting authorities had relied heavily on the applicant's statement and thus, in essence, created a situation in the subsequent court proceedings where her allegations simply had to be pitted against the denial of T.M., without much further evidence being presented. In sum, the Court found that there had been significant flaws in the domestic authorities' procedural response to the arguable claim and prima facie evidence that the applicant had been subjected to treatment contrary to Article 4.

94. As indicated in GRETA's second report, a procedure of plea bargaining is provided for under Articles 359 to 364 of the CPA.⁶² When an offence is punishable by a prison sentence of more than five years, the victim's consent to the plea-bargaining procedure is required. According to the Croatian authorities, the CPA does not exclude plea bargaining for any particular offence. However, when the offence against life and body or against sexual freedom is punishable by a prison sentence of more than five years, the victim must consent to the plea bargaining. The CPA further stipulates that the court shall deny the agreement on plea bargaining if, due to the circumstances, its acceptance is not in accordance with the sentence prescribed by law or if the agreement is otherwise illegal.

⁶¹ Available at: [https://hudoc.echr.coe.int/eng#{"appno":\["60561/14"\]}](https://hudoc.echr.coe.int/eng#{)

⁶² See GRETA's 2nd report on Croatia, paragraph 163.

95. The Croatian authorities have made reference to several training activities on human trafficking for police officers, judges and public prosecutors. The Police Academy provides a comprehensive education plan for police officers, which includes courses on THB. In line with the National Plan for the Suppression of Trafficking in Human Beings 2018-2021, joint training sessions on THB have been delivered for police officers, judges and prosecutors. In 2018 and 2019, 131 criminal police officers from all police administrations in Croatia were trained, and, according to the Croatian authorities, the same numbers are planned to undergo training during 2020 and 2021. On 6-9 March 2018, the Judicial Academy organised workshops entitled "Combating Trafficking in Human Beings" in the premises of the Police Academy, which were attended by police officers and prosecutors. Further, in 2018, prosecutors attended the seminar "Financial investigations and confiscation of pecuniary gain from criminal offences in the context of investigations in the cases of human trafficking", which was organised in the Netherlands by the European Judicial Training Network (EJTN) and European Union Agency for Law Enforcement Training (CEPOL). Prosecutors also attended a workshop organised in Bucharest, on strengthening co-operation in proceedings against perpetrators of human trafficking, particularly in the field of financial investigations and confiscations.

96. Notwithstanding, the above training, lawyers and civil society actors noted that there was insufficient awareness and sensitivity of police officers and prosecutors to the situation and rights of victims of THB. It was noted that cases of THB are re-qualified as other offences which carry lighter penalties, and that judges issue light sentences and inappropriately dismiss victim testimony as unreliable due to a lack of understanding of the impact of psychological trauma on victims' ability to consistently relate the circumstances of their exploitation. In this context, GRETA refers to the Committee on the Elimination of Discrimination against Women (CEDAW) Concluding observations on the combined fourth and fifth periodic reports on Croatia, which notes that perpetrators of trafficking are often charged with offences of pimping rather than the more serious offence of human trafficking, resulting in a disturbingly low rate of conviction for human trafficking, as well as that victims of exploitation of prostitution are sometimes prosecuted rather than provided with appropriate support measures.⁶³

97. GRETA stresses that failure to convict traffickers and the absence of effective, proportionate and dissuasive sanctions, including such resulting from plea bargaining procedures, undermines efforts to combat THB and guarantee victims' access to justice. GRETA further notes that not all complaints about possible THB cases are taken seriously by the police. GRETA emphasizes that extended use by the police and prosecutors of special investigation techniques and seizure of proceeds of crime or property used to perpetrate the crime, including as evidence, would increase the efficiency of investigations and contribute to the successful prosecution of THB offences.

⁶³ Committee on the Elimination of Discrimination against Women (CEDAW), Concluding observations on the combined fourth and fifth periodic reports of Croatia, 28 July 2015, document CEDAW/C/HRV/CO/4-5.

98. **GRETA urges the Croatian authorities to strengthen the criminal justice response to human trafficking, and in particular to:**

- **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 THB 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 THB 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 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.**

8. Non-punishment provision (Article 26)

99. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties upon victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so. As previously stressed by GRETA, the criminalisation of victims of THB not only contravenes the state's obligation to provide services and assistance to victims, but also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the state's obligation to investigate and prosecute those responsible for THB.⁶⁴ Furthermore, GRETA has noted that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of differential treatment, depending on the prosecutor in charge of the case.

100. There is still no specific legal provision in Croatian law concerning the possibility of not imposing penalties on victims of trafficking for their involvement in unlawful activities to the extent that they have been compelled to do so. As noted in GRETA's second report, Article 22 of the CC ("state of necessity") provides that: "(1) an act committed to avert from oneself or another an imminent danger which cannot be otherwise averted is not unlawful if the harm thus caused is less than the harm threatened; (2) whoever commits an unlawful act in order to avert from himself or herself or from another an imminent danger not brought on by himself or herself, which cannot otherwise be averted, shall not be held culpable provided that the resulting harm was not disproportionately greater than the harm threatened and that he or she was not obliged to expose himself or herself to the danger. If such a person was obliged to expose himself or herself to the danger, the punishment may be mitigated."⁶⁵

⁶⁴ See GRETA's 2nd General Report, paragraph 58.

⁶⁵ Unofficial translation.

101. Reiterating its observation made in the second report,⁶⁶ GRETA notes that, in cases covered by Article 22 of the CC, the burden of proof lies on the defendant and that the state of necessity has to be proven beyond reasonable doubt in court, which can take place long after a person was arrested.

102. The Prosecutor's Office does not have an instruction on the non-punishment of victims of human trafficking, nor does it have a legal framework on the basis of which it could issue such an instruction. According to the Croatian authorities, there have been no prosecutions of victims of trafficking for THB-related offences.⁶⁷

103. While acknowledging that the Croatian authorities state that there have been no prosecutions of victims of trafficking for THB-related offences, GRETA notes that the general legal defence in Article 22 of the CC does not necessarily take fully into account the circumstances of trafficked people and the penalties that may be imposed on them. GRETA considers that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of treating them differently depending on the prosecutor in charge of the case. Consequently, **GRETA urges the Croatian authorities to 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. Public prosecutors should be encouraged to be proactive in establishing whether an accused person is a potential victim of trafficking and to consider trafficking in human beings as a serious violation of the rights of the victim. While the identification procedure is ongoing, potential victims of trafficking should not be punished for immigration-related offences and persons forced into prostitution should not be subjected to penalties.**⁶⁸

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

104. Under Article 28 of the Convention, Parties must take the necessary measures to provide effective and appropriate protection from potential retaliation or intimidation to victims and witnesses of human trafficking, as well as to members of civil society organisations supporting victims during criminal proceedings and, where appropriate, to victims' family members. Intimidation of victims and witnesses is nearly always aimed at suppressing evidence against defendants. Effective protection can be of various types (physical protection, relocation, identity change...) and depends on the assessment of the risks that victims and witnesses run. In addition, Article 28(3) provides that a child victim shall be afforded special protection measures, taking into account the best interests of the child. Regarding the period during which the protection measures are to be provided, the Convention aims in a non-exhaustive manner at the period of investigation and of the proceedings or the period following them. The period in which protection measures have to be provided depends on the threats to the persons concerned. Moreover, because trafficking in human beings is often international and some countries are small, Article 28(5) encourages Parties to enter into agreements or arrangements with other countries so as to implement Article 28.

105. Further, Article 30 of the Convention requires Parties to adapt their judicial procedure so as to protect victims' privacy and ensure their safety, including special protection measures for child victims. While the measures provided for in Article 28 address extra-judicial protection, the measures referred to in Article 30 are concerned with the procedural measures to be introduced. The following means can be used, in accordance with the European Convention on Human Rights and the case-law of the European Court of Human Rights, to achieve the objectives of Article 30: non-public hearings, audio-visual technology, recordings of testimony, and anonymous testimony.

⁶⁶ See GRETA's 2nd report on Croatia, paragraph 153.

⁶⁷ In the context of complaint mechanisms that are in place for victims of THB who are in detention, the Croatian authorities highlighted that, in accordance with Article 491 of the CPA, THB victims against whom investigative detention was ordered may submit an appeal against such a ruling.

⁶⁸ See OSCE, Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking, 2013, available at: <https://www.osce.org/secretariat/101002?download=true>

106. In 2017, amendments were made to the Croatian CPA which, *inter alia*, established a mandatory procedure of an individual needs assessment for every victim (Article 43.a of the CPA).⁶⁹ The purpose of this procedure is to enable the application of mechanisms that safeguard victims, especially the most vulnerable ones, and ensure that they are not exposed to secondary victimisation through their participation in criminal proceedings.⁷⁰ The assessment must be made by the criminal prosecution bodies of the pre-court and court proceedings (police officer, prosecutor or judge)⁷¹ in co-operation with the authorities, services and institutions of the victim support system, before the victim is interviewed. Its aim is to determine whether there is a need for special protection measures and, if so, which specific protection measures should be applied (special protection measures for interviewing the victim, use of communication technologies to avoid visual contact with the perpetrator and other measures prescribed by law, e.g. precautionary measures⁷² imposed on the defendant with the goal of protecting the victim). There is also a decree issued by the Minister of Justice in 2017 which defines the roles and responsibilities of different stakeholders (including NGOs) in the procedure of the individual needs assessment of the victim. Article 7 of the decree stipulates that the fact that the person is a victim of THB is to be taken into account in the risk assessment. The Judicial Academy provides general training on individual assessment on victims' needs. GRETA welcomes the establishment of the mandatory needs assessment for victims of crime.

107. According to Article 43, paragraph 1, of the CPA, victims of crime have the right to protection from intimidation and retaliation, protection of their dignity when testifying, the right to be heard without unjustified delay after the filing of the criminal report and further hearings to be conducted only to the extent necessary for the purpose of the criminal proceedings, the right to be accompanied by a person of confidence⁷³ when taking part in any acts, and to be subject to a minimum number of medical interventions and only where strictly necessary for the purposes of the criminal proceedings.

108. Article 44, paragraph 4, of the CPA applies specifically to victims of THB (as well as to victims of offences against sexual freedom), and provides, *inter alia*, that they are entitled to the following: to request, when interviewed by the police and public prosecutor's office, that such interview be conducted by a person of the same sex and, in case of any further interrogation to be interviewed, where possible, by the same person; to refuse to answer any private questions not related to the criminal offence; to request to be interviewed via audio-video link; to have the confidentiality of their personal data protected; to have the public excluded from the hearing.

⁶⁹ For more detailed information on victim protection see "A Guide for Victims and Witnesses in Criminal and Misdemeanour Proceedings", developed by the Ministry of Justice and Mapa Znanja Ltd under the EU's Programme for Croatia Transition Facility, available at: <https://pravosudje.gov.hr/UserDocsImages//dokumenti/Žrtve%20i%20svjedoci//A-guide-for-victims-and-witnesses.pdf>; VOCIARE National Report Croatia, available at: https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_National_Report_Croatia_interactive.pdf

⁷⁰ See also Getoš Kalac, A.-M., Roksandić Vidlička S. & Burić, Z. (forthcoming 2019): Victimology and Victim Protection in Croatia. In: Mapping the Victimological Landscape of the Balkans: A Regional Study on Victimology and Victim Protection with a Critical Analysis of Current Victim Policies, Eds. Meško, G., Sárík, E. & Getoš Kalac, A.-M (Berlin: Max-Planck-Gesellschaft zur Förderung der Wissenschaften e.V. in coop. with University of Zagreb's Faculty of Law and Duncker & Humblot), available at: <https://www.violence-lab.eu/wp-content/uploads/2019/07/Victimology-Victimisation-Typology-Victim-Protection-in-Croatia-Anna-rad-1.pdf>

⁷¹ See also VOCIARE National Report Croatia, p. 60, available at: https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_National_Report_Croatia_interactive.pdf; Getoš Kalac, A.-M., Roksandić Vidlička S. & Burić, Z. (forthcoming 2019): Victimology and Victim Protection in Croatia. In: Mapping the Victimological Landscape of the Balkans: A Regional Study on Victimology and Victim Protection with a Critical Analysis of Current Victim Policies, Eds. Meško, G., Sárík, E. & Getoš Kalac, A.-M (Berlin: Max-Planck-Gesellschaft zur Förderung der Wissenschaften e.V. in co-operation with University of Zagreb's Faculty of Law and Duncker & Humblot), available at: <https://www.violence-lab.eu/wp-content/uploads/2019/07/Victimology-Victimisation-Typology-Victim-Protection-in-Croatia-Anna-rad-1.pdf>

⁷² Precautionary measures include (Article 98 of the CPA): the prohibition of leaving the place of residence, prohibition of visiting a certain place or area, obligation of regular contact with a specific person or state body, prohibition of approaching a specific person, prohibition of establishing or maintaining contact with a specific person, prohibition of engaging in specific business activities, temporary confiscation of travel and other documents used for crossing state borders, temporary confiscation of driving licence, prohibition of stalking or harassing the victim or other persons, removal from home, prohibition of access to the internet.

⁷³ According to Article 202, paragraph 38, of the CPA, a trusted person is a legal representative or other legally capable person of the choice of the authorised person (victim), unless proposed or called as a witness.

109. Further, Article 292, paragraphs 3 and 4, of the CPA lays down the manner in which to interview victims of human trafficking as witnesses. The interviews of adult victims who are not able to appear in person in court may take place in an audio-video equipped room. If the condition of the witness so requires, the interview may be conducted in such a way that the parties ask him/her questions without being present in the room where he/she is located. Victims of human trafficking may only be interviewed again in exceptional circumstances, if the court deems it necessary.

110. For details concerning the protection of children in court proceedings, see paragraphs 134-142.

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

112. The Victims and Witness Support Departments under the Ministry of Justice provide support and assistance to victims and witnesses in the County Courts of Zagreb, Vukovar, Osijek, Zadar, Split, Sisak and Rijeka.⁷⁴ They have the authority to provide emotional support to victims before, during and after the testimony in court, to provide practical information on the rights of victims, witnesses and members of their families, and are responsible for the standardisation of treatment of victims and witnesses, as well as selection, education and co-ordination of volunteer work support.⁷⁵ In 2018, in order to expand victim and witness support services in the country, the Ministry of Justice initiated a network entitled "Support and Co-operation Network for Victims and Witnesses of Criminal Offences" in 13 counties where there are no Victim and Witness Support Departments.⁷⁶ The network is financed by the Ministry of Justice and has been set up for a period of three years. The Co-ordinator of the Network is the Women's Room - Centre for Sexual Rights. There are no available data on the number of THB victims that received support from the Victims and Witnesses Support Departments. According to the data provided by the Network of Support and Co-operation for Victims and Witnesses of Criminal Offences, since the establishment of the Network in 2018, there have been six victims of THB supported by the Network's member organisations. Victim and Witness Support Departments informed by phone 42 victims about the release of perpetrators from prison (including seven victims of THB). All types of support are available to both Croatian and foreign victims.

113. GRETA notes positively the establishment of the mandatory needs assessment for victims of crime and the setting up of victim and witness support services. Nevertheless, GRETA is concerned that no victims of THB appear to have benefited from protection measures. Notwithstanding the above legal provisions, interlocutors met during the visit raised concerns that victims of THB were subjected to multiple interviews and hearings, increasing the risk of secondary victimisation and re-traumatisation. According to the Croatian authorities, no request has been made to include a victim of THB in the Witness Protection Programme.

