
GENERAL OVERVIEW QUESTIONNAIRE

COUNTRY PROFILE QUESTIONNAIRE

COUNCIL OF EUROPE CONVENTION AGAINST TRAFFICKING IN HUMAN ORGANS

**As adopted by the Santiago de Compostela Committee
in Plenary meeting
on 25-26 October 2023**

Replies should be addressed to the Committee Secretariat
by **3rd May 2024**
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Document prepared by the Committee of the Parties' Secretariat
Directorate General I – Human Rights and Rule of Law

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I. INTRODUCTION

1. The Council of Europe Convention against Trafficking in Human Organs¹ (hereinafter “the Santiago de Compostela Convention” or “the Convention”), which entered into force in March 2018, requires criminalisation of illicit removal of human organs, the use of illicitly removed organs for purposes of implantation or other purposes than implantation, illicit solicitation, recruitment, offering and requesting of undue advantages and preparation, preservation, storage, transportation, transfer, receipt, import and export of illicitly removed human organs. The Convention provides a framework for national and international co-operation across the different sectors of the public administration, measures for coordination at national level, preventive measures at domestic and international level and protection of victims and witnesses. Furthermore, it foresees the establishment of a monitoring body to oversee the implementation of the Convention by the States Parties.
2. The Committee of the Parties to the Convention (also known as the “Santiago de Compostela Committee” or “the Committee of the Parties”), established to monitor whether Parties effectively implement the Convention, decided that:

1. Following ratification and within six months from the entry into force of the Santiago de Compostela Convention in respect of the Party concerned, every Party to the Convention shall be required to reply to a questionnaire aimed at providing the Santiago de Compostela Committee with a general overview of the legislation practice, institutional framework and policies for the implementation of the Convention at the national, regional and local levels. Thereafter, the Parties should regularly inform the Santiago de Compostela Committee of any substantial changes to the situation described in their replies to the General Overview Questionnaire.

2. States having signed the Convention shall be invited to reply to the questionnaire referred to in paragraph 1 of this rule.

3. The secretariat shall compile the replies received and make them public on the Committee’s website².

3. In accordance with Rule 27 of the Committee’s Rules of Procedure:

“(…)

2. The secretariat shall address such questionnaires to the Parties through the member in the Santiago de Compostela Committee representing the Party to be monitored and who will act as “contact point”.

3. Parties shall coordinate with their respective domestic authorities to collect replies, which shall be submitted to the secretariat in one of the official languages of the Council of Europe within the time limit set by the Santiago de Compostela Committee. The replies shall be detailed, as comprehensive as possible, answer all questions and contain all relevant

¹ Council of Europe Convention against Trafficking in Human Organs (CETS No. 216), Santiago de Compostela, 25/03/2015.

² Santiago de Compostela Committee’s Rules of Procedure, Rule 25.

reference texts. The replies shall be made public, unless a Party makes a reasoned request to the Santiago de Compostela Committee to keep a reply confidential.

4. The Santiago de Compostela Committee may also receive information on the implementation of the Convention from non-governmental organisations and civil society involved in preventing and combating trafficking in human organs, in one of the official languages of the Council of Europe and within the time-limit set by the Santiago de Compostela Committee. The secretariat transmits these comments to the Party(ies) concerned.

5. The secretariat may request additional information if it appears that the replies are not exhaustive or are unclear. Where warranted, with the consent of the Party or Parties concerned and within the limits of budgetary appropriations, the Bureau may decide to mandate an on-site visit in the Party or Parties concerned to clarify the situation. The Bureau shall establish guidance as to the procedure governing the on-site visits pending any official guidelines agreed by the Santiago de Compostela Committee.

4. The purpose of this general questionnaire is to collect information to provide the Committee of the Parties with an overview of the situation, which will constitute the general framework within which it will assess replies by Parties to the thematic questionnaire for the first monitoring round (see Rule 25 of the Committee's Rules of Procedure).

