

Document #1437464

USDOS – US Department of State

Trafficking in Persons Report 2018 - Country Narratives - Croatia

CROATIA: Tier 2

The Government of Croatia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Croatia remained on Tier 2. The government conducted proactive investigations, including of the largest trafficking case reported with 59 potential victims and adopted two protocols strengthening victim protection. The government implemented an electronic case management system and provided robust support services for trafficking victims. However, the government did not meet the minimum standards in several key areas. Judges continued to issue light sentences and often dismissed victim testimony as unreliable due to a lack of understanding of trafficking. Observers reported the need to increase proactive identification efforts, including towards asylum-seekers and seasonal workers, and a national action plan remained in development.

RECOMMENDATIONS FOR CROATIA

Vigorously investigate, prosecute, and convict traffickers, and impose strong sentences; allocate sufficient resources for first responders, particularly social workers, labor inspectors, and civil society to conduct proactive identification efforts; train judges at all levels of the judiciary to understand the severity of trafficking when issuing sentences, and sensitize judges to the issue of secondary trauma in sex trafficking testimony; implement efforts to address the vulnerability of children placed in child care institutions; allocate adequate resources and staff for the Office for Human Rights and Rights of National Minorities to enable it to more effectively combat trafficking; consistently allocate sufficient resources for regional mobile teams and NGOs participating in the regional mobile teams; increase efforts to identify victims among vulnerable populations, including street children, seasonal workers, migrants, refugees, asylum-seekers, and Roma; and finalize and adopt a national action plan.

PROSECUTION

The government maintained law enforcement efforts. Article 106 of the criminal code criminalized sex and labor trafficking and prescribed penalties of one to 15 years imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The government investigated nine cases involving 17 suspects (seven cases involving 11 suspects in 2016). The government prosecuted 12 defendants in 2017 (11 in 2016). Courts convicted four traffickers (five in 2016) with sentences ranging between two years and eight months and four years and six months. The Supreme Court separately convicted three perpetrators with final verdicts (two in 2016). Lower courts originally convicted the traffickers under article 106 but the Supreme Court later held that the charges were more properly child pandering (article 162) and sexual exploitation of a child under 15 (article 168); two of the three defendants received sentences lower than the prescribed three-year minimum for trafficking of children. The three perpetrators were sentenced to community service without incarceration, two years imprisonment, and three years and ten months imprisonment, respectively. The government reported improved procedures, including a new electronic case management system, for internally sharing information about trafficking cases.

Law enforcement personnel under the jurisdiction of the Ministry of Interior (MOI) conducted proactive investigations on commercial sex establishments, particularly during the tourist seasons, and joint investigations with the labor inspectorate in the construction and agriculture sectors. Law enforcement conducted spot checks of suspicious vehicles for signs of trafficking. The government trained 244 border and traffic police on trafficking issues, including developmental considerations in working with victims of child trafficking. The government maintained law enforcement cooperation with foreign governments, EUROPOL, INTERPOL, and the Southeast Law Enforcement Center, but did not specify the nature of that international cooperation. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

PROTECTION

The government increased victim protection efforts. The government identified 29 victims (30 in 2016). Of these, three were victims of forced labor, eight of sex trafficking, seven of forced criminality, and 11 of multiple types of exploitation (13 forced labor victims, 16 sex trafficking victims, and one victim of both in 2016); seven were girls and seven were boys (eight girls and three boys in 2016); six women and nine men (13 women and six men in 2016); and 10 were foreign victims (eight in 2016). In January 2018, police identified 59 victims from Taiwan, six from Croatia, and one from Bosnia and Herzegovina subjected to forced labor and forced criminality in an illegal call center; the government reported the case remained ongoing. A multi-disciplinary national referral mechanism provided standard operating procedures for identifying and referring victims to services. According to the national referral mechanism, first responders carried out the preliminary identification of potential victims and contacted one of four regional mobile teams consisting of social workers and NGO representatives that traveled to assess the potential victims in person and coordinated victim care and placement. MOI officially recognized victims based on collaboration with first

responders and the regional mobile team and specialized police officers responsible for child protection were called in to work with potential child victims. NGOs involved in mobile teams reported two years of training were required to join the mobile team and stated they needed more funding to train staff in a shorter amount of time. The government adopted a protocol that further defined roles and responsibilities for victim identification. Observers reported the need to increase proactive identification efforts, including towards asylum-seekers and seasonal workers.