⁷⁴ See also information (in Croatian) on victim and witness support services on the website of the Ministry of Justice: <https://pravosudje.gov.hr/podrska-zrtvama-i-svjedocima/6156>

⁷⁵ When it comes to testifying in international cases, the victim receives an information letter from the Service for Victim and Witness Support of the Ministry of Justice upon which the victim can request additional information or support.

⁷⁶ See also information on the Network's website, available in Croatian, English, French, Italian, Hungarian and Spanish at: <http://mrezapodrskeisuradnje.com/en/network-of-support-and-cooperation-for-victims-and-witnesses-of-criminal-offences/>

114. **GRETA urges the Croatian authorities to take additional steps to:**

- **make use of the available measures to protect vulnerable victims and witnesses of THB 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 THB 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 THB 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 THB by setting up adequate procedures and internal regulations.**

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

115. Under Article 29(1) of the Convention, Parties have to adopt the necessary measures to promote specialisation of persons or entities in anti-human-trafficking action and victim protection. Each country must have anti-trafficking specialists in sufficient numbers and endowed with appropriate resources. The staff of specialised authorities and coordinating bodies should, as far as possible, be composed of both women and men. To combat trafficking effectively and protect its victims, it is essential that proper training is provided to relevant officials.

116. There are police officers responsible for dealing with THB in all police districts of Croatia. They cooperate with crime investigators, the Regional Services for the Office for the Suppression of Corruption and Organised Crime (in Zagreb, Split, Rijeka and Osijek), and specialised child investigation officers in the case of child victims. Reference has already been made in paragraph 95 to training provided to police officers. In addition, the Police Academy of the Ministry of the Interior organised, in co-operation with the Judicial Academy, two two-day seminars on combating THB (on 11-12 March and 13-14 March 2019). The seminars were attended by police officers working on organised crime, assistant heads of criminal police departments, heads of sector/heads of criminal police departments in all police administrations, and police officers from departments for combating corruption and organised crime. Following this training, the participants acted as multipliers and organised training for other police officers. Training has also been provided in the framework of the Partnership for Education Programme, in co-operation with the US Embassy. The Croatian authorities have also referred to other training provided internationally.

117. The Office for the Suppression of Corruption and Organised Crime (USKOK),⁷⁷ formed in 2001, is attached to the State Prosecutor's Office, and specialises in investigations related to corruption and organised crime. Since 2009, USKOK has had a counterpart in the Criminal Police Directorate - the National Police USKOK (PNUSKOK). The Economic Crime and Corruption Department of the PNUSKOK is the national designated central contact point that facilitates EU-wide tracing of assets derived from crime (National Asset Recovery Office).

118. The Croatian authorities made reference to the provision of a number of courses and seminars on THB for prosecutors and judges (see paragraph 95).

⁷⁷ USKOK's website: <http://www.dorh.hr/Default.aspx?sec=18#>

119. The Croatian authorities indicated that in 2019, staff working at asylum reception centres, as well as staff examining asylum applications, participated in training on psycho-social assistance to victims of torture, rape and other serious forms of violence, as part of the PROTECT project to prevent sexual and gender-based violence against migrants. In addition, in 2019, three officers from the Department for Reception and Accommodation of International Protection Applicants and one official from the Department for International Protection participated in EASO train-the-trainer module on trafficking in human beings. Subsequently, they also organised a national course for other officers working in both departments in March 2020. The course was conducted online for four weeks and a two-day face-to-face session was planned for April, but was postponed due to the outbreak of COVID 19. Over 30 people were enrolled in the online part of the module.

120. GRETA welcomes the existence of police investigators specialised in dealing with THB, and considers that the Croatian authorities should promote specialisation and training of prosecutors and judges to deal with THB (see also recommendation made in paragraph 98). Training on THB should be integrated into the regular training curricula of relevant professional groups, including law enforcement officials, prosecutors, judges, forensic experts, labour inspectors, social workers, child welfare staff, health-care staff, and diplomatic and consular staff.

11. International co-operation (Article 32)

121. Article 32 of the Convention requires parties to co-operate to the widest extent possible to prevent and combat THB, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. International co-operation between State Parties to the Convention is also essential for enabling access to effective remedies for victims of trafficking. Parties must co-operate with one another "to the widest extent possible". This principle requires them to provide extensive co-operation to one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. As regards international co-operation in criminal matters for the purposes of investigations or proceedings, the provisions of the Convention neither cancel nor replace the provisions of relevant international or regional instruments⁷⁸ on mutual legal assistance and extradition, reciprocal arrangements between Parties to such instruments and relevant provisions of domestic law concerning international co-operation.

122. In 2018, the Croatian police authorities co-operated with the police of Slovenia and Taiwan in a joint investigation which led to the identification of 59 women and men from Taiwan as victims of trafficking (see paragraph 91). According to the Croatian authorities, all identified victims were returned to Taiwan in line with the Protocol on Voluntary and Safe Return of Victims of THB. The Croatian and Slovene police notified Europol of the joint investigation, the identification of the trafficking victims, and the new form of exploitation (telecom fraud).

123. Further, according to the Croatian authorities, in 2015, 20 victims of human trafficking (19 Croatian citizens and one citizen of Bosnia and Herzegovina) were identified, based on an investigation conducted in co-operation between the police of Germany and the Office for the Suppression of Corruption and Organised Crime (USKOK), which established that the victims had been sexually exploited in Germany.

124. According to the Croatian authorities, in the period 2015-18, through the Ministry of Justice, the national judicial bodies requested legal assistance from other States in three human trafficking cases. In one case, information was requested from Switzerland (a case of *ne bis in idem*), which was granted. Further, legal assistance was requested from Slovenia (video conference, questioning a victim as a witness, processing of evidential evaluations) which was granted, and from Taiwan (provision of documentation from a criminal file), which was in the process of being processed.

⁷⁸ For example, the European Convention on Extradition, the European Convention on Mutual Assistance in Criminal Matters and its protocols, Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member states, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

125. As reported by the Croatian authorities, the Ministry of the Interior received seven European Arrest Warrants and two International Arrest Warrants for suspects or convicted Croatian citizens for criminal offences associated with THB in other countries. The Croatian judicial authorities issued six European Arrest Warrants for criminal offences associated with THB. Based on the European Arrest Warrants, four persons were apprehended in Croatia and surrendered to other countries. No joint financial investigations were undertaken with other countries, nor did Croatia participate in any Joint Investigation Teams concerning THB. Further, the Ministry of the Interior did not receive nor issue any European Investigation Orders in THB cases.

126. Croatia is a member in the EMPACT THB Project (European Multi-Disciplinary Platform Against Criminal Threats) and participated in joint activities with police officers and labour inspectors from other EU member states, such as Joint Actions Days and expert seminars (see paragraph 169). The Croatian authorities also have made reference to a Joint Action Plan to Combat THB for the purpose of labour exploitation.

127. GRETA welcomes the Croatian authorities' engagement in international co-operation in the investigation and prosecution of THB, and invites them to continue their efforts, in particular in the prevention of THB, evaluating the risks of the return of victims of trafficking, and financial investigations.

12. Cross-cutting issues

a. gender-sensitive criminal, civil, labour and administrative proceedings

128. As noted in the Committee on the Elimination of Discrimination against Women (CEDAW) General recommendation No. 33 on women's access to justice, discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular, has an adverse impact on the ability of women to gain access to justice on an equal basis with men.⁷⁹

129. According to the Croatian authorities, during the initial contact with the victim of trafficking upon his/her identification, mobile team members ensure a gender-sensitive approach when providing first forms of aid and protection. Further, in line with the Protocol on the Integration/Reintegration of Victims of THB, the individual assistance and protection programme is based on a comprehensive assessment of the victims' needs, taking into account the specificities arising from age, gender, gender identity and cultural background.

130. In criminal proceedings, pursuant to Article 44, paragraph 4, of the CPA, victims of trafficking have the right to be interviewed by a person of the same sex. The mandatory assessment of the victim's needs (Article 43.a of the CPA) shall take into account the personal characteristics of the victim.

131. The Ombudsperson for Gender Equality, appointed for the first time in 2003, is an independent body in charge of combating discrimination in the field of gender equality.⁸⁰ The Ombudsperson monitors the enforcement of the Gender Equality Law and other regulations on gender equality, and reports to the Croatian Parliament at least once a year.⁸¹

⁷⁹ CEDAW General recommendation No. 33 on women's access to justice, paragraph 8, CEDAW/C/GC/33 of 3 August 2015

⁸⁰ See website of the Ombudsperson for Gender Equality: <http://www.prs.hr/index.php/english/basic-info>

⁸¹ The responsibilities of the Ombudsperson for Gender Equality include: receiving complaints from any natural persons or legal entities regarding discrimination in the area of gender equality; providing assistance to natural and legal persons who have filed a complaint of sexual discrimination when instituting legal proceedings; taking steps to investigate individual complaints prior to legal proceedings; conducting, with the consent of the parties involved, a mediation process with the aim of reaching an out-of-court settlement; collecting and analysing statistical data on cases of sexual discrimination; conducting independent surveys concerning discrimination, publishing independent reports and exchanging information with corresponding European bodies.

132. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence was ratified by Croatia on 12 June 2018 and entered into force on 1 October 2018.

133. Socio-economic measures taken to reduce the vulnerability of women to human trafficking, including by combating gender-based violence and gender stereotypes, are discussed below (see paragraphs 158-166).

b. child-sensitive procedures for obtaining access to justice and remedies

134. In Croatia, there are a number of specialised bodies engaged in protecting the rights of children, in particular the Ombudsman for Children,⁸² police officers trained in dealing with child victims and offenders, juvenile criminal courts, a specialised Prosecutor for Juveniles within the Prosecutor General's Office, lawyers specialising in children's proceedings, and social workers who have an extensive role in criminal proceedings involving children.⁸³

135. Article 116 of the Juvenile Courts Act prescribes that, in case of criminal offences punishable with five or more years' imprisonment (which includes THB), the court shall appoint a legal representative *ex officio* from the list of attorneys specialised in children's issues of the Croatian Bar Association, if the child does not have a legal representative.

136. Further to the victims' rights listed in Article 43, paragraph 1, and Article 44, paragraph 4, of the CPA, additional rights are provided for child victims in Article 44, paragraphs 1-3, of the CPA, including the obligation of courts, prosecutors, investigators and the police to treat child victims with particular consideration for their age, personality and personal circumstances in order to avoid possible harmful consequences, in line with the best interests of the child. According to Article 43.a of the CPA, when a child is a victim of a criminal offence, it is assumed that there is a need to apply special protection measures (see paragraph 109). If the age of the victim is not known, it will be assumed that the victim is a child.

137. Further, Article 292, paragraph 1, of the CPA provides that the examination of a child under the age of 14 as a witness shall be video-taped and audio-taped and the recording shall be sealed immediately and enclosed with the record. The interview will be carried out by the investigating judge in a separate room, in the presence of a psychologist or child specialist, a guardian, and the child's parents, unless this is against the child's best interests. Only in exceptional cases will a second interview be carried out. For children aged 14 to 18, special care shall be taken lest the examinations have a harmful effect on the mental condition of the child; similar arrangements as with children under the age of 14 can be taken if need be (Article 292, paragraph 2 of the CPA). Moreover, Article 303, paragraph 1, of the CPA prescribes that if the identification of a suspect is being made by a child, the authority carrying out the identification procedure shall arrange the procedure in such a manner that the person who is being identified can neither see nor hear the identifying person. All municipal court and county courts possess equipment for recording the child victim in separate rooms.⁸⁴

138. According to Article 44, paragraph 1, sub-paragraph 2, of the CPA, a child victim of a criminal offence shall have the right to the confidentiality of personal information. Further, according to the Article 44, paragraph 4, sub-paragraph 6, of the CPA, victims of criminal offences against sexual freedom and victims of THB have the right to the confidentiality of personal information.

⁸² The Ombudsman for Children monitors infringements of the rights or interests of children, and has unlimited access to any data, information or files regarding any procedure involving children, regardless of its confidentiality. The Ombudsman also has unlimited access to inspect any authorised premises providing shelters or any type of accommodation for children. For more information see the website of the Ombudsperson for Children: <https://dijete.hr/en/homepage-ombudsman-for-children/#>

⁸³ See also Study on children's involvement in judicial proceedings/ Contextual overview for the criminal justice phase – Croatia June 2013, prepared by Alida Ban Pavlovic for Milieu Ltd in partnership with ICF GHK, funded by the European Commission, p. 2, available at: <http://www.childreninjudicialproceedings.eu/docs/ContextualOverview/Croatia.pdf>

⁸⁴ Ibid, p. 3.

139. As part of the project "Strengthening capacities in the prevention of sexual exploitation and sexual abuse of children and providing police assistance to vulnerable victims of crimes" (co-funded by the Ministry of the Interior), 60 especially equipped rooms for interviewing children have been set up throughout the country.

140. According to the Ombudsperson for Children, children are often portrayed in the media in a sensationalist manner, especially concerning events in which they are victims, perpetrators or witnesses of criminal offences.⁸⁵ The name, surname and image of the child are often revealed, as well as information on family circumstances, health status and inappropriate judgements concerning the child's character or behaviour.⁸⁶

141. Whilst welcoming the steps taken to ensure child-sensitive procedures for obtaining access to justice and remedies, GRETA considers that the Croatian authorities should strengthen their efforts to ensure that child victims of THB are in practice afforded special protection measures. In this context, GRETA refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, which recommend that all professionals working with children receive appropriate interdisciplinary training on the rights and needs of children.⁸⁷

142. GRETA refers to Article 11 of the Convention and urges the Croatian authorities to adopt measure to ensure that the identity of child victims of THB 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). Measures should be taken to encourage the media to protect the private life and identity of victims of THB through self-regulation or regulatory or co-regulatory measures.

c. role of businesses

143. GRETA was not informed of any specific initiatives to prevent and eradicate trafficking from supply chains; neither did it receive information on engagement of businesses in supporting the rehabilitation and recovery of victims.

144. Croatian legislation establishes the criminal liability of legal persons through the Act on the Liability of Legal Entities for Criminal Offences, which was already in effect during the first and second evaluations.⁸⁸ According to the Croatian authorities, it has still not been applied in any human trafficking case.

⁸⁵ Publication of the Ombudsperson for Children 'Child victim in judicial procedure', 2012, available in Croatian at: <http://www.problemiuponasanju.info/files/download/filename/23/Dijete%20u%20pravosudnom%20postupku.pdf> ; See also VOCIARE National Report Croatia, p. 58, available at: https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_National_Report_Croatia_interactive.pdf)

⁸⁶ See also VOCIARE National Report Croatia, p. 58, available at: https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_National_Report_Croatia_interactive.pdf)

⁸⁷ [Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice](#) (Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies).

⁸⁸ See GRETA's 1st report on Croatia, paragraph 123, and 2nd report on Croatia, paragraph 150.