II. PRELIMINARY REMARKS

5. The provisions of the Santiago de Compostela Convention have been grouped under different sections in this questionnaire without necessarily following the structure of the Convention. This methodological choice in no way intends to prioritise the various provisions of the Convention: equal importance is attached to all rights and principles therein.
6. Parties will be invited to update their replies to this Country Profile Questionnaire when they will receive the next thematic monitoring questionnaire. Responses to a thematic questionnaire should therefore be interrelated and combined with the responses provided in the context of this questionnaire.
7. Parties are kindly requested to:
 - answer the questions with regard to central, regional and local levels to the extent possible. Federal states may, in respect of their sovereign entities, answer the questions in a summarised way;

III. GENERAL LEGAL FRAMEWORK AND ALIGNMENT OF THE CONVENTION

Question 1: Non-discrimination

Is discrimination, on grounds such as the ones mentioned in the indicative list in **Article 3**, prohibited in the implementation of the Convention, in particular in the enjoyment of the rights guaranteed by it? If so, please specify.

- *Yes, because the convention is fully incorporated into the Croatian legislation by the law on the ratification of the Council of Europe convention against trafficking in human organs, and in Croatia international agreements are above the law in terms of their legal force.*

Question 2: Overview of the implementation

Please indicate (without entering into details):

- a. the main legislative or other measures to combat against the trafficking in human organs in accordance with the Convention;
 - *Criminal law*
 - *Law on Transplantation of Human Organs for the Purpose of Treatment*
- b. whether your country has adopted a national strategy and/or Action Plan to combat against the trafficking in human organs. If so, please specify the main fields of action and the body/bodies responsible for its/their implementation;
 - *there is no official national strategy, but as part of the current laws, special attention is paid to identifying and/or reporting suspicious actions.*
- c. If there has not been any adoption of a national strategy and/or Action Plan to combat against the trafficking in human organs, whether there is a strategy and /or Action Plan by a particular Ministry or State Agency that leads on this nationally.
 - *The ministry, in its scope of work, monitors possible illegal actions to detect trafficking in human organs*
- d. Regarding compliance with the content of the Convention, does your country's domestic law comply with the concepts of:
 - "trafficking in human organs" (Article 2) – yes
 - "human organ" (Article 2) - yes
 - "financial gain or comparable benefit" (Article 4) - yes
- e. Does your legal system provide the compensation for an organ donation (Article 4 para. 3)? If so, which concepts are legally included in the term "compensation"?

- *No, It is forbidden to give or receive any kind of financial compensation or other material benefits for the taken organs, except in case of (1) compensation to living donors for lost earnings or any other justified expenses caused by taking organs or related to necessary medical examinations, (2) justified compensation for the necessary health or technical services provided in connection with the transplant, and (3) compensation in case of excessive damage resulting from taking organs from a living donor*
- f. Does your legal system provide for the possibility that persons without the capacity to decide may donate organs? If so, under what conditions, circumstances and requirements?
- *According to the Law on Transplantation of Human Organs for the Purpose of Treatment, - for living donors: organs may be removed for transplantation only from a persons of age, provided that they have legal capacity. - For deceased donors: the body parts of a deceased child and a deceased person of age who has no legal capacity, may be removed for transplantation, provided that the written consent has been given by both parents, if they are alive, or a legal representative, or guardian.*

Question 3: National co-operation and information exchange

- a. Please describe how co-operation and exchange of information is ensured between representatives of health authorities, law-enforcement (e.g. police) and other competent authorities in order to prevent and combat effectively the trafficking in human organs (**Article 21, para. 1 letter (c)**);
- *Any suspicious procedure or behavior that indicates a possible trade in human organs is reported by the medical staff to the police officers who will continue the procedure and forward the documentation to the State Attorney's Office for prosecution.*
- b. Which legislative or other structured measures have been taken to set up or ensure:
- the existence of a transparent domestic system for the transplantation of human organs (**Article 21 para. 1 letter (a)**);
 - equitable access to transplantation services for patients (**Article 21 para. 1 Letter (b)**);
 - adequate collection, analysis and exchange of information related to the offences covered by the Convention (**Article 21 para. 1 letter (c)**);
 - *Law on Transplantation of Human Organs for the Purpose of Treatment*
- c. Please indicate the healthcare professionals and relevant officials (including police, legal professionals) as well as civil society in the prevention of and combat against trafficking in human organs. Please indicate how healthcare professionals and relevant

officials (including police, legal professionals) are trained for this purpose and how resources are secured for them (**Article 21, para. 2**);

- *healthcare workers, police personnel and judicial personnel are involved in the fight against trafficking in human organs. Their education and training are included in basic training (medical school, law school, police academy), and then through special courses and workshops within EU bodies and competent ministries.*
- d. Please describe how campaigns about the unlawfulness and dangers of trafficking in human organs are promoted ((**Article 21, para. 2 letter (b)**);
- *during the promotional campaign of organ donation and transplantation, the ethical principles are emphasized that organ donation is voluntary, without financial compensation, and that any manipulation is punishable*
- e. Is prohibited any advertisement of the need for, or availability of human organs, with a view to offering or seeking financial gain or comparable advantage? (**Article 21, para. 3**);
- *Yes, the Croatian Criminal Code stipulates that anyone who advertises the need or availability of a human organ, tissue, cell, embryo, fetus or dead body for the purpose of offering or seeking monetary compensation or other benefit will be punished with imprisonment for up to three years.*

Question 4: International cooperation

- a. Please indicate the national contact point responsible for the exchange of information pertaining to trafficking in human organs (**Article 22, letter (b)**).
- *National transplant coordinator*
- b. Please, indicate the national authorities involved in the fight against organ trafficking and their contact details.
- *Ministry of Health, Ministry of the Interior, Ministry of Justice*

IV. PROSECUTION OF PERPETRATORS OF TRAFFICKING IN HUMAN ORGANS

Question 5: Criminal Law offences

- a. Please indicate whether the intentional conducts in the box below are considered criminal offences in internal law.
- *Yes, by Article 107. of the Croatian Criminal Code.*

- b. Do the offences in your internal laws require intentional conduct? If no, please provide information.
- Yes.
- c. Please highlight whether there are any other offences not included in the box below that involves trafficking in human organs in your country? Please provide their definitions and specify in which act these are included;
- No.
- d. According to the explanatory report para 29 it is left open for Parties to decide whether to apply Article 4, paragraph 1, Articles 5, 7 and 9 to the donor and/or the recipient. Please specify whether your internal law criminalize donors and/or the recipients for these criminal offences. Please explain the reasoning behind the regulation.
- *No, Article 4, paragraph 1, Articles 5, 7 and 9 are not applied to the donor and/or the recipient, and Croatian law doesn't criminalize donors and/or recipients.*

Article 4 – Illicit removal of human organs

1 Each Party shall take the necessary legislative and other measures to establish as a criminal offence under its domestic law, when committed intentionally, the removal of human organs from living or deceased donors:

a where the removal is performed without the free, informed and specific consent of the living or deceased donor, or, in the case of the deceased donor, without the removal being authorised under its domestic law;

b where, in exchange for the removal of organs, the living donor, or a third party, has been offered or has received a financial gain or comparable advantage;

c where in exchange for the removal of organs from a deceased donor, a third party has been offered or has received a financial gain or comparable advantage.

(...)

Article 5 – Use of illicitly removed organs for purposes of implantation or other purposes than implantation

Each Party shall take the necessary legislative and other measures to establish as a criminal offence under its domestic law, when committed intentionally, the use of illicitly removed organs, as described in Article 4, paragraph 1, for purposes of implantation or other purposes than implantation.

Article 7 – Illicit solicitation, recruitment, offering and requesting of undue advantages

1. Each Party shall take the necessary legislative and other measures to establish as a criminal offence under its domestic law, when committed intentionally, the solicitation and recruitment of an organ donor or a recipient, where carried out for financial gain or comparable advantage for the person soliciting or recruiting, or for a third party.

2. Each Party shall take the necessary legislative and other measures to establish as a criminal offence, when committed intentionally, the promising, offering or giving by any person, directly or indirectly, of any undue advantage to healthcare professionals, its public

officials or persons who direct or work for private sector entities, in any capacity, with a view to having a removal or implantation of a human organ performed or facilitated, where such removal or implantation takes place under the circumstances described in Article 4, paragraph 1, or Article 5 and where appropriate Article 4, paragraph 4 or Article 6.

3. Each Party shall take the necessary legislative and other measures to establish as a criminal offence, when committed intentionally, the request or receipt by healthcare professionals, its public officials or persons who direct or work for private sector entities, in any capacity, of any undue advantage with a view to performing or facilitating the performance of a removal or implantation of a human organ, where such removal or implantation takes place under the circumstances described in Article 4, paragraph 1 or Article 5 and where appropriate Article 4, paragraph 4 or Article 6.