145. **GRETA considers that the Croatian authorities should strengthen engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights⁸⁹ and the Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business,⁹⁰ with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims, and to provide access to effective remedies.**

146. **Further, GRETA considers that the Croatian authorities should adopt legislation integrating the prevention of THB and labour exploitation in public procurement policies and promoting transparency in supply chains to enable scrutiny of companies' performance to prevent THB and labour exploitation.**

d. measures to prevent and detect corruption

147. Trafficking in human beings may be engaged in by organised criminal groups, which frequently use corruption to circumvent the law and money laundering to conceal their profits, but it can occur in other contexts. Consequently, other Council of Europe legal instruments are also relevant to combating human trafficking, in particular those designed to combat corruption, money laundering and cybercrime. The Council of Europe body with the main role to play in the fight against corruption is the Group of States against Corruption (GRECO). Its country reports are relevant in addressing structural shortcomings in preventing corruption, including potentially in a THB context.⁹¹

148. As noted in paragraphs 89 and 121, the competencies for investigating and prosecuting corruption in Croatia are shared by the Office for the Suppression of Corruption and Organised Crime (USKOK) and a specialised unit within the police, the National Police Office for Suppression of Corruption and Organised Crime (PNUSKOK).⁹² According to Article 2, paragraph 1, of the Act on the Office for the Suppression of Corruption and Organised Crime, USKOK acts as a Special Prosecutor's Office competent in cases of criminal offences listed in Article 21 of the Act on the Office for the Suppression of Corruption and Organised Crime, regardless of the fact if a perpetration of these criminal offences represents middle, high-level or petty corruption case.

149. The Croatian authorities were not aware of any cases of corruption related to THB, nor did they report any investigations, prosecutions, or convictions of government officials alleged to have been complicit in trafficking offences.

150. **GRETA invites the Croatian authorities to include measures against corruption in a THB context in its anti-corruption policies and initiatives.**

⁸⁹ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

⁹⁰ [Recommendation CM/Rec\(2016\)3](#) of the Committee of Ministers to member States on human rights and business, adopted by the Committee of Ministers on 2 March 2016 at the 1249th meeting of the Ministers' Deputies.

⁹¹ See GRECO's 5th evaluation round report on Croatia, published on 24 March 2020, available at: <https://rm.coe.int/fifth-round-evaluation-report-on-croatia-preventing-corruption-and-pro/16809cff22>

⁹² Other anti-corruption bodies include the Anti-Money Laundering Department, the State Audit Office, the Tax Administration and the Customs Department within the Ministry of Finance, Office for Public Procurements, the Commission for Prevention of Conflict of Interest in Performing Public Duties, and the Independent Anti-Corruption Sector in the Ministry of Justice. The National Council for Monitoring the Anti-Corruption Strategy is a special parliamentary committee which co-ordinates the implementation of the Anti-Corruption Strategy and Action Plan. It is charged with evaluating corruption risks and proposing and designing preventative measures. Special court departments were established in four county courts. These courts have subject matter and territorial jurisdiction of criminal cases under USKOK's competence.

V. Follow-up topics specific to Croatia

1. Prevention of child trafficking

151. In its second evaluation report, GRETA urged the Croatian authorities to intensify their efforts to prevent child trafficking.

152. The National Plan for Combating THB in 2018-2021 includes preventive actions and raising of public awareness of the risks of child trafficking, including a campaign to raise public awareness of the recruitment of victims of trafficking through the Internet, with specific focus on women and children. Since 2013, the Ministry of the Interior has been carrying out a prevention campaign called "Together", which is aimed at reducing human trafficking in all stages (recruitment, transport and exploitation) through co-operation of all stakeholders. In 2019, as part of the "Together" campaign, awareness was provided to 50 students, 1,583 primary and secondary schools graduates, and a large number of police officers and citizens. Further, the project "I have a choice" has been implemented every year since 2012 in the county of Međimurje. The target group are schoolchildren aged 10-11 (around 50 per year) and their teachers. During the 2018/2019 school year a total of 56 schoolchildren were involved in this project.

153. The Croatian authorities have made reference to several projects and activities aimed at preventing child trafficking and targeting the general public, groups potentially at risk, students, teachers, government officials, NGOs, and professionals likely to come into contact with child victims of THB. By way of example, since the school year 2012/2013, the General Police Directorate has been co-ordinating the implementation of the above-mentioned project "I have a choice", which is carried out in schools in the Međimurje County in co-operation with the police and local partners. The project focuses on strengthening social inclusion of minority groups in the Međimurje area, especially of persons belonging to Roma communities. Prevention of trafficking in human beings is one of the project components, specifically targeting Roma school children and their teachers. Further, the awareness-raising campaign "Zajedno" ("Together"), which has been running since 2013, also addresses the prevention of child trafficking. Further, the Croatian Red Cross carries out preventive outreach activities in schools.

154. The Croatian authorities have indicated that, within the framework of the course "Juvenile Delinquency and Crime against Youth and the Family", training sessions, which include the topic of prevention of child trafficking, are being delivered on an on-going basis by specifically trained police officers.

155. On 1 January 2019, the new Foster Care Act (OG No 115/18)¹⁸ entered into force.⁹³ This Law enables accommodation of unaccompanied children with a foster family.⁹⁴ Pursuant to the Foster Care Act, during the procedure of determining the conditions and obtaining a permit for foster care, among other things, the training of a person who submits an application for foster care is prescribed. The training is provided by the foster care centre. Professional assistance and support in foster care is provided by social welfare centres, social care homes and community service centres. The Ordinance on the manner and duration of foster carers' training and additional training stipulates that applicants who have expressed an interest in accommodating an unaccompanied foreign child or young adult must undergo additional training, which includes issues such as children in migration, interculturalism and intercultural competences in the care of an unaccompanied child, specificities of victims of trafficking, and preparation of unaccompanied children transitioning to adulthood for leaving foster care.

⁹³ Available in Croatian at: https://narodne-novine.nn.hr/clanci/sluzbeni/2018_12_115_2240.html

⁹⁴ See Annual Report 2018 on Migration and Asylum in Croatia, National Report (part 2), p. 21, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/04a_croatia_arm2018_part2_en.pdf

156. Interlocutors met during the visit underlined the particular vulnerability of children placed in childcare institutions. In this respect, GRETA refers to the research carried out by the NGO LUMOS on the links between institutional care and child trafficking.⁹⁵

157. While welcoming the steps taken since the second evaluation to prevent child trafficking, GRETA considers that the Croatian authorities should intensify their efforts, in particular by sensitising and training child protection professionals and staff in child care institutions across the country, and raising children's awareness of their rights and the risks of human trafficking, especially recruitment through Internet/social networks and online exploitation.

2. Social and economic initiative for groups vulnerable to THB

158. In its second evaluation report, GRETA considered that the Croatian authorities should take further socio-economic measures to reduce the vulnerability of women to human trafficking, including by combating gender-based violence and gender stereotypes, as well as the vulnerability of persons belonging to Roma communities.

159. The Strategy for Combating Poverty and Social Exclusion in Croatia (2014-2020)⁹⁶ is still in force, and is relevant to reducing vulnerability to THB.⁹⁷ The document has eight strategic areas: education; employment; housing; access to social benefits and services; access to health care; care for the elderly; regional approach to combating poverty and social exclusion; debts and financial independence.

160. In August 2019, the Croatian Government adopted a new Action Plan 2019-2020 for the Implementation of the National Roma Integration Strategy 2013-2020, which includes the issue of human trafficking.⁹⁸ One of the aims of the Action Plan is to enable persons from Roma communities to recognise the threats of human trafficking, sexual exploitation and other forms of violence, with a particular focus on women and children. Implementing measures include training programmes and awareness-raising activities on dangers linked to trafficking and sexual abuse. In their comments on the draft GRETA report, the Croatian authorities provided details on the implementation of the National Roma Integration Strategy and the accompanying action plans, including research, consultations, and monitoring of the implementation of the Strategy.

161. Further, the Croatian authorities have referred to a number of other projects and activities.⁹⁹ By way of example, since 2013, the General Police Directorate of the Ministry of the Interior has been carrying out the awareness-raising campaign "Zajedno" ("Together") in co-operation with a broad range of stakeholders and numerous partners throughout Croatia, such as local communities, Roma settlements, schools, NGOs, the general public, police officers, social workers, private businesses which hire foreigners on a temporary stay basis, as well as workers from the tourism and transport industries. The campaign has reached several thousand persons (see paragraph 153).

⁹⁵ LUMOS, Cracks in the System: Child trafficking in the context of institutional care in Europe, London, June 2020, <https://www.wearelumos.org/resources/cracks-system/#:~:text=Cracks%20in%20the%20System%20is,and%20child%20trafficking%20in%20Europe.&text=Care%2Dleavers%20are%20more%20vulnerable%20to%20exploitation%20and%20trafficking.>

⁹⁶ Available in English at: [STRATEGY COMBATING POVERTY SOCIAL EXCLUSION 2014 2020.](https://mup.gov.hr/istaknute-teme/nacionalni-programi-i-projekti/nacionalni-programi-237/suzbijanje-trgovanja-ljudima/321)

⁹⁷ See GRETA's 2nd report on Croatia, paragraph 70.

⁹⁸ Available in Croatian at: [Action Plan 2019-2020 National Roma Inclusion Strategy](https://mup.gov.hr/istaknute-teme/nacionalni-programi-i-projekti/nacionalni-programi-237/suzbijanje-trgovanja-ljudima/321)

⁹⁹ See also information on the Ministry of the Interior's website about the risks of THB and what steps to take: <https://mup.gov.hr/istaknute-teme/nacionalni-programi-i-projekti/nacionalni-programi-237/suzbijanje-trgovanja-ljudima/kako-reagirati-kad-sumnjate-da-je-rijec-o-trgovanju-ljudima/282026>

162. The Ministry of Labour and the Pension System is implementing a job creation programme called "Make a Wish – Women's Employment", financed from the European Social Fund (ESF) as part of the 'Efficient Human Resources 2014-2020' operational programme.¹⁰⁰ The programme started in June 2017 and the call was closed in February 2020 due to the exhaustion of the financial envelope. The target groups are unemployed women registered at the CES (focusing on women aged over 50, women with disabilities, victims of trafficking, victims of domestic violence, asylees, young women who have left institutional care and the foster family system, recovering drug addicts, ex-convicts, members of the Roma community, homeless women). Women participating in project activities can gain skills through additional training, with the aim of becoming more competitive on the labour market. Jobs include the care of elderly persons and persons in a disadvantaged position in their local communities in hard-to-access rural and island areas, as well as areas with an unemployment rate higher than the Croatian average.¹⁰¹ A total of 322 projects have been granted funding under which the employment of more than 6,000 women has been contracted to provide support and care services for almost 30,000 elderly and/or disadvantaged people.

163. In Croatia, selling sexual services is illegal; persons who sell sex are liable to a fine and/or imprisonment for the misdemeanour of disturbing the public order and peace. Buying sex, on the other hand, is not illegal.¹⁰² There is still no programme to support persons wishing to exit prostitution, and civil society interlocutors reported that victims of forced prostitution continue to be stigmatised. In this regard, GRETA refers to the recommendations made in CEDAW's report on Croatia, according to which the Croatian authorities should strengthen support measures for women who wish to leave prostitution, and ensure that victims of trafficking, who have been subjected to forced prostitution, are referred to adequate support measures rather than being prosecuted by default.¹⁰³ **Reiterating the recommendation made in the second evaluation report, GRETA considers that the Croatian authorities should adopt measures to address negative stereotyping affecting victims of THB for the purpose of sexual exploitation.**

164. From 2014 to 2020, Croatia participated in a research project funded by the EU on "Demand for Sexual Exploitation in Europe" (DESIRE), which was conducted jointly by the Vrije University of Brussels (Belgium), University of Tilburg (Netherlands), University of Warsaw (Poland), University of Uppsala (Sweden) and the Life Quality Improvement Organisation (LET) of Zagreb (Croatia).¹⁰⁴ The aim of the project was to get a better understanding of the impact of legislation and policies concerning sex work on the prevalence of trafficking in human beings, by comparing the approaches in The Netherlands, Croatia, Poland and Sweden.¹⁰⁵

165. GRETA refers to CEDAW's report on Croatia, which called on the authorities to take further steps to achieve gender equality in employment, education and health, and special measures targeting disadvantaged groups of women, including Roma women, rural women and women with disabilities.¹⁰⁶

¹⁰⁰ For more information on the project see 'A Comprehensive Review of the Situation at the National Level on the Occasion of the Twenty-fifth Anniversary of the Fourth World Conference on Women and the Adoption of the Beijing Declaration and Platform for Action (1995)', prepared by the Office for Gender Equality, May 2019, pp. 11-12, available in English at: https://www.unece.org/fileadmin/DAM/Gender/Beijing_20/Croatia.pdf

¹⁰¹ Ibidem.

¹⁰² However, not every purchase of sex is legal, as it is a criminal offence to knowingly buy sexual services from a victim of sexual exploitation.

¹⁰³ Committee on the Elimination of Discrimination against Women, Concluding observations on the combined fourth and fifth periodic reports on Croatia, 28 July 2015, document CEDAW/C/HRV/CO/4-5, see paragraphs 20 and 21.

¹⁰⁴ Additional information about the project can be found at: www.project-desire.eu

¹⁰⁵ For more information on the research results, see the project's final research report, available at: https://project-desire.eu/wp-content/uploads/2018/12/D3.2_Final-report_FINAL_CLEAN_3.12.18-2.pdf

¹⁰⁶ Committee on the Elimination of Discrimination against Women, Concluding observations on the combined fourth and fifth periodic reports of Croatia, 28 July 2015, document CEDAW/C/HRV/CO/4-5, see paragraphs 14-19.

166. **While commending the measures taken since the second evaluation, GRETA considers that the Croatian authorities should continue taking steps to reduce the vulnerability of women to human trafficking, as well as the vulnerability of persons belonging to Roma communities.**

3. Measures to prevent and combat trafficking for the purpose of labour exploitation

167. In its second evaluation report, GRETA urged the Croatian authorities to increase efforts to proactively identify victims of trafficking for the purpose of labour exploitation. Further, GRETA considered that the Croatian authorities should take additional measures to prevent and combat human trafficking for the purpose of labour exploitation in at-risk sectors, by involving the Labour Inspectorate, trade unions and the private sector. GRETA also considered that the authorities should pursue and intensify their efforts to control temporary work agencies operating in Croatia and hiring persons to work abroad.

168. As recommended by GRETA in its second evaluation report, given its important role for the detection of victims of human trafficking, the Labour Inspectorate has been included as a member to the National Committee and its Operational Team. Unlike the previous National Action Plan to Combat THB (2012-2015), the current National Action Plan foresees measures which include labour inspectors as a target group; these include joint multi-disciplinary training measures to strengthen the work of mobile teams. GRETA welcomes the involvement of the Labour Inspectorate in the National Committee and its Operational Team.