Article 8 – Preparation, preservation, storage, transportation, transfer, receipt, import and export of illicitly removed human organs

Each Party shall take the necessary legislative and other measures to establish as a criminal offence under its domestic law, when committed intentionally:

a) the preparation, preservation, and storage of illicitly removed human organs as described in Article 4, paragraph 1, and where appropriate Article 4, paragraph 4;

b) the transportation, transfer, receipt, import and export of illicitly removed human organs as described in Article 4, paragraph 1, and where appropriate Article 4, paragraph 4.

Article 9 – Aiding or abetting and attempt

1. Each Party shall take the necessary legislative and other measures to establish as criminal offences, when committed intentionally, aiding or abetting the commission of any of the criminal offences established in accordance with this Convention.

2. Each Party shall take the necessary legislative and other measures to establish as a criminal offence the intentional attempt to commit any of the criminal offences established in accordance with this Convention.

3. Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance or approval, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right not to apply, or to apply only in specific cases or conditions, paragraph 2 to offences established in accordance with Article 7 and Article 8.

Question 6: Jurisdiction

- a. With regard to the offences referred to in question 5, letters a, b and c, please indicate which jurisdiction rules apply. Please specify under which conditions, if required (**Article 10, Explanatory Report, paras. 64-75**).

- *The rules of jurisdiction are established in the Croatian Criminal Code in the same way as in the convention (Articles 10 – 18 of the Croatian Criminal Code)*

- b. According to your national legislation, is your country competent to investigate and prosecute suspected organ trafficking abroad? If yes, please specify in which cases.
- *Yes, because the criminal legislation of the Republic of Croatia applies to a foreigner who commits a criminal offense outside the territory of the Republic of Croatia for which, according to Croatian legislation, a prison sentence of five years or a heavier sentence can be imposed, if the criminal offense is punishable under the law of the country in which it was committed and if the extradition of the perpetrator is permitted by law or international treaty, but has not occurred. But in this case, the court cannot impose a heavier sentence than that prescribed by the law of the country where the criminal offense was committed.*

Question 7: Corporate liability

Does your system provide that a legal person may be held liable for an offence established in accordance with **Article 11**? Please specify under which conditions.

- *Yes, by Croatian law (1) A legal person shall be punished for the criminal offense of the responsible person if it violates a duty of the legal person or by which the legal person obtained or should have obtained a benefit for himself or another.
(2) Under the above-conditions, a legal person shall be punished for the criminal offense of a responsible person who is entrusted with the performance of tasks in the area of activity of the legal person and if the criminal offense was committed due to failure of supervision or control by the responsible person who leads affairs of a legal entity.
(3) Under the conditions from paragraphs 1 and 2, a legal entity shall be punished for criminal offenses prescribed by the Criminal Code and other laws that prescribe criminal offences*
- *Also, by the Law on Transplantation of Human Organs for the Purpose of Treatment a legal person will be fined for a misdemeanor if:*
 - 1. acts contrary to Article 10 of the Law on Transplantation of Human Organs for the Purpose of Treatment,*
 - 2. takes an organ from a living donor for the purpose of transplantation without the decision of the expert team and the ethics committee of the transplant center where the transplantation will be performed (Article 11),*
 - 3. does not perform appropriate medical examinations and procedures before taking the organ, i.e. if he takes the organ when there is a risk to the life or health of the donor (Article 12),*
 - 4. act contrary to Article 13 of the Law on Transplantation of Human Organs for the Purpose of Treatment,*
 - 5. performs an organ transplant without the written informed consent of the recipient, i.e. his legal representative or guardian (Article 21),*
 - 6. act contrary to Article 23 of this Act,*
 - 7. fails to report a serious adverse event or serious adverse reaction to the Ministry within the prescribed period (Article 27).*

- (2) A fine shall also be imposed on **the responsible person in the legal entity** for the misdemeanor referred to in the above-mentioned cases.
- (3) A physical person shall also be fined for the above-mentioned offenses.
- (4) For the attempted offense, the perpetrator shall be punished for the attempt.

Question 8: Sanctions and measures

- a. Please indicate which sanctions internal law provides for the criminal offences established in accordance with the Convention with regard to both natural and legal persons. Please specify whether the sanctions are criminal, civil and/or administrative sanctions (**Article 12, Explanatory Report, paras. 83-87**);
 - *Criminal sanctions - prison sentence, and for legal persons a fine and the termination of the legal entity.*
- b. Which legislative or other measures have been taken to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with the Convention? Please provide details and describe any good practice resulting from the taking of these measures (**Article 14, Explanatory Report, paras. 95-100**).
 - *Final judgments pronounced in another country are taken into account when determining the previous conviction of the defendant and determining the sentence.*

Question 9: Aggravating Circumstances

Please indicate which of the circumstances referred to in **Article 13**, in so far as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration in your legal system as aggravating circumstances in the determination of the sanctions in relation to the offences established in accordance with this Convention (**Explanatory Report, paras. 88-94**).

- *All circumstances referred to in Article 13, in so far as they do not already form part of the constituent elements of the offence, **are taken into consideration as aggravating circumstances** in the determination of the sentences in relation to the criminal offences in accordance with the Convention.*

Question 10: Investigations and criminal measures

- a. Which legislative or other measures have been taken to ensure that investigations or prosecutions of offences established in accordance with the Convention shall not be

subordinate to a complaint and that the proceedings may continue even if the victim has withdrawn his or her statement? (**Article 15, Explanatory Report, para. 101**).

- *The criminal offenses in question are prosecuted ex officio, therefore they do not depend on the withdrawal of the statement of the victim.*
- b. Please describe which circumstances or other measures have been taken to ensure effective criminal investigation and prosecution of offences established in accordance with the Convention (e.g. carrying out financial investigations, the use of covert operations, other special investigative techniques (**Article 16**)).
- *Financial investigators, undercover investigators and special evidentiary actions, for example surveillance and technical recording of telephone conversations and other remote communications; interception, collection and recording of computer data; entry into the premises for the purpose of conducting surveillance and technical recording of the premises; secret monitoring and technical recording of persons and objects, the use of undercover investigators and confidants,; simulated sale and purchase of items and simulated giving of bribes and simulated receiving of bribes; providing simulated business services or concluding simulated legal transactions; supervised transportation and delivery of objects of a criminal offense; that is, all evidentiary actions provided for by the Croatian Criminal Procedure Act will be undertaken for the purpose of conducting an effective investigation of criminal offenses established in accordance with the Convention.*

Question 11: Measures of protection for the victim

- a. Please describe the measures taken to (**Article 18**):
- ensure that victims have access to information relevant to their case and which is necessary for the protection of their health;
 - assist victims in their physical, psychological and social recovery;
 - provide for the right of victims to compensation from the perpetrators.
- (1) In accordance with the Croatian Criminal Procedure Act, the victim of a criminal offense has:*
- 1) the right to easily accessible, confidential and free access to support services for victims of criminal offences, immediately after the commission of a criminal offense and for as long as necessary,*
 - 2) the right to effective psychological and other professional help and support from a body, organization or institution for helping victims of criminal offenses in accordance with the law,*
 - 3) the right to protection against intimidation and retaliation,*
 - 4) the right to protection of dignity during the examination of the victim as a witness,*

5) the right to be heard without undue delay after the filing of a criminal report and to have further hearings conducted only to the extent that this is necessary for the purposes of the criminal procedure,

6) the right to be accompanied by a person of trust, at their choice (Article 202, paragraph 2, item 38 of this Act), when undertaking all actions in which they participate, from reporting the victim to the final conclusion of the criminal proceedings,

7) the right to carry out medical procedures on the victim to the smallest extent and only if they are absolutely necessary for the purposes of criminal proceedings,

8) the right to submit a proposal for prosecution and a private lawsuit in accordance with the provisions of the Criminal Code, the right to participate in criminal proceedings as a victim, the right to be notified of the dismissal of the criminal complaint (Article 206, paragraph 3 of this Act) and the state attorney's withdrawal from criminal prosecution, and the right to take over criminal prosecution instead of the state attorney,

9) the right to be notified by the state attorney about the actions taken in connection with her report (Article 206.a of this Act) and to submit a complaint to the senior state attorney (Article 206.b of this Act),

10) the right to confidentiality of data, the disclosure of which could endanger her safety or the safety of the victim's loved ones,

11) the right to be informed without undue delay about the release of an arrested person, the abolition of detention or pre-trial detention, the escape of a defendant and the release of a convicted person from serving a prison sentence, as well as the measures taken for his protection, except in the case of the victim renouncing the aforementioned right,

12) the right to be notified of any decision that finalizes the criminal proceedings, except in the case of the victim's waiver of the said right,

13) the right to suggest that she be examined via an audio-video device,

14) other rights prescribed by law.