169. The Croatian authorities highlighted the development of good co-operation between the Ministry of the Interior and the Labour Inspectorate. In addition to exchanging information on possible breaches of labour law, police officers and labour inspectors take part in joint operations aimed at preventing and detecting cases of labour exploitation. By way of example, in May 2016, in co-operation with the Ministry of the Interior, labour inspectors took part in an EMPACT Joint Action Day on combating THB for the purpose of labour exploitation, organised with the support of Europol and at the initiative of the Labour Inspectorate of the Netherlands and the Gangmasters and Labour Abuse Authority of the UK. Altogether, they carried out 26 on-site inspections in the catering, meat processing, bakery, construction and care services industries. One of the on-site inspections in a massage parlour resulted in the discovery of the illegal employment of two persons from Thailand. The breaches of the labour law and the conditions of the accommodation provided for the two employees indicated possible human trafficking. The Labour Inspectorate issued a misdemeanour order to the employer for breaches of the employment regulations, and the police pressed criminal charges for THB. The Municipal Court, due to the defendant's lawyer's request to postpone the hearing, has not yet issued a decision in the misdemeanour proceedings started by the labour inspector. The criminal charges were dismissed on the basis of a decision issued by the competent Prosecutor's Office. The Thai nationals refused the assistance and protection offered and returned to their country of origin immediately after giving their testimony to the labour inspector.

170. Further, the Croatian authorities have made reference to an expert meeting in which the Ministry of the Interior and the Labour Inspectorate had participated, organised by Europol in The Hague, to promote co-operation between police officers and labour inspectors at national and international level, with a view to preparing a Joint Action Plan in 2017. Furthermore, as part of a joint initiative with other EU-Member State labour inspectorates to map labour inspection services with a view to a more efficient exchange of data on possible cases of THB, a guidebook with contacts of the participating labour inspectorates and an overview of the legal framework in their respective States was developed. As part of this project, the Labour Inspectorate drafted an overview of the legal framework to be applied by Croatian labour inspectors. In 2016-2019, labour inspectors, in co-operation with officials of the Ministry of the Interior, participated in Joint Action Days on combating THB for the purpose of labour exploitation, which is one of the operational activities from the operational action plan of the European Multidisciplinary Platform Against Criminal Threats (EMPACT).

171. Concluded in September 2016, the project "Persons at risk of trafficking in Europe - capacity to identify and assist potential victims of human trafficking" (PROTECT) was a two-year initiative that brought together the British Red Cross, Croatian Red Cross, International Centre for Migration Policy Development (ICMPD) and the Republic of Croatia Government Office of Human Rights and National Minorities as associate partners.¹⁰⁷ Two regional seminars, focusing on THB for labour exploitation, were organised for a total of 84 participants coming from relevant institutions and organisations involved in the National Referral Mechanism (e.g. border police, mobile team members, Centres for Social Welfare, NGOs).

172. Further, in March 2017, the Croatian Red Cross, in co-operation with the Office for Human Rights and the Rights of the National Minorities and the Croatian Employers' Association, conducted a one-day seminar for staff working in the hospitality industry in Poreč on the Croatian coast, including receptionists, waitering and housekeeping staff, on detecting signs of human trafficking in hotel facilities.

173. Moreover, as part of the two-year project "Sustainable integration of trafficked persons through proactive identification and Enhanced Protection (STEP)", which was designed in the context of the increased number of migrants arriving in Europe during 2015-2016 and finalised in 2019,¹⁰⁸ the Croatian Red Cross developed and disseminated information materials in English, Croatian, Arabic, Farsi and Pashtu, including leaflets on migrants' labour rights and living and working in Croatia (see also paragraph 185).

174. Based on the decision of Senior Labour Inspectors Committee (SLIC), the European SLIC Campaign "Safe and healthy work for temporary jobs" was implemented in Croatia from February to November 2018 in the part related to temporary agency workers. Before conducting inspection visits, the Labour Inspectorate created "Campaign Guideline" and "Inspection checklists" based on given EU templates, which were harmonised with Croatian legislation. Training on the campaign was given to all labour (OSH) inspectors. The results of the campaign were presented on the web page of Ministry of Labour and Pension System.¹⁰⁹

175. While commending the steps taken since the second evaluation to prevent and combat trafficking for the purpose of labour exploitation, in particular the inclusion of labour inspectors in the National Committee for Combating THB and its Operational Team, GRETA considers that the Croatian authorities should increase efforts to proactively identify victims of trafficking for the purpose of labour exploitation, in particular by:

- **encouraging law enforcement officials, labour inspectors, social workers, NGOs and other relevant actors to increase their outreach work to identify victims of human trafficking for the purpose of labour exploitation, paying particular attention to at-risk sectors, such as agriculture, construction and hospitality;**
- **training labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, including through joint training, on THB for the purpose of labour exploitation and the rights of victims;**
- **strengthening co-operation between law enforcement officers, labour inspectors, financial police, tax authorities, trade unions and other civil society actors, with a view to collecting evidence necessary for successfully investigating and prosecuting cases of THB for the purpose of labour exploitation;**
- **ensuring that sufficient resources are made available to labour inspectors to fulfil their mandate;**

¹⁰⁷ For more information see <https://redcross.eu/projects/enhancing-capacities-to-respond-to-human-trafficking-1>

¹⁰⁸ For more information see: <https://redcross.eu/projects/offering-sustainable-support-to-survivors-of-trafficking>

¹⁰⁹ www.european-temporary-work-campaign.eu

- **encouraging companies to monitor their supply chains and working closely with the private sector and the Chamber of Commerce to promote corporate social responsibility, in line with the Guiding Principles on Business and Human Rights and Recommendation CM/Rec(2016)3 on human rights and business.**

4. Identification of victims of trafficking

176. In its second evaluation report, GRETA urged the Croatian authorities to take additional steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures contained in the Convention, in particular by securing adequate funding for specialised NGOs to enable them to effectively take part in identification performed by mobile teams and to undertake outreach work in order to proactively identify victims of THB.

177. The Protocol on Identification, Assistance and Protection of Victims of Human Trafficking, updated in 2017, provides the framework for the identification of victims of THB. This system was already in place at the time of GRETA's first and second evaluations.¹¹⁰ A national referral mechanism is in place to identify victims of THB, with four mobile teams (based in Zagreb, Rijeka, Split and Osijek) which involve social workers and NGOs, and are involved in the identification of victims of THB and their referral to assistance. These mobile teams work directly with the local police's anti-trafficking officers, responsible for investigating trafficking cases, and also co-operate closely with the two co-ordinators for adult victims and child victims. In cases where the potential victim of trafficking is a foreigner whose stay in Croatia is irregular, the migration police will also be involved.

178. The SOS phone helpline, which is run by the NGO ROSA, facilitates the detection of possible victims of human trafficking.¹¹¹ The helpline is partially funded by the State. GRETA was informed that the helpline continues to operate only from 10:00 a.m. to 6:00 pm due to limited financial resources.

179. The National Plan for Combating THB in 2018-2021 envisages measures to strengthen the identification of victims of THB, such as the development of guidelines and indicators for the identification of trafficking victims, as well as training on the identification of trafficking victims targeting a wide range of stakeholders, e.g. police officers, judges, prosecutors, diplomatic and consular staff, members of the armed forces, staff of social welfare centres and the Office for the Support to Witnesses and Victims, health co-ordinators, lawyers, NGOs, staff of the CES, staff in tourism and other catering industries, as well as staff in the education sector.

180. However, civil society actors pointed to a lack of training for mobile team members, highlighting that, between 2017 and 2019, no training had been offered for them.

181. Further, civil society actors reported a lack of state funding for the so far voluntary work of specialised NGOs participating in the mobile teams. According to the Protocol on Identification, Assistance and Protection of Victims of Trafficking in Human Beings, in case members of the mobile teams use their private vehicles for going to the place where the victim is identified, they have the right to a refund of their transport costs from the state budget. However, mobile team members met during the visit reported that they had not been reimbursed for their private vehicle expenses.

¹¹⁰ See GRETA's 2nd report, paragraph 84, and 1st report on Croatia, paragraphs 83-86.

¹¹¹ In 2016, the helpline received 256 calls (not all calls are related to THB), and seven possible cases of THB were reported to the Ministry of the Interior; in 2017, it received 309 calls and reported eight possible cases; in 2018, it received 280 calls and reported four possible cases; in 2019, it received 492 calls and reported five possible cases.

182. Moreover, specialised NGOs indicated a lack of state funding for their outreach work to proactively detect victims of THB. In 2019, however, the Ministry for Demography, Family, Youth and Social Policy launched an open call for project proposals to combat human trafficking, focusing on preventive actions. In 2019, a public call was issued for the application of projects aimed at reducing and preventing social exclusion and social inclusion and integration of socially vulnerable groups for 2018/2019. A total of HRK 422,000 (approximately €56,000) was awarded to six NGO projects on raising awareness of THB.

183. Civil society actors indicated that government efforts to screen migrants and asylum seekers for victims of trafficking were seriously lacking (see also paragraph 196). The authorities have referred to training provided to staff on screening asylum applicants for indicators of THB (see paragraph 119). According to the authorities, in 2017, a Nigerian national was encountered in the attempt to cross the Croatian border with counterfeit documents. When lodging an application for international protection, she claimed to be a minor and a victim of sexual exploitation. Accordingly, she was identified as a victim of trafficking regardless of the fact that the exploitation did not take place in the territory of Croatia, and was provided with assistance and protection. The competent State Attorney's Office was notified thereof.

184. While the government denied allegations of police abuse of migrants, interlocutors met during the visit raised concerns about pushbacks and excessive force by Croatian border officials at Croatia's borders with Bosnia and Herzegovina and Serbia,¹¹² and reported that border police had assaulted and harassed migrants, including vulnerable persons such as asylum seekers, children, persons with disabilities and pregnant women.¹¹³ GRETA stressed that pushbacks negatively affect the detection of victims of THB amongst irregular migrants and asylum seekers and raise grave concerns as regards Croatia's compliance with certain obligations of the Convention, including the positive obligations to identify victims of trafficking and to refer them to assistance, and to conduct a pre-removal risk assessment to ensure compliance with the obligation of non-refoulement.

185. Reference has already been made to the two-year project "Sustainable integration of Trafficked human beings through proactive identification and Enhanced Protection (STEP)", which was designed in the context of the increased number of migrants arriving in Europe during 2015-2016 (see also paragraph 173).¹¹⁴ As part of this project, the Croatian Red Cross organised workshops for newly arriving migrants in two reception centres (in Zagreb and Kutina) and the Ježevo immigration detention centre, providing relevant information about the signs and risks of human trafficking, the rights of trafficked persons and where to seek help.¹¹⁵ In addition, the Croatian Red Cross and France Terre d'Asile produced a guide (guidelines and pocket guide) for field workers to use in both transit and destination contexts.¹¹⁶ It provides practical advice for frontline officers, as well as a list of indicators to help them detect potential and actual cases of human trafficking.

¹¹² See also *M.H. and others v. Croatia* (application no. 15670/18) brought by an Afghan family before the European Court of Human Rights who had allegedly been pushed back to Serbia from Croatian territory.

¹¹³ For more information see also the letter of Human Rights Commissioner: <https://www.coe.int/en/web/commissioner/-/commissioner-calls-on-croatia-to-investigate-allegations-of-collective-expulsions-of-migrants-and-of-violence-by-law-enforcement-officers>; Report of the fact-finding mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees, to Bosnia and Herzegovina and to Croatia, 24-27 July and 26-30 November 2018: <https://rm.coe.int/report-of-the-fact-finding-mission-by-ambassador-tomas-bocek-special-r/1680940259>; <https://www.asylumineurope.org/news/20-03-2019/aida-2018-update-croatia>

¹¹⁴ For more information on the project see: <https://redcross.eu/projects/offering-sustainable-support-to-survivors-of-trafficking> and <https://www.trafficking-response.org/resources/tools/page/1/>

¹¹⁵ For additional information on the work of the Croatian Red Cross see its website: <https://www.hck.hr/sto-radimo/azil-i-migracije/trgovanje-ljudima/215>

¹¹⁶ Available at: <https://www.trafficking-response.org/resources/tools/page/1/> and https://www.trafficking-response.org/wp-content/uploads/2019/03/The-identification-of-victims-of-human-trafficking-in-transit-and-destination-countries-in-Europe_English.pdf

186. GRETA visited the Ježevo Reception Centre for Foreigners, which is used essentially as a pre-removal detention facility.¹¹⁷ According to staff of the centre, there have been no victims of THB accommodated at the centre so far. GRETA was informed that social workers at the Centre are trained to spot signs of THB. GRETA's delegation did not notice any publicly displayed information on human trafficking, nor the contact details of an NGO specialised on human trafficking.

187. GRETA notes the steps taken since the second evaluation to strengthen the identification of victims of trafficking. **Nevertheless, GRETA urges the Croatian authorities to take additional steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures contained in the Convention, in particular by:**

- **increasing 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;**
- **institutionalising and implementing procedures for screening migrants for indicators of THB;**
- **systematically informing 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;**
- **ensuring that pre-removal 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*. In this respect, reference is made to GRETA's Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection;¹¹⁸**
- **securing 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.**

5. Assistance to victims

188. In its second evaluation report, GRETA considered that the Croatian authorities should take steps to provide assistance adapted to the specific needs of male victims.

189. The NGO-run shelter for adult victims of trafficking can accommodate both female and male victims. Separated accommodation is provided for female and male victims to ensure their safety and privacy. At the time of GRETA's visit, no male victims were accommodated at the shelter.

190. According to statistics provided by the Croatian Red Cross, between 2015 and the first half of 2019, a total of 98 adult victims were assisted by the Croatian Red Cross or NGOs that are part of the mobile teams.¹¹⁹

¹¹⁷ The Ježevo centre has a capacity of 103 people. 58 staff (police officers and civil servants) work at the centre. At the time of GRETA's visit, 56 foreign nationals were resident there – 12 asylum seekers and 44 subject to the forced return procedure.

¹¹⁸ <https://rm.coe.int/guidance-note-on-the-entitlement-of-victims-of-trafficking-and-persons/16809ebf44>

¹¹⁹ In 2015: six victims were assisted; two accommodated in the shelter (one male and one female), and four female victims outside the shelter. All victims were Croatian citizens. In 2016: eight victims were assisted; three accommodated in the shelter (two women and one man), and five victims assisted outside of the shelter. In 2017: 10 victims assisted; seven accommodated in the shelter (four females and three males, of whom three were Croatian citizens and four citizens of Bosnia and Herzegovina), and three victims assisted outside the shelter (two Croatian women and one man from Bosnia and Herzegovina). In 2018: 67 victims were assisted; three accommodated in the shelter (two women from Croatia and Serbia, and one man from Croatia), and 64 victims assisted outside the shelter (59 from Taiwan; one from Bosnia and Herzegovina and four Croatian citizens). In the first

191. The National Plan for Combating THB in 2018-2021 foresees measures to ensure an individualised approach in providing assistance and protection to victims of trafficking, such as the development of individual plans and programmes for the assistance to, and protection of, identified adult victims of THB, taking into account their gender and the trauma they have experienced, as well as the implementation of training for professionals working in social welfare institutions, the Victim and Witness Support Departments, health co-ordinators and representatives of NGOs.

192. **GRETA considers that the Croatian authorities should make further efforts to adapt assistance measures to the specific needs of male victims, in particular by ensuring training for professionals coming into contact with victims of THB to sensitise them to the specific needs of male victims, bearing in mind also the type of exploitation to which the male victims have been subjected.**

6. Identification of, and assistance to, child victims of trafficking

193. In its second evaluation report, GRETA urged the Croatian authorities to take further steps to improve the identification of, and assistance to, child victims of trafficking. Further, GRETA considered that guardianship services should be offered consistently, by specially trained staff from the centres for social welfare, and sufficient long-term funding should be maintained to enable specialised NGOs to carry out outreach work for the purpose of detecting and assisting child victims.

194. As explained in GRETA's second evaluation report, the procedure for child victims is provided for in the Protocol on Identification, Assistance and Protection of Victims of Human Trafficking. When the police come across a possible child victim of human trafficking, the THB co-ordinator of the Ministry of the Interior informs the co-ordinator for child victims from the Ministry of Demography, Family, Youth and Social Policy, who then contacts the regional co-ordinator competent for the area where the child was found. The regional co-ordinator, together with the other members of the mobile team, initiates measures aimed at providing assistance to child victims. Children are informed of their status, and the decision whether to join the assistance and protection programme is made by the child's guardian, in consultation with the social welfare co-ordinator, and taking into account the child's views.

195. If it is considered to be in the child's best interest, all the necessary measures are taken to find the child's family and establish contact. Pursuant to Article 53, paragraph 1, of the CPA, "where the injured party is a child and the interests of the child are contrary to the interests of the parents, the body conducting the proceeding shall instruct the competent welfare body to assign a special guardian for the child." In the case of unaccompanied children,¹²⁰ the regional co-ordinator proposes a guardian from the competent social welfare centre, whose task is to protect the rights and interests of the child.¹²¹

half of 2019, seven victims were assisted; four accommodated in the shelter (three women and one man), and three assisted outside the shelter; of them, five were Croatian citizens, one a Serbian citizen, and one a citizen of Bosnia and Herzegovina.

¹²⁰ According to statistics provided by the Office for Human Rights and Rights of National Minorities, in 2016, 162 unaccompanied children were placed with 13 social care providers; in 2017, there were 334 unaccompanied children, of whom 25 were eligible for social services for temporary accommodation in crisis situations in social care institutions; in 2018, there were 225 unaccompanied children, of whom 21 were placed in a social care facility. According to information provided by the Ombudsperson for Children, in 2018, 135 unaccompanied children absconded from state institutions, mostly teenaged males.

¹²¹ In August 2018, a new Protocol on the treatment of unaccompanied children was adopted. The protocol establishes an Interdepartmental Commission for the protection of unaccompanied children. See also:

<https://www.asylumineurope.org/news/20-03-2019/aida-2018-update-croatia>

196. During the asylum procedure, if there is any doubt that a child is a victim of trafficking, the THB co-ordinator of the Ministry of the Interior is notified. Since 2015, the Ministry of the Interior has identified over 1,000 children as unaccompanied and separated (319 in 2016, 541 in 2017 and 156 in the first 10 months of 2018).¹²² In 2018, 64 unaccompanied children sought international protection in Croatia.¹²³ According to the Croatian authorities, there have been no recorded cases of victims of THB amongst unaccompanied asylum-seeking children. However, interlocutors met during the visit reported the case of a Nigerian girl who had been granted refugee status, and raised concerns that government efforts to screen unaccompanied asylum-seeking children for trafficking indicators were seriously lacking (see also paragraph 183).

197. Furthermore, stakeholders referred to failings of the guardianship system for unaccompanied children.¹²⁴ Guardians of unaccompanied children are generally appointed from amongst social workers of the competent centre for social welfare. However, concerns were raised that, due to the heavy workload of social workers and language barriers, the role of the guardian was only formal and without real involvement in the procedure for protecting the best interests of the child.¹²⁵ Further, it was reported that, in some cases, an adult from the migrant group with which the child had arrived in Croatia was appointed as guardian, which clearly carries risks, such as appointing a person who traffics or exploits the child as his/her guardian.

198. According to the Croatian authorities, a list of guardians trained to provide protection for unaccompanied children has been developed. The Croatian authorities have referred to a training event entitled "Working with Unaccompanied Children, International Protection Seeking Children and Child Asylees" for staff of Centres for Social Welfare in 2017. As part of the implementation of the project "Strengthening the capacity of professionals in social welfare centres to work with persons granted international protection" (funded by the EU's Asylum, Migration and Integration Fund), training is being provided for all professional workers of social welfare centres (200 in total from 80 social welfare centres and 34 branch centres).

199. The Croatian authorities have indicated that, between 2015 and 2018, the competent social welfare centres appointed three temporary legal guardians to child victims of human trafficking.

200. The NGO-run shelter for child victims of trafficking is funded by the State. Annual funding amounting to HRK 42,000 (approximately EUR 5,600) has been confirmed by the Ministry for Demography, Family, Youth and Social Policy for the period 2019-2021. The shelter can accommodate up to five children. At the time of GRETA's visit, one child was accommodated there. While children are at the shelter, they attend school, and may also follow distance learning. Other services provided by the NGO running the shelter, such as counselling and psychotherapy, are financed through non-governmental sources.

201. The National Plan for Combating THB in 2018-2021 foresees measures to strengthen the identification of, and assistance to, child victims, such as the development of indicators, guidelines and tools for identifying children who are victims of THB, the development of individual plans and programmes for the assistance of child victims, as well as the implementation of training for staff of social welfare institutions for children. According to the Croatian authorities, the Ministry for Demography, Family, Youth and Social Policy has ensured funds amounting to HRK 46,800 (approximately EUR 6,300) for the implementation of training activities to improve work standards in the social welfare system.

¹²² See Report of the fact-finding mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees, to Bosnia and Herzegovina and to Croatia, 24-27 July and 26-30 November 2018, p. 34, available at: <https://rm.coe.int/report-of-the-fact-finding-mission-by-ambassador-tomas-bocek-special-r/1680940259>

¹²³ For more information, see: <http://www.asylumineurope.org/reports/country/croatia/age-assessment-and-legal-representation-unaccompanied-children-0>

¹²⁴ See also Report of the fact-finding mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees, to Bosnia and Herzegovina and to Croatia, 24-27 July and 26-30 November 2018, p. 35 and p. 40, available at: <https://rm.coe.int/report-of-the-fact-finding-mission-by-ambassador-tomas-bocek-special-r/1680940259>

¹²⁵ See also information on: <http://www.asylumineurope.org/reports/country/croatia/age-assessment-and-legal-representation-unaccompanied-children-0>

202. The Croatian authorities referred to training measures for childcare professionals. By way of example, two one-day training events were organised on the topic of "Working with unaccompanied children, children seeking international protection and asylees", which were attended by a total of 45 professionals. Another training event entitled "Alternative forms of work, new approaches and methods in the treatment of children and youth with behavioural disorders" was attended by 35 professionals working with children and youth with behavioural disorders.

203. GRETA notes the measures taken since the second evaluation to improve the identification of, and assistance to, child victims of trafficking. **However, GRETA urges the Croatian authorities to:**

- **institutionalise and implement procedures for screening unaccompanied children for THB indicators;**
- **ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB by paying particular attention to children in care institutions, Roma children and unaccompanied children;**
- **train all professionals working with child victims of trafficking to recognise and respond appropriately to their needs.**

204. **Further, GRETA considers that the Croatian authorities should:**

- **ensure that guardianship services are offered consistently by specially trained staff from the centres for social welfare;**
- **ensure that interpretation is provided for guardianship services, in particular for unaccompanied migrant children;**
- **provide regular training for guardians on human trafficking, and update the list of trained guardians on a regular basis;**
- **ensure that sufficient long-term funding is maintained to enable specialised NGOs to carry out outreach work to detect and assist child victims.**

7. Repatriation and return of victims

205. In its second evaluation report, GRETA considered that the Croatian authorities should take additional steps to ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity and in compliance with the *non-refoulement* obligation.

206. Pursuant to Article 70 of the Foreigners Act and the revised Protocol on Procedures during Voluntary Return of Victims of Human Trafficking,¹²⁶ the return of victims of THB should, in principle, be voluntary and safe. The Foreigners Act provides for the protection of vulnerable persons in taking measures for securing return and the prohibition of forced return, in accordance with the principle of *non-refoulement*.

¹²⁶<https://pravamanjina.gov.hr/UserDocsImages/arhiva/protokoli/Protocol%20on%20Procedures%20during%20Voluntary%20Return%20of%20Victims%20of%20Human%20Trafficking.pdf>

207. As explained in GRETA's second evaluation report, the Ministry of the Interior is responsible for organising the voluntary return of victims of human trafficking, except children, who are the responsibility of the Ministry of Demography, Family, Youth and Social Policy. When organising the victim's safe return, the Ministry of the Interior and the Ministry of Demography, Family, Youth and Social Policy co-operate with the competent national authorities, as well as international and non-governmental organisations and the Croatian Red Cross, in particular to carry out risk assessments. Before making a decision on return, the victim must be informed about all the facts and legal consequences of the return. Members of the mobile team or the organisation providing assistance are responsible for informing the victim about his/her return, in a language that the victim understands. If the victim is a child, the consent of the guardian is also needed for the return. An assessment of the risks and safety is carried out by the Ministry of the Interior, in co-operation with competent state authorities, international and non-governmental organisations, and the Croatian Red Cross. If the victim is a child, the assessment is done by the social welfare authorities. During the assessment, attention is paid to the family and social circumstances of the victim, possibility of safe accommodation, and circumstances around the criminal offence. Information about a victim being returned is provided to the authorities of the country of return.

208. According to information provided by the Croatian authorities, during the reporting period, one child victim was returned to North Macedonia and 63 adult victims were returned (one to Serbia, three to Bosnia and Herzegovina, and 59 to Taiwan).

209. **While welcoming the steps taken since the second evaluation round to ensure a safe return, GRETA reiterates its recommendation from the second evaluation report, and considers that the Croatian authorities should take additional measures to:**

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

Appendix 1 - List of GRETA's conclusions and proposals for action

The position of the proposals for action in the text of the report is shown in parentheses.

Topics related to the third evaluation round of the Convention

Right to information

- While welcoming the steps taken to ensure the provision of information, GRETA considers that the Croatian authorities should strengthen the provision and availability of information to presumed victims and formally identified victims of trafficking regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of trafficking. This concerns in particular the right to a recovery and reflection period. Law enforcement officers (including border police and immigration officers) should continue being trained and instructed on how to properly explain to victims their rights, in a simple and accessible language, and systematically refer them to specialised NGOs which enable victims to exercise their rights. Similarly, staff working at asylum reception centres and detention centres should continue to be trained and instructed on how to provide information, in a proactive manner, to persons and groups at risk of being trafficked (paragraph 43);

Legal assistance and free legal aid

- GRETA considers that the Croatian authorities should take further steps to ensure trafficking victims' access to legal assistance and free legal aid at an early stage, and in particular:
 - ensure access to primary legal aid and appoint a lawyer as soon as there are reasonable grounds for believing that a person - including an asylum seeker - is a victim of human trafficking, i.e. before the person concerned has to decide whether or not he/she wishes to co-operate with the authorities and/or make an official statement;
 - ensure sufficient funding for the provision of legal aid, in particular of primary legal aid (paragraph 54).

Access to work, vocational training and education

- GRETA welcomes the efforts made by the Croatian authorities to provide access to work, vocational training and education to victims of THB. Nevertheless, GRETA considers that the Croatian authorities should strengthen effective access to the labour market for victims of THB, as well as their economic and social inclusion, through the provision of vocational training, language courses and job placement. This should involve measures for the promotion of micro-businesses, social enterprises and public-private partnerships, including through state-supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking, including foreign nationals and persons with disadvantaged socio-economic backgrounds (paragraph 65).

Compensation

- GRETA urges the Croatian authorities to investigate proactively the reasons for the absence of compensation claims and awards to victims of trafficking, and to make efforts to guarantee effective access to compensation for victims of THB, 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 THB;
 - making full use of the legislation on the freezing and forfeiture of assets and international co-operation to secure compensation to victims of THB;
 - 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).
- GRETA reiterates its recommendation from the second evaluation round, and considers that the Croatian authorities should develop a system for recording claims for compensation by victims of trafficking, as well as compensation awarded to victims of trafficking (paragraph 83).

Investigations, prosecutions, sanctions and measures

- GRETA urges the Croatian authorities to strengthen the criminal justice response to human trafficking, and in particular to:
 - 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 THB 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 THB 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 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).

Non-punishment provision

- GRETA urges the Croatian authorities to 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. Public prosecutors should be encouraged to be proactive in establishing whether an accused person is a potential victim of trafficking and to consider trafficking in human beings as a serious violation of the rights of the victim. While the identification procedure is ongoing, potential victims of trafficking should not be punished for immigration-related offences and persons forced into prostitution should not be subjected to penalties (paragraph 103).

Protection of victims and witnesses

- GRETA urges the Croatian authorities to take additional steps to:
 - make use of the available measures to protect vulnerable victims and witnesses of THB 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 THB 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 THB 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 THB by setting up adequate procedures and internal regulations (paragraph 114).

Specialised authorities and co-ordinating bodies

- GRETA welcomes the existence of police investigators specialised in dealing with THB, and considers that the Croatian authorities should promote specialisation and training of prosecutors and judges to deal with THB (see also recommendation made in paragraph 98). Training on THB should be integrated into the regular training curricula of relevant professional groups, including law enforcement officials, prosecutors, judges, forensic experts, labour inspectors, social workers, child welfare staff, health-care staff, and diplomatic and consular staff (paragraph 120).

International co-operation

- GRETA welcomes the Croatian authorities' engagement in international co-operation in the investigation and prosecution of THB, and invites them to continue their efforts, in particular in the prevention of THB, evaluating the risks of the return of victims of trafficking, and financial investigations (paragraph 127).

Child-sensitive procedures for obtaining access to justice and remedies

- Whilst welcoming the steps taken to ensure child-sensitive procedures for obtaining access to justice and remedies, GRETA considers that the Croatian authorities should strengthen their efforts to ensure that child victims of THB are in practice afforded special protection measures. In this context, GRETA refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, which recommend that all professionals working with children receive appropriate interdisciplinary training on the rights and needs of children (paragraph 141);
- GRETA refers to Article 11 of the Convention and urges the Croatian authorities to adopt measure to ensure that the identity of child victims of THB 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). Measures should be taken to encourage the media to protect the private life and identity of victims of THB through self-regulation or regulatory or co-regulatory measures (paragraph 142).

Role of businesses

- GRETA considers that the Croatian authorities should strengthen engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights and the Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business, with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims, and to provide access to effective remedies (paragraph 145);
- GRETA considers that the Croatian authorities should adopt legislation integrating the prevention of THB and labour exploitation in public procurement policies and promoting transparency in supply chains to enable scrutiny of companies' performance to prevent THB and labour exploitation (paragraph 146).

Measures to prevent and detect corruption

- GRETA invites the Croatian authorities to include measures against corruption in a THB context in its anti-corruption policies and initiatives (paragraph 150).

Follow-up topics specific to Croatia

Developments in the institutional and policy framework for action against human trafficking

- Referring to the recommendation made in its second evaluation report, GRETA encourages the Croatian authorities to establish an independent National Rapporteur for monitoring the anti-trafficking activities of state institutions, as provided for in Article 29, paragraph 4, of the Convention (paragraph 23).

Prevention of child trafficking

- While welcoming the steps taken since the second evaluation to prevent child trafficking, GRETA considers that the Croatian authorities should intensify their efforts, in particular by sensitising and training child protection professionals and staff in child care institutions across the country, and raising children's awareness of their rights and the risks of human trafficking, especially recruitment through Internet/social networks and online exploitation (paragraph 157).