(2) A victim of a criminal offense for which a prison sentence of more than five years has been prescribed, if he suffers more severe consequences of the criminal offense, has the right to professional assistance from a consultant at the expense of budget funds when submitting a compensation claim.

(3) The victim of a criminal act of violence committed with intent has the right to compensation from the state budget in accordance with a special law. If the victim has previously made a compensation claim, its amount will be taken into account when determining the monetary compensation, and the court will act in the same way when awarding a compensation claim if the victim has previously obtained monetary compensation from the state budget.

(4) The court, the state attorney's office, the investigator and the police are obliged to inform the victim in a manner understandable to the victim when taking the first action in which he/she participates:

1) on the rights from paragraphs 1, 2 and 3 of this article and Article 44 of this Act

2) on the rights he has as an injured party.

(5) The bodies referred to in paragraph 4 of this article shall treat the victim with consideration and make sure that the victim has understood the given notice of rights. In relation to the rights referred to in paragraph 1, points 11 and 12 of this article, the bodies referred to in paragraph 4 of this article shall include the victim's statement on whether he wishes to use the said rights in the instruction on rights or the record and shall instruct the victim that he can always change during the procedure.

(6) The bodies referred to in paragraph 4 of this article shall teach the victim in a manner understandable to him about the meaning of participating in the proceedings as an injured party. The notice and declaration of the victim as to whether he wants to participate in the proceedings as an injured party will be entered in the minutes.

- b. Please describe the measures taken to inform victims of their rights, the services at their disposal, the follow-up given to their complaint, the charges, the state of the criminal proceedings, and their role as well as the outcome of their cases (**Article 19, para. 1, letter (a) and para. 2**).

- In accordance with the Croatian Criminal Procedure Act, the victim of a criminal offense has the right to submit a proposal for prosecution and a private lawsuit in accordance with the provisions of the Criminal Code, the right to participate in criminal proceedings as a victim, the right to be notified of the dismissal of the criminal complaint (Article 206, paragraph 3 of this Act) and the state attorney's withdrawal from criminal prosecution, and the right to take over criminal prosecution instead of the state attorney, the right to be notified by the state attorney about the actions taken in connection with her report (Article 206.a of this Act) and to submit a complaint to the senior state attorney (Article 206.b of this Act), the right to be informed without undue delay about the release of an arrested person, the abolition of detention or pre-trial detention, the escape of a defendant and the release of a convicted person from serving a prison sentence, as well as the measures taken for his protection, except in the case of the victim renouncing the aforementioned right, the right to be notified of any decision that finalizes the criminal proceedings, except in the case of the victim's waiver of the said right.

- c. Please also indicate which measures have been taken to enable the victim to be heard, to supply evidence and the means of having his/her views, needs and concerns presented, directly or through an intermediary, and considered (**Article 19, para. 1, letter (b)**);

- If the victim wants to participate in the criminal proceedings as the injured party, he/she has the right to point out the facts and propose evidence,

attend the evidentiary hearing, attend the hearing and participate in the evidentiary proceedings and present the closing speech.

- d. What kind of support services are provided to victims so that their rights and interests are duly presented and taken into account? (**Article 19, para. 1, letter (c)**)
- *The victim has the right to professional assistance from counselors and lawyers at the expense of budget funds, and there are also associations and departments to support victims.*
- e. Please describe the measures taken to provide the safety of the victims, their families and witnesses from intimidation and retaliation (**Article 19, para. 1, letter (d)**);
- *Pre-trial detention and precautionary measures, such as a restraining order or a ban on establishing any direct or indirect contact, are imposed on defendants to protect the victim and their families from intimidation and retaliation. In case of violation of the mentioned measures, the measures are replaced by pre-trial detention.*
- f. Please specify under which conditions victims of the offences established according to the Convention have access to legal aid provided free of charge (**Article 19, para. 3**).
- *A victim of a criminal offense of human trafficking has the right to talk to a counselor before the examination, at the expense of budget funds, as well as the right to a lawyer at the expense of budget funds.*
- g. Which legislative or other measures have been taken to ensure that victims of an offence established in accordance with the Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their state of residence? (**Article 19, para. 4, Explanatory Report, para. 120**).
- *The victim of a criminal offense can report the offense to the competent authorities of the country of their residence, and based on international judicial cooperation, this report will be forwarded to the competent authorities of the country where the criminal prosecution will be carried out.*
- h. Please describe how your internal law allows for groups, foundations, associations or governmental or non-governmental organisations assisting and/or supporting victims to participate in legal proceedings (for example, as third parties) (**Article 19, para. 5**). Please specify under which conditions, if so required;
- *In Croatia, Victim and Witness Support Departments have been established in courts, which annually provide support to around 3,000 victims and witnesses. The general system of support for victims and witnesses in Croatia rests on an umbrella service - the Service for Support for Victims and Witnesses at the Ministry of Justice and Administration, nine departments for support for victims and witnesses operating at the county*

courts in Zagreb, Rijeka, Split, Osijek, Zadar, Vukovar, Sisak, Šibenik and Karlovac, the Cooperation Support Network for Victims and Witnesses of Criminal Offenses, which brings together eleven associations, and the National Call Center for Victims of Criminal Offenses and Misdemeanors.

V. PREVENTION OF AND COMBAT AGAINST TRAFFICKING IN HUMAN ORGANS

Question 12: Ensure quality and safety requirements for the transplantation system

- a. Which legislative or other measures have been taken to establish the existence of a transparent domestic system for the transplantation of human organs? (**Article 21 para. 1 letter (a), Explanatory Report, para. 125-126**)
 - *Law on Transplantation of Human Organs for the Purpose of Treatment*
- b. Which legislative or other measures have been taken to ensure equitable access to transplantation services for patients? (**Article 21 para. 1 letter (b)**)
 - *Law on Transplantation of Human Organs for the Purpose of Treatment*
 - *Rules on conditions regarding space, workers, medical-technical equipment, quality and safety for performing the activity of organ recovery and transplantation*
- c. Which legislative or other measures have been taken to ensure adequate collection, analysis and exchange of information related to the offences covered by the Convention in co-operation between all relevant authorities? (**Article 21 para. 1 letter (c)**)
 - *Law on Transplantation of Human Organs for the Purpose of Treatment*
 - *Rules on conditions regarding space, workers, medical-technical equipment, quality and safety for performing the activity of organ recovery and transplantation*
- d. Which legislative or other measures have been taken to ensure the prohibition of the advertising of the need for, or availability of human organs? (**Article 21 para.3**)
 - *Law on Transplantation of Human Organs for the Purpose of Treatment*
 - *Rules on conditions regarding space, workers, medical-technical equipment, quality and safety for performing the activity of organ recovery and transplantation*
- e. Which measures have been taken to provide (**Article 21 para. 2 letter a, Explanatory Report, para. 127**):
 - information for healthcare professionals and relevant officials (including police, legal professionals in the prevention of and combat against trafficking in human organs?
 - information for civil society in the prevention of and combat against trafficking in human organs?

- *All information for health professionals and relevant officials is available in professional journals, often transmitted via social networks. Public campaigns are always carried out continuously and systematically, especially in celebration national and European donation days.*
- f. Which policies or strategies have been implemented to promote or conduct awareness-raising campaigns targeted at the general public where the focus is directed especially towards the risks and realities of the unlawfulness and dangers of trafficking in human organs?
- Please describe the material used for the campaign/programme and its dissemination.
 - If possible, please provide an assessment of the impact of the campaign/programme. If there are currently plans for launching a (new) campaign or programme, please provide details (**Article 21, para. 2 letter b**);
 - *Campaigns to celebrate the national and European donation day are carried out systematically every year, with the aim of raising public awareness of the importance of organ donation and transplantation, but also strengthening awareness that today there are various illegal practices such as advertising organs for sale, selling organs, transplant tourism, etc. for which there are sanctions listed in our criminal code. Campaigns are conducted through public television and social networks.*
The response of the public is positive, there is an increased sensitivity and tendency to donate organs and tissues.

VI. INFORMATION

Please specify which state body/agency was responsible for collecting the replies to this questionnaire and which state bodies/agencies (and, at the discretion of the country, where relevant, civil society and external contributors) contributed to responding to this questionnaire.

➤ **Body/agency responsible for collecting the replies:**

Ministry of Health, Republic of Croatia

➤ **State bodies/agencies (where relevant, civil society and external contributors) that contributed to responding to this questionnaire:**