Social and economic initiative for groups vulnerable to THB

- Reiterating the recommendation made in the second evaluation report, GRETA considers that the Croatian authorities should adopt measures to address negative stereotyping affecting victims of THB for the purpose of sexual exploitation (paragraph 163);
- While commending the measures taken since the second evaluation, GRETA considers that the Croatian authorities should continue taking steps to reduce the vulnerability of women to human trafficking, as well as the vulnerability of persons belonging to Roma communities (paragraph 166).

Measures to prevent and combat trafficking for the purpose of labour exploitation

- While commending the steps taken since the second evaluation to prevent and combat trafficking for the purpose of labour exploitation, in particular the inclusion of labour inspectors in the National Committee for Combating THB and its Operational Team, GRETA considers that the Croatian authorities should increase efforts to proactively identify victims of trafficking for the purpose of labour exploitation, in particular by:
 - encouraging law enforcement officials, labour inspectors, social workers, NGOs and other relevant actors to increase their outreach work to identify victims of human trafficking for the purpose of labour exploitation, paying particular attention to at-risk sectors, such as agriculture, construction and hospitality;
 - training labour inspectors throughout the country, as well as law enforcement officers, prosecutors and judges, including through joint training, on THB for the purpose of labour exploitation and the rights of victims;
 - strengthening co-operation between law enforcement officers, labour inspectors, financial police, tax authorities, trade unions and other civil society actors, with a view to collecting evidence necessary for successfully investigating and prosecuting cases of THB for the purpose of labour exploitation;
 - ensuring that sufficient resources are made available to labour inspectors to fulfil their mandate;
 - encouraging companies to monitor their supply chains and working closely with the private sector and the Chamber of Commerce to promote corporate social responsibility, in line with the Guiding Principles on Business and Human Rights and Recommendation CM/Rec(2016)3 on human rights and business (paragraph 175).

Identification of victims of trafficking

- GRETA urges the Croatian authorities to take additional steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures contained in the Convention, in particular by:
 - increasing 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;
 - institutionalising and implementing procedures for screening migrants for indicators of THB;
 - systematically informing 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;
 - ensuring that pre-removal 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. In this respect, reference is made to GRETA's Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection;
 - securing 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).

Assistance to victims

- GRETA considers that the Croatian authorities should make further efforts to adapt assistance measures to the specific needs of male victims, in particular by ensuring training for professionals coming into contact with victims of THB to sensitise them to the specific needs of male victims, bearing in mind also the type of exploitation to which the male victims have been subjected (paragraph 192).

Identification of, and assistance to, child victims of trafficking

- GRETA urges the Croatian authorities to:
 - institutionalise and implement procedures for screening unaccompanied children for THB indicators;
 - ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB by paying particular attention to children in care institutions, Roma children and unaccompanied children;
 - train all professionals working with child victims of trafficking to recognise and respond appropriately to their needs (paragraph 203);

-
- GRETA considers that the Croatian authorities should:
 - ensure that guardianship services are offered consistently by specially trained staff from the centres for social welfare;
 - ensure that interpretation is provided for guardianship services, in particular for unaccompanied migrant children;
 - provide regular training for guardians on human trafficking, and update the list of trained guardians on a regular basis;
 - ensure that sufficient long-term funding is maintained to enable specialised NGOs to carry out outreach work to detect and assist child victims (paragraph 204).

Repatriation and return of victims

- While welcoming the steps taken since the second evaluation round to ensure a safe return, GRETA reiterates its recommendation from the second evaluation report, and considers that the Croatian authorities should take additional measures to:
 - ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity. This means informing victims about existing programmes, protecting them from re-victimisation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child;
 - further develop international co-operation in order to ensure proper risk assessment and safe return, as well as effective reintegration of victims of THB;
 - ensure compliance with the non-refoulement obligation under Article 40, paragraph 4, of the Convention (paragraph 209).

Appendix 2 - List of public bodies, intergovernmental organisations and civil society actors with which GRETA held consultations

Public bodies

- Government Office for Human Rights and Rights of National Minorities
- Ministry of the Interior
- Ministry of Justice
- Ministry of Foreign and European Affairs
- Ministry of Health
- Ministry of Demography, Family, Youth and Social Policy
- Ministry of Science and Education
- Ministry of Labour and Pension System
- State Inspectorate
- Croatian Employment Service
- General Prosecutor's Office
- Network of Support and Co-operation for Victims and Witnesses of Criminal Offences
- Education and Teacher Training Agency
- Office of the Ombudsman
- Office of the Ombudsperson for Children
- Office of the Ombudsperson for Gender Equality

Intergovernmental organisations

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

Civil society

- Croatian Red Cross
- PETRA network
- NGO Breza
- Jesuit Refugee Service

Government's comments

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

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

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Croatian authorities on 19 October 2020 and invited them to submit any final comments. The comments of the Croatian authorities, submitted on 24 November 2020, are reproduced hereafter.

**VLADA REPUBLIKE HRVATSKE**

Ured za ljudska prava i
prava nacionalnih manjina

KLASA: 004-01/19-10/01
URBROJ: 50450-01/01-20-47
Zagreb, 23. studenog 2020.

Ms Petya Nestorova

**Executive Secretary of the Council
of Europe Convention on Action against
Trafficking in Human Beings**

Dear Ms. Nestorova,

Thank you very much for your letter dated 19 October 2020 on the follow up to the draft report drawn up by the Group of Experts on Action against Trafficking in Human Beings (GRETA) concerning the implementation of the Convention by Croatia (third evaluation round).

Please receive additional comments that we were unable to provide earlier due to the epidemiological conditions caused by the virus SARS-Cov-2.

Yours sincerely,

**DIRECTOR**
Alen Tahiri, M. A. Pol Sci

Comments on the GRETA Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Republic of Croatia

IV. Access to justice and effective remedies for victims of human trafficking

2. Right to information (Articles 12 and 15)

Paragraph 39.

Although the right to a recovery and reflection period, which is regulated by the Foreigners Act in Article 67 and by the Protocol on Identification, Assistance and Protection of Victims of THB in Article 4 (a period of 60 days for adult victims and 90 days for child victims), is not mentioned in the information sheets which are handed out to adult and child victims of THB, it is important to emphasize that each victim of THB is inform of these rights during the first interview with the police officers. Also, Croatian authorities will consider including this right into information sheets.

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

Paragraph 54.

Regarding paragraph 54 of the Draft Report which reads: "GRETA considers that the Croatian authorities should take further steps to ensure trafficking victims' access to legal assistance and free legal aid at an early stage, and in particular: - ensure access to primary legal aid and appoint a lawyer as soon as there are reasonable grounds for believing that a person - including an asylum seeker - is a victim of human trafficking, i.e. before the person concerned has to decide whether or not he/she wishes to co-operate with the authorities and/or make an official statement; - ensure sufficient funding for the provision of legal aid, in particular of primary legal aid.", we state the following opinion.

Free Legal Aid Act ("Official Gazette", No. 143/13 and 98/19, further: FLAA) prescribes that primary-legal-aid-providers are authorized associations, law-faculty-legal-clinics, county-administrative-bodies and Administrative Body of the City of Zagreb. This arrangement of authorized primary-legal-aid-providers facilitate the territorial accessibility of the primary-legal-aid-providers. The proceeding for obtaining primary legal aid is simplified as much as possible. The proceeding is initiated by directly reaching the primary-legal-aid-provider. It is available in any type of proceeding. Some authorized associations in their projects foresee field service. This means they provide primary legal aid outside their office, for example in institutions where persons with approved international protection and unaccompanied children are accommodated, thus achieving greater availability of primary legal aid.

The funds for organizing and providing free legal aid are part of the State Budget and they increase every year, depending on capacity and limits of the State Budget. For the sake of comparison, the total amount of funds of the State Budget granted to free legal aid in 2019 were 43.77% higher than funds provided for the same purpose in 2014 (the year in which FLAA came into force). In past three years funds provided for primary legal aid increased significantly, while funds for secondary legal aid remained at the same level. In 2017 funds for primary legal aid increased by 50% in comparison to 2016, in 2018 by further 25% and in 2019 by further 47%. It should be emphasized that in 2019 the amount of funds granted for primary legal aid was 50% of the total amount of funds granted to free legal aid. The amount of funds granted in 2020 was the highest amount that was ever granted for the projects of free legal aid in Croatia.

In regard to the following note enshrined in the paragraph 54 of the Report which states as follows: „GRETA considers that the Croatian authorities should take further steps to ensure trafficking victims' access to legal assistance and free legal aid at an early stage, and in particular: - ensure access to primary legal aid and appoint a lawyer as soon as there are reasonable grounds for believing that a person - including an asylum seeker - is a victim of human trafficking, i.e. before the person concerned has to decide whether or not he/she wishes to co-operate with the authorities and/or make an official statement“, as well as Appendix 1 – List of Greta's conclusions and proposals for action (hereinafter referred to as Appendix 1), in relation to Legal assistance and free legal aid in that part, we draw attention to paragraphs

35 and 47 of the Report. Provisions cited in those paragraphs clearly oblige the court, the state attorney's office, the investigators and the police to advise the victim in a manner he/she understands, inter alia of the right of any victim of trafficking to a right to an attorney-in fact appointed at government expense, already at the time of performing the first act in which the victim takes part. Therefore, this guarantees that the victim will be able to effectively exercise its right to legal aid and the assistance of an attorney-in-fact.

6. Compensation (Article 15)

Paragraph 82.

In regard to the paragraph 82 of the Report, in relation to the following statement: „GRETA urges the Croatian authorities to investigate proactively the reasons for the absence of compensation claims and awards to victims of trafficking and to make efforts to guarantee effective access to compensation for victims of THB, 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“, as well as Appendix 1 in relation to Compensation, in that part, we draw attention to the Article 2 paragraph 3 of the Criminal Procedure Act (“Official Gazette”, No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19; further: CPA), Article 38 paragraph 1 and paragraph 2 of the CPA and Article 219 paragraph 1 of the CPA. According to these provisions the State Attorney is the body competent for the conduct of investigation and he is obliged to initiate criminal proceedings if there are reasonable grounds for believing that a particular person committed a criminal offence prosecuted ex officio and there are no statutory obstacles to the prosecution of the said person, for this is his basic power and primary duty. Within the framework of criminal proceedings he is especially obliged to launch and conduct the investigation as well as take the necessary actions and order and supervise inquiries for the purpose of determining and finding any criminal property, file motions for the ordering of security measures and the confiscation of pecuniary advantage and also take the necessary actions aimed at discovering criminal offences and finding the perpetrators, undertake inquiries into criminal offences, order and supervise the conduct of particular inquiries for the purpose of collecting information relevant to the initiation of the investigation and perform and supervise the performance of evidentiary actions.

These provisions make it possible to ensure 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. These actions will be taken ex officio.

In addition to these provisions, we also draw attention to the Article 206i paragraphs 1 to 4 of the CPA, which further elaborate the duty of the State Attorney to take the necessary actions and order and supervise inquiries for the purpose of determining and finding any criminal property, stating an obligation of the State Attorney to ex officio and without delay conduct or order the conduct of inquiries in order to establish the value of such advantage and the location of the property thus obtained, to locate the said property and to ensure its confiscation in a case there are grounds for suspicion that a criminal offence prosecuted ex officio was committed and that a pecuniary advantage was obtained by it. In the case of criminal offences falling within the jurisdiction of the county court, with respect to which there are grounds to suspect that a considerable pecuniary advantage has been obtained, financial investigators, state attorney office advisors and expert associates from a special department within the State Attorney's Office investigating the proceeds of crime shall take part in the conduct of inquiries and the taking of the urgent evidentiary action of temporary seizure of an object. The Department shall conduct inquiries in consultation with and by order of the State Attorney with a view to establishing the value of property and ensuring the confiscation and the locating of criminal property. If there are grounds for suspicion that a considerable pecuniary advantage was obtained, the State Attorney shall request from the head of the police and the

competent administrative authorities of the Ministry of Finance to place at his disposal officers who will take part under his supervision in the conduct of joint inquiries referred to in paragraph 2 of this Article. During the period of their taking part in joint activities, the said officers shall act on the orders of the State Attorney and shall be accountable to him for their work. On the need for officer secondments the State Attorney shall consult with the Police Directorate and the Ministry of Finance. In case of the existence of grounds for suspicion that a considerable pecuniary advantage was obtained, the State Attorney shall request from the head of the police and the competent administrative authorities of the Ministry of Finance to place at his disposal officers who will take part under his supervision in the conduct of joint inquiries.

The effectiveness of these actions is supported by the duty the government authorities and legal persons, whatsoever, to without delay inform the State Attorney if they learn of any circumstance or fact pointing to property having been acquired by a criminal offence within the framework of legal transactions, in particular where the activities involving the acquired financial resources or property point to money laundering or the concealment of such property.

On the basis of all these actions the State Attorney shall without delay file a motion for the ordering of the temporary security measure against the concealment or destruction of such property. He shall also in the indictment or no later than at the preliminary hearing file a motion that the said property be confiscated.

Also, on the basis of the Article 206h of the CPA the State Attorney is empowered to order the police to conduct inquiries and as well to determine their content, with the obligation of the police to report to the State Attorney on the result of the inquiries. The police shall execute the order or comply with the request of the State Attorney concerning the supervision of the inquiries conducted and shall answer for this aspect of its work to the State Attorney.

Beside this, the police has the right and the duty, according to the Article 207 paragraph 1 points 2 and 3 of the CPA, to take the necessary measures to discover and secure the traces of a criminal offence and objects that may be used for establishing the facts and collect all information that might be useful for the successful conduct of criminal proceedings, in case of the existence of the grounds for suspicion that a criminal offence prosecuted ex officio was committed. It has the obligation to inform the State Attorney of the inquiries undertaken into criminal offences.

Further on, according to the Article 308 of the CPA and to the Article 309 paragraph 1 of the CPA expert witness testimony shall be ordered when, with a view to determine or assess relevant facts it is necessary to obtain findings and the opinion of a person who has the necessary expert knowledge. It shall be ordered by a written order of the authority conducting the proceedings. This can also include expert witness testimony in regard the harm the victim suffered.

On top of these provisions, we reiterate that according to the Article 51 paragraph 1 points 2 and 4 of the CPA, Article 154 paragraph 1 of the CPA, Article 155 paragraph 1 and 3 of the CPA and Article 157 paragraph 1 of the CPA, the injured party may contribute to the determination of these circumstances by its power to file a civil claim, specified and supported with evidence, as well as file a request for the taking of interim security measures and to draw attention to facts and produce evidence. Moreover, the authority conducting the proceedings shall examine the defendant with respect to the facts set out in the motion and explore the circumstances which are of importance for the decision on the claim for indemnification.

In regard to the paragraph 82 of the Report, in relation to the following statement: „GRETA urges the Croatian authorities to investigate proactively the reasons for the absence of compensation claims and awards to victims of trafficking, and to make efforts to guarantee effective access to compensation for victims of THB, in line with Article 15 (4) of the Convention, including by: - 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“, as well as Appendix 1 in relation to Compensation, in that part, we reiterate that the Article 43 paragraph 4 and 5 of the CPA, the Article 44

paragraph 1 point 2 of the CPA and the Article 44 paragraph 4 point 2 of the CPA provide the right of any victim of the trafficking in human beings to an attorney-in-fact appointed at government expense.

Given the obligation of the court, the state attorney's office, the investigators and the police to inform the victim already at the time of performing the first act in which the victim takes part of its right to an attorney-in fact appointed at government expense, already at the time of performing the first act in which the victim takes part, these provisions guarantee that the victim will be able to effectively exercise its right to legal aid and the assistance of an attorney-in-fact who, as being an expert, is able to effectively exercise the right of a victim to compensation.

7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)

Paragraph 95.

In the part pertaining to the completed training activities – paragraph 95, only the workshops “Combating Trafficking in Human Beings” were mentioned, which are organised by the Police Academy in cooperation with the Judicial Academy, in accordance with the National Plan for Combating Trafficking in Human Beings and are held for police officers, state attorneys and judges. However, we would like to point out that the Police Academy also carries out a number of other activities, as follows:

Police College

Within the framework of two study programmes (professional study programme in Criminal Investigation and specialist graduate study programme in Criminal Investigation) at the Police College, the subject of fundamental human rights (including violence against women and domestic violence) was covered in the following courses:

Professional study programme in Criminal Investigation

- “Criminal investigation methods in organised crime” are covered in the first year during three school classes as part of the lesson on “Trafficking in Human Beings”
- “Substantive criminal law” in the second year covers the subject of “Trafficking in human beings” during one school class

In the 2018/2019 academic year, 60 full-time and 60 part-time students completed the said programme (per year of the programme) and in the 2019/2020 academic year, 60 full-time and 35 part-time students completed the programme (per year of the programme).

Specialist graduate study programme in Criminal Investigation

- “Methods of criminal investigation in complex forms of organised crime” are covered in the first year of specialist study programme during three school classes as part of the lesson on “Trafficking in human beings”
- “Migration and crime” is covered in the first year as part of the lesson on “Trafficking in human beings” during two school classes
- “Applied victimology” is covered in the second year as part of the lessons on “Rights of victims of criminal and misdemeanour offences” and “Phenomenological characteristics of victims” in the duration of four school classes

In the 2018/2019 academic year, 60 students attended the said programme (per year of the programme) and 60 students (per year of the programme) in the 2019/2020 academic year.

A total of 240 students were educated at the Police College in the 2018/2019 academic year, and a total of 190 students during the 2019/2020 academic year all of whom participated in the said courses.

Secondary police school Josip Jović

During the 11 months of training of future police officers in the "Adult education programme for the police officer profession", the subject of fundamental human rights (including violence against women, domestic violence, and trafficking in human beings) was covered as part of the following curricula:

- *Constitution of the Republic of Croatia, European Union Law and Human Rights* – the objective of the course is to educate on the fundamental freedoms and rights of humans and citizens, protected and reaffirmed by the Constitution of the Republic of Croatia, as well as on the knowledge of the state structure of the Republic of Croatia and the competencies of key state authorities. Particular emphasis should be made of protecting human rights within the context of applying police powers and carrying out police activities. The course also covers basic terminology and the institutions of the European Union, as well as the decision-making procedures and their implementation into the legal system of the Republic of Croatia. Particular attention is paid to international sources which protect certain fundamental human rights and freedoms with a special focus on the practice of the European Court of Human Rights and violations of conventions during policing activities. The lesson on "Fundamental freedoms and rights of human beings and citizens" are covered during four school classes and another seven school classes are held on international conventions in the area of human rights (Universal Declaration of Human Rights, European Convention for the Protection of Human Rights and Fundamental Freedoms, UN Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment)
- *Police Powers and their Application* – the objective of the course is to train the students so that they can carry out uniform police officer duties independently, responsibly and legally, in line with the rules of police profession and ethics, while respecting human rights and fundamental freedoms of citizens and the protection of other Constitutional rights. The following topics are also covered: "Discrimination (on any basis)" and the "Application of police powers on vulnerable groups"
- *Basics of Administrative and Criminal Law* – the objective is to provide fundamental knowledge in substantive criminal law and administrative law and to build a system of values which will serve as guidance in their future work. Particular emphasis is placed on respecting fundamental human rights. One class covers the topic of "Trafficking in human beings".
- *Basics of Criminology and Criminal Investigation* – the objective of the course is to introduce the students to the formal framework of criminal investigation of criminal acts, tactical, technical and methodical content of activities related to the detection of crime and its perpetrators. Particular emphasis is placed on the respect of fundamental human rights. The topics of "Preventing hate crimes" and "Preventing trafficking in human beings" are covered during three classes.
- *Psychology* – the objective of the subject is to acquire knowledge of the complexity of human relations and the significance and possibilities of resolving conflict and stressful situations. The following topics are discussed over a total of six classes: "Attitudes, stereotypes and prejudice" and "Vulnerable groups"

The Adult education programme for police officer profession was successfully completed by a total of 724 students during the 2018/2019 academic year, and a total of 763 students during the 2019/2020 academic year.

Life-long education

- *Border police course* – the course is held with the aim of acquiring knowledge on cultural differences between citizens of various countries, the concept of culture, cultural standards, inter-cultural relations, multiculturalism, nations, ethnicity, multicultural differences, xenophobia, ethnocentrism, hate crimes and the issue of trafficking in human beings.
 - In 2019, five courses were held for a total of 134 police officers
 - In 2020, one course was held for a total of 24 police officers
- *Specialist course on juvenile delinquency and crime against family and youth* – the course is held over a 7-week period in the duration of 250 hours. The objective of the course is to acquire

theoretical knowledge in the area of juvenile delinquency, criminal-law protection of children and domestic violence, in line with international standards and the legislation and bylaws of the Republic of Croatia which are currently in force. The objective is also to apply the acquired knowledge through the development of practical skills in recognising the occurrences of pre-juvenile and juvenile delinquency behaviour in youth, violation of the rights of children and minors and domestic violence, carrying out inquiries into criminal conduct, processing perpetrators and monitoring these occurrences with the aim of preventing them. Likewise, the topics of preventing discrimination in terms of achieving gender equality are discussed, as well as preventing gender-based violence, sexual violence and trafficking in human beings and children, with a special overview of vulnerable groups (children, elderly and persons with disability).

- In 2019 (18 February -18 April 2019), one course was held for a total of 25 police officers
- In 2020 (17 February – 13 March, continued 25 May – 12 June), one course was held for a total of 20 police officers
- *Workshop on "Combating trafficking in human beings"* – training is held for police officers, state attorneys and judges in line with the National Plan for the Suppression of Trafficking in Human Beings and in cooperation with the Judicial Academy.
 - In 2019, two courses were held for a total of 154 participants
 - In 2020, the course which was scheduled for February was postponed due to the epidemiological situation

Other trainings, projects and round tables in which police officers have participated:

„Partnership for Education" Program

This program is a joint project of the Embassy of the United States of America to the Republic of Croatia and the Ministry of the Interior. It was opened on 11 March 2013. The objective of the program is to exchange information and experiences and launch a regional network of experts from the Southeast European countries: Bosnia and Herzegovina, Serbia, Albania, Kosovo, Macedonia and Montenegro. Between five and seven modules are held each year, and the relevant subject matter was covered in 2019:

- "Managing complex cases" - 24 police officers
- "Investigating human trafficking and smuggling" - 24 police officers

CEPOL (European Union Agency for Law Enforcement Training)

Within the framework of cooperation with CEPOL, whose framework partner is the Police Academy, Croatian police officers and employees of the State Attorney's Office participated in the following residential activities in 2019:

- *Trafficking in Human Beings - multidisciplinary approach* (20-24 May 2019, Poland) – one police officer and one employee of the State Attorney's Office
- *Child trafficking* (21-24 May 2019, Portugal) - one police officer and one employee of the State Attorney's Office
- *Trafficking in Human Beings - labour exploitation* (16-20 September 2019, Sweden) - one police officer and one employee of the State Attorney's Office
- *Protection of THB victims* (4-8 November 2019, Greece) - one police officer and one employee of the State Attorney's Office

Likewise, two police officers participated in the CEPOL Exchange Programme in 2019 on the following subject matters:

- *Serious organised crime - Trafficking in human beings, Child sexual abuse, child sexual exploitation* (France) and
- *Serious organised crime - Trafficking in human beings*, (Italy).

We propose that all training activities organised by the Police Academy, either directly or by mediation, on the topic of trafficking in human beings, be included in paragraph 95.

Paragraph 96.

As a result of education and training of police officers, please note that there has been an increase in reported criminal offences of "Trafficking in Human Beings" referred to in Article 106 of the Criminal Code in the territory of the Republic of Croatia since 2016. Accordingly, 7 such offences were reported in 2016; 15 were reported in 2017; 12 in 2018; and in 2019 there were 21 criminal offences of "Trafficking in Human Beings" referred to in Article 106 and 1 criminal offence of "Slavery" referred to in Article 105 of the Criminal Code.

Paragraph 98.

In reference to the paragraph 98 of the Report, in part in which it refers to the following statement „GRETA urges the Croatian authorities to strengthen the criminal justice response to human trafficking, and in particular to: - 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 THB offences are registered, and that complainants are treated respectfully by the police“, as well as Appendix 1 in relation to Investigations, prosecutions, sanctions and measures, in that part, we draw attention to the Article 2 paragraph 3 of the CPA, Article 38 paragraph 1 and paragraph 2 of the CPA and Article 219 paragraph 1 of the CPA. According to these provisions the State Attorney is the body competent for the conduct of investigation and he is obliged to initiate criminal proceedings if there are reasonable grounds for believing that a particular person committed a criminal offence prosecuted ex officio and there are no statutory obstacles to the prosecution of the said person, for this is his basic power and primary duty. Within the framework of criminal proceedings he is especially obliged launch and conduct the investigation as well as take the necessary actions and order and supervise inquiries for the purpose of determining and finding any criminal property, file motions for the ordering of security measures and the confiscation of pecuniary advantage and also take the necessary actions aimed at discovering criminal offences and finding the perpetrators, undertake inquiries into criminal offences, order and supervise the conduct of particular inquiries for the purpose of collecting information relevant to the initiation of the investigation and perform and supervise the performance of evidentiary actions.

Furthermore, Article 11 paragraph 2 of the CPA prescribes the duty to conduct the proceedings without procrastination. In the case of proceedings in which the defendant has been temporarily deprived of liberty, the court and state bodies shall proceed with particular urgency.

Moreover, according to the Article 229 paragraph 1 of the CPA the investigation must be completed within six months from the date the decision on the conduct of the investigation became final. If the investigation cannot be completed within that time limit, the state attorney shall be informed of the reasons therefor and shall take the measures necessary to complete the investigation. According to the paragraph 2 of the same article, where there are justified reasons for this, the State Attorney may extend the time limit referred to in paragraph 1 of this Article by six months at most. The State Attorney shall inform the senior State Attorney of the reasons for the extension of the time limit for completing the investigation. Paragraph 3 of this article prescribes that by way of exception, if the investigation could not be completed within the time limit referred to in paragraph 2 of this Article and the conditions for the termination of the investigation referred to in Article 223 of this Act are not fulfilled, the State Attorney shall inform the State Attorney General of the reasons for which the investigation was not completed. The State Attorney General may then extend the time limit referred to in paragraph 2 of this Article by six months at most.

Paragraph 5 of that article prescribes that if upon expiry of the time limit referred to in paragraph 3 of this Article the investigation is not completed, the defendant and the victim have the right to file a complaint

with the judge of investigation of undue delay of the proceeding. If the judge of investigation establishes that the complaint is well-founded, he/she shall issue a decision setting the time limit by which the State Attorney must complete the investigation. The State Attorney shall inform the judge of investigation when the investigation is completed. If the judge of investigation establishes that the complaint is unfounded, he/she shall inform the person who filed a complaint thereof.

We also note that according to the Article 230 paragraph 1 of the CPA within one month from the entry of the completion of the investigation or the fact-finding activity in the criminal complaints register the State Attorney shall either present the indictment or discontinue the investigation or rather dismiss the criminal complaint. Where there are justified reasons to do so, the senior State Attorney may, upon the motion of the State Attorney, issue a decision, which shall be unappealable, extending the time limit for the taking of the decision by two months at most, of which he/she shall inform both the defendant and the victim.

Regarding the use of special investigative techniques in order to gather evidence of the criminal offences of trafficking in human beings, we stress that these are applicable on the basis of the Article 334 paragraph 1 of the CPA in the cases of criminal offences of trafficking in human beings. Special investigative techniques, according to the Article 332 paragraph 1 of the CPA may include the surveillance and technical recording of telephone conversations and other remote communications, the interception, collection, and recording of computer data, entry into premises for the purpose of surveillance and the technical recording of the premises, covert tailing and technical recording of persons and objects; the use of undercover investigators and confidants, simulated selling and purchasing of objects, simulated bribe-giving and simulated bribe-taking, the provision of simulated business services or the conclusion of simulated legal transactions and supervised transport and delivery of the objects of a criminal offence.

According to the Article 205 paragraph 6 of the CPA and the Article 206 paragraph 4 of the CPA if the State Attorney only gets word that a criminal offence was committed or receives the victim's report, he shall make an official note thereof which shall be entered on the criminal cases record and if from the report itself the State Attorney cannot assess whether the allegations made in the report are authentic or not or if the information contained in the report does not provide adequate grounds for deciding whether or not he is to conduct an investigation or take evidentiary actions, the State Attorney shall either conduct the inquiries himself or order the police to conduct them.

These provisions require for the prompt investigation of the criminal offences of trafficking of human beings. Furthermore, given the fact that the State Attorney is obliged to proceed *ex officio*, he is in obligation to take all the necessary actions he is empowered to on the basis on the Article 38 paragraphs 1 and 2 of the CPA. Therefore, he has to do so regardless a complaint about the reported crime has been submitted or not.

In regard to ensuring the registration of all the complaints of the possible criminal offences of trafficking in human beings, we draw attention to the Article 205 paragraph 5 of the CPA, according to which the State Attorney shall log the crime report in the crime report register as soon as it was filed.

In reference to the paragraph 98 of the Report, in part in which it refers to the following statement „GRETA urges the Croatian authorities to strengthen the criminal justice response to human trafficking, and in particular to: - 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“, as well as Appendix 1 in relation to Investigations, prosecutions, sanctions and measures, in that part, we draw attention to the Article 206i of the CPA and we point to our remarks made on the paragraph 82 of the Report. We reiterate the paragraph 5 of that Article, according to which where as a result of the inquiries conducted under paragraphs 1, 2 and 3 of this Article the necessary facts and information on the amount of pecuniary advantage obtained are gathered or where the location of such property is established, the State Attorney shall without delay file a motion for the ordering of the interim measure against the concealment or

destruction of such property. He shall also in the indictment or no later than at the preliminary hearing file a motion that the said property be confiscated.

Therefore, the State Attorney has the obligation to promptly react for the purpose of securing such property so it may be confiscated.

We stress that according to the Article 557a paragraph 1 of the CPA for the purpose of ensuring the confiscation of proceeds of an unlawful act the authorised prosecutor may both before and after the institution of the criminal proceeding motion for a interim measure which can achieve that purpose, in particular by prohibiting disposal and encumbrance of real estate or real rights registered on real estate by noting the prohibition in the land register, confiscating real estate and entrusting its safekeeping and management to the state body responsible for managing state property; prohibiting the defendant or any other person to whom proceeds have been transferred to dispose of or encumber movable property, by confiscating these items and entrusting their safekeeping to the state body responsible for managing state property; confiscating and depositing cash and securities and handing them over to the state body responsible for managing state property; prohibiting the debtor of the defendant or another person to whom proceeds have been transferred to voluntarily fulfil his/her obligation to the defendant or another person to whom proceeds have been transferred and by prohibiting the defendant or another person to whom proceeds have been transferred to accept fulfilment of that obligation, i.e. to dispose of his/her claims; ordering the bank not to pay out of an account to the defendant or another person to whom proceeds have been transferred or a third party on the basis of the instruction from the defendant or another person to whom proceeds have been transferred a pecuniary amount in respect of which an interim measure was imposed; prohibiting disposal and encumbrance of shares, by noting the prohibition in the share ledger and, where necessary, also in the public register, by prohibiting the exercise or disposal of the rights attaching to those shares, by entrusting the management of shares to the state body responsible for managing state property and by prohibiting the debtor of the defendant or another person to whom proceeds have been transferred to hand over items, transfer a right to or perform some other non-pecuniary act for the defendant or another person to whom proceeds have been transferred.

We also stress that this provision leaves the space to introduce any other interim measures for the purpose of ensuring the confiscation.

According to the Article 557 paragraph 5 of the CPA, the decision instituting the interim measure shall be served immediately and no later than the first working day following the day the decision was taken on the court or another body responsible for its execution, the security motioner and the defendant and any other person to whom proceeds have been transferred. Service of the decision on the defendant or any other person to whom proceeds have been transferred may be postponed only exceptionally, where necessary for investigation purposes. Service of the decision may be postponed by no more than three days from when the decision was taken.

Furthermore, on the basis of the Article 557a paragraph 6 of the CPA the procedure securing the confiscation of proceeds shall be urgent. According to the Article 557b of the CPA the security procedure involving an interim measure presupposes the existence of a risk that the settlement of a claim of the Republic of Croatia in respect of the confiscation of proceeds of an unlawful act will not be possible or will be rendered difficult unless an interim measure is imposed. A security instrument may be ordered even before the defendant or another person to whom proceeds have been transferred is allowed to respond to the motion put forward by the security motioner.

These provisions even further guarantee that the whole amount of the pecuniary advantage obtained by the commission of the criminal offence, for which the necessary facts and information were gathered, will be secured for the purpose of the confiscation.

On the basis of all these actions taken in the course of the criminal proceedings the court shall impose the confiscation of proceeds by its judgment of conviction or judgment finding that the defendant committed the unlawful act that is the subject of the charge, on the basis of the Article 506 paragraph 1 of the CPA.

Regarding paragraph 98, subparagraph 3, first sentence of the Report, in part which it refers to effective, proportionate and dissuasive sanctions for those convicted of THB, it is important to point out that the legislator takes into consideration severity of the criminal offence in abstracto when prescribing sanctions for each criminal offence. In each particular case the court shall pronounce the punishment by taking into consideration the severity of the committed criminal offence in concreto and, within the limits set by the Criminal Code, determine and pronounce the punishment on the basis of Article 47 of the Criminal Code taking into account all circumstances affecting the severity of punishment by type and measure (mitigating and aggravating circumstances).

8. Non-punishment provision (Article 26)

Paragraph 103.

Regarding paragraph 103 of the Report, which concerns GRETA's recommendation to 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, we consider that this provision of the Convention has already been covered by Article 22 of the Criminal Code. However, GRETA's recommendation shall be considered by future Expert Group tasked with drafting the Act on Amendments to the Criminal Code, which will be appointed by the Minister of Justice and Administration.

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

Paragraph 112.

Regarding paragraph 112 of the Report which reads: "The Victims and Witness Support Departments under the Ministry of Justice provide support and assistance to victims and witnesses in the County Courts of Zagreb, Vukovar, Osijek, Zadar, Split, Sisak and Rijeka. They have the authority to provide emotional support to victims before, during and after the testimony in court, to provide practical information on the rights of victims, witnesses and members of their families, and are responsible for the standardisation of treatment with victims and witnesses, as well as selection, education and co-ordination of volunteer work support. In 2018, in order to expand victim and witness support services in the country, the Ministry of Justice initiated a network entitled "Support and Co-operation Network for Victims and Witnesses of Criminal Offence" in 13 counties where there are no Victim and Witness Support Departments. The network is financed by the Ministry of Justice and has been set up for a period of three years. The Co-ordinator of the Network is the Women's Room - Centre for Sexual Rights. There are no available data on the number of THB victims that received support from the Victims and Witnesses Support Departments. According the data provided by the Network of Support and Co-operation for Victims and Witnesses of Criminal Offences, since the establishment of the Network in 2018, there have been six victims of THB supported by the network's member organisations. Victim and Witness Support Departments informed by phone 42 victims about the release of perpetrators from prison (including seven victims of THB). All types of support are available to both Croatian and foreign victims." should be replaced by the following text:

The Victims and Witness Support Departments under the Ministry of Justice and Public Administration provide support and assistance to victims and witnesses in the County Courts of Zagreb, Vukovar, Osijek, Zadar, Split, Sisak and Rijeka. They have the authority to provide emotional support to victims before, during and after the testimony in court, to provide information on the rights of victims, and practical information to victims, witnesses and members of their families, and are responsible for the

standardisation of treatment with victims and witnesses, as well as selection, education and co-ordination of volunteer work support. In 2018, in order to expand victim and witness support services in the country, the Ministry of Justice initiated a network entitled "Support and Co-operation Network for Victims and Witnesses of Criminal Offence" in 13 counties where there are no Victim and Witness Support Departments. The network is financed by the Ministry of Justice and has been set up for a period of three years. The Co-ordinator of the Network is the Women's Room - Centre for Sexual Rights. There are no available data on the number of THB victims that received support from the Victims and Witnesses Support Departments at the courts. According to the data provided by the Network of Support and Co-operation for Victims and Witnesses of Criminal Offences, since the establishment of the Network in 2018, there have been six victims of THB supported by the network's member organisations. Victim and Witness Support Service in the Ministry of Justice and Public Administration informed by phone seven victims of THB about the release of perpetrators from prison. All types of support are available to both Croatian and foreign victims.

12. Cross-cutting issues

b. child-sensitive procedures for obtaining access to justice and remedies

Paragraph 141.

As regards the recommendation under paragraph 141, please note that the Ministry of the Interior invests significant efforts in organising educational activities in the field of prevention and investigations of all forms of child abuse, including active participation in and organisation of interdepartmental trainings on national and regional levels.

Trainings are conducted as basic training of police officers with secondary school qualifications, through the programmes of the Police College, as part of basic courses for police officers who are to work in operations and communications centres in police stations under the subject matters covering violence against women and domestic violence, as part of the specialist course on juvenile delinquency and crimes against family and youth, professional development of heads of police stations and their assistants, regular additional professional development in police administrations, as well as during police briefings in police stations and during control and guidance activities.

In particular, we would like to point out a *Specialist course on juvenile delinquency and crimes against family and youth* which has been conducted on the Police Academy since 2000. The objective of this course is, among other things, to provide for professional development of criminal police officers so that they can independently perform their tasks in cases of offences committed by minors and criminal offences committed against children, as well as criminal offences of domestic violence. The course also involves representatives of government authorities, judicial authorities, civil society organisations, as well as other authorities and experts whose knowledge and skills can contribute to preventing and combating this type of criminal offences.

What we find important in this area is interdepartmental cooperation which the Ministry of the Interior encourages and achieves through the participation and engagement of representatives of all competent ministries and state administration authorities, local and regional self-government, judicial authorities, civil society organisations and other institutions, as well as all experts dealing with the issue of violence and the protection of victims, in joint trainings, seminars and round tables, panels, conferences and other expert gatherings aimed at efficiently combating and preventing violence and providing assistance and support to victims of this type of offences (during the COVID-19 pandemic, these were held through videoconferences).

Furthermore, in order to provide systematic information to victims on their rights and possibilities of obtaining support, the police have developed Notice Forms on the rights of victims of criminal offences, and Notice Forms for victims of domestic violence (in case of misdemeanour offences of domestic violence) which are given to victims along with a list and contact details of the *Sections for the Support to Victims and Witnesses at county courts, the National Call Centre for Victims of Criminal and Misdemeanour Offences, and contact details of state administration authorities and civil society organisations* dealing with the support and protection of victims in the territory of each police administration. All forms have been translated into 22 languages and they must be given to victims during police proceedings. Special notices have also been made for vulnerable categories of victims, including the Notice on the rights of victims - children and the Notice on the rights of victims - children, sexual freedom, human trafficking.

Moreover, individual assessment of the victim is carried out during police proceedings in accordance with the Ordinance on the manner of conducting individual assessment of victims. In this regard, an instruction has been drawn and sent to all police administrations, reminding all police officers of the obligation to comply with the provisions of the Ordinance on the manner of conducting individual assessment of victims and the obligation to send to the competent judicial authority the properly filled in Form on the conducted individual assessment of the needs to protect the victim together with the Form on the victim's rights in order to ensure timely exchange of information and enable a comprehensive assessment of the victim's needs in each particular case. We would like to emphasise that police officers conduct individual assessment of the victim's needs for special measures of protection not only in criminal cases but also in misdemeanour domestic violence cases. In accordance with the provisions of primary and secondary legislation, if the victim of an offence is a child, it is assumed that there is a need to apply special measures of protection.

Paragraph 142.

As regards the recommendation under paragraph 142, we find it necessary to point out that the Ministry of the Interior has launched a campaign entitled "Behind-the-door", in cooperation with the Zagreb Child and Youth Protection Centre and Degordian digital agency. The campaign aims at increasing the response of the society and recognition of violence against children, including sexual violence and violence in a digital environment during the COVID-19 pandemic, and encouraging citizens to immediately report to the police any suspicions of abuse.

In reference to the paragraph 142 of the Report, as well as Appendix 1 in relation to Child-sensitive procedures for obtaining access to justice and remedies, in part in which it refers to this paragraph of the Report, we stress that the Article 115 paragraph 7 of the Juvenile Courts Act ("Official Gazette", No. 84/11, 143/12, 148/13, 56/15 and 126/19) provides that the Article 60 paragraphs 2 and 3 of this Act shall be applicable in criminal proceedings against the perpetrators which committed criminal offences against children, which implies criminal offences of the trafficking in human beings, on the basis of the Article 113 paragraph 3 of this Act. According to these provisions it is forbidden to disclose the content and the course of the proceedings as well as the decision rendered in these proceedings without the approval of the competent authority and it is possible to disclose only the part of the proceedings and the part of the decision for which the approval of the juvenile court or the juvenile State Attorney is made.

We stress that according to the Article 44 paragraph 1 and paragraph 3 of the CPA a child victim of a criminal offence shall have the right to the confidentiality of personal information and the right to the exclusion of the public. Also, according to the Article 44 paragraph 4 paragraphs 6 and 7 of the CPA, victims of the criminal offence against sexual freedom and victims of the criminal offence of human trafficking have the right of the confidentiality of personal information and to demand that the hearing be closed to the public. Furthermore, according to the Article 44 paragraph 5 paragraphs 5 and 6 of the CPA a victim with specific protection needs as provided for in Article 43 a of the CPA, which includes children victims of the criminal offence of trafficking in human beings, shall have the right to the confidentiality of personal information and a right to demand that the hearing be closed to the public.

Furthermore, according to the Article 183 paragraph 3 of the CPA any data about a child participating in the proceedings as well as any data declared secret under a special act shall represent a secret. In addition, Article 183 paragraph 6 of the CPA prescribes that any person authorised to inspect the case file in the course of the inquiry, investigation or trial that has been declared secret shall be warned that he/she has a duty to keep secret any information that comes to his knowledge as well as the data referred to in paragraph 3 of this Article and that the disclosure of a secret is a criminal offence. This shall be noted in the case file being inspected and shall be accompanied by the signature of the person warned.

Also, according to the Article 388 paragraph 1 point 1 of the CPA the panel shall exclude the public from the whole or part of the trial.

Article 389 paragraph 3 of the CPA provides that the president of the panel shall instruct the persons attending to a closed trial that they are bound to keep information learned at the trial confidential and that failure to do so is an offence.

These provisions ensure that the identity of child victims of THB is not made publicly known, through the media or by any other means.

V. Follow-up topics specific to Croatia

4. Identification of victims of trafficking

Paragraph 183.

We feel that paragraph 183 lacks explanatory value, as it did not take into account the fact that Croatia is a transitory country for many migrants. The fact that asylum applicants abscond on average after 25 to 30 days profoundly limits possibilities to properly assess individual situations of asylum applicants and thus to identify possible victims of trafficking in human beings.

While we can agree that additional steps to ensure that all victims of trafficking are identified as such are always welcome, we believe that substantive progress has already been made concerning training and legislative changes.

Paragraph 187.

We are of the opinion that efforts made and progress achieved have not been adequately considered in the wording of paragraph 187, which remained the same in both draft and final version of the report. We therefore propose that the following information be included in paragraph 187:

We acknowledge GRETA's suggestion and would like to point out that many steps are already being implemented. That being said, please see answer provided to paragraph 43 in our comments on the draft report for more information on the efforts in training staff to better identify and deal with victims of THB.

Furthermore, in addition to the screening efforts mentioned previously, the new Protocol on Identification, Assistance and Protection of Victims of THB and Protocol on Procedures during Voluntary and Safe Return of Victims of Human Trafficking were introduced in 2017, and the new Protocol on Integration/Reintegration of Victims of Trafficking was introduced in 2019.

Individual assessment in compliance with *non-refoulement* is carried out in each case when an alien is returned to a home country, including the return of victims of trafficking in human beings.

A victim of trafficking in human beings is voluntarily returned, with his/her prior consent (in case of minor victims, a written consent is provided by the guardian) and full assessment of his/her safety.

6. Identification of, and assistance to, child victims of trafficking

Paragraph 200.

In 2018, the Ministry for Demography, Family, Youth and Social Policy (now Ministry of Labour, Pension System, Family and Social Policy) provided funds for the operation of facilities for victims of human trafficking in the amount of a total of HRK 609,055.95. Furthermore, in 2019, HRK 983,736.61 was provided.

Contracts concluded between the Ministry and the shelter regulate mutual rights, obligations and responsibilities related to the organization of the work of the complex as well as the monthly cost. The monthly cost during the accommodation of one adult is HRK 23,621.83. During the placement of one child in the shelter, the monthly cost is HRK 42,860.00, for two children HRK 46,320.00, three HRK 49,780.00, four HRK 52,770.00 and HRK 55,810.00 for five placed children.

Furthermore, the contract obliges associations to provide the following activities in addition to food, basic hygiene and other necessities, social assistance and support, psychosocial treatment, support in performing daily activities, transportation related to the inclusion and implementation of assistance programs, protection and safe return to the country of origin and reintegration into society.

Paragraph 203.

With regard to the recommendation under paragraph 203, we would like to emphasise that, in order to protect child victims of trafficking, police procedures are conducted not only by police officers of the competent line of work but also by police officers for youth who have been trained to recognise child victims of human trafficking within the framework of the Specialist course for juvenile delinquency and crimes against family and youth. Please note that police officers for youth are involved precisely because they have received proper training on how to treat children as a particularly vulnerable group in a caring manner in specific situations, focusing on recognising individual needs and ensuring appropriate support and protection to child victims.