The government and NGOs provided victims protection and assistance, including shelter, medical assistance, legal assistance, psycho-social support, rehabilitation, and reintegration services. The government-funded two NGO-run shelters, one for adults and one providing specialized support for children; these shelters accommodated one child and seven adults (one child and three adults in 2016). The Ministry of Demography, Family, Youth and Social Policy (MDFYSP) accommodated an additional 14 child victims, nine in foster homes and five in group homes. The government reported plans to move toward implementation of foster care and away from using state child care institutions to mitigate traffickers targeting children from state orphanages. MDFYSP allocated approximately 360,000 kunas (\$57,785) to support the NGO-run shelters and an additional 63,000 kunas (\$10,110) for monthly living allowances for victims, compared to approximately 400,000 kunas (\$64,210) in 2016. Additionally, the Office for Human Rights and Rights of National Minorities (OHRRNM) allocated 20,000 kunas (\$3,210) for direct assistance to victims.

Foreign victims had access to the same services as domestic victims and were entitled to receive a renewable residence permit for a year; however, no foreign victims requested temporary residence status in 2017 (one in 2016). The government adopted a protocol that outlined procedures for the voluntary repatriation of victims. The Office of the Chief State Prosecutor maintained written instructions on non-penalization of victims and seven Victim and Witness Support Offices at county courts provided assistance during criminal proceedings, including the ability to testify via video link, the ability to enter into the witness protection program, referrals to specialized institutions, logistical assistance, and measures to prevent re-traumatization. No victims entered witness protection in 2017. OHRRNM created a roster of pro bono legal counsel available for victims, but observers reported a shortage of lawyers trained to represent trafficking victims. The government trained police officers on victim-centered investigations; however, experts reported that some judges lacked sensitivity and an understanding of the impact of psychological trauma on victims' ability to consistently and clearly relate the circumstances of their exploitation and inappropriately dismissed as unreliable victim testimony. The government did not report the number of victims that cooperated with investigations in 2016 or 2017. The government reported no trafficking victims filed for compensation but all victims were informed of their right to compensation.

PREVENTION

The government maintained prevention efforts. The government continued to delay the adoption of a national action plan. OHRRNM served as the secretariat for the senior-level national coordinating committee; the national committee held a session in December 2017, compared to no sessions in 2016. The committee’s working-level operational team held monthly meetings; the labor inspectorate was included in the national committee and the operational team. OHRRNM reported insufficient resources and staff. OHRRNM allocated 197,000 kunas (\$31,620) for prevention efforts in both 2016 and 2017, including 4,000 kunas (\$640) for the NGO-run hotline. Observers reported the NGO-run hotline operated only from 10am to 6pm due to inadequate financial support. The government monitored its anti-trafficking efforts, produced annual reports, and posted information on ministries’ websites. OHRRNM allocated 6,250 kunas (\$1,000) for EU Anti-trafficking Day and organized roundtables on child trafficking. The government held awareness campaigns targeting students and teachers, distributed informative materials, and aired trafficking programs on television and radio. The government continued to organize awareness-raising events for social workers, NGOs, government officials, and workers from the tourism industry. The MOI operated a specific unit consisting of 80 prevention officers for prevention activities and continued outreach programs for students and the service industry. The government continued to implement an awareness building campaign targeted towards Roma, and OHRRNM continued a campaign sensitizing the public, including potential customers, to the reality that persons engaged in prostitution may be trafficking victims. The law regulated the operation of labor recruitment agencies.

TRAFFICKING PROFILE

As reported over the past five years, Croatia is a destination, source, and transit country for women and children subjected to sex trafficking; and for men, women, and children subjected to forced labor. Croatian women and girls remain at risk for sex trafficking within the country and elsewhere in Europe. Marginalized Romani children remain at risk for forced begging in Croatia and throughout Europe. Croatian, Bosnian, and Romanian women and men have been subjected to forced labor in the Croatian agricultural sector. Women and girls from the Balkans and Central Europe are subjected to sex trafficking in Croatia. In previous years, migrants in transit, particularly from Afghanistan and Pakistan, are forced into debt bondage by their smugglers to pay off smuggling fees. In 2017, Taiwan women and men, as well as Croatian and Bosnian women, were subjected to forced labor and forced criminality in an illegal call center.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2017 to March 2018)



Country:

Croatia

Source:

USDOS – US Department of State [\(/en/source/11558.html\)](/en/source/11558.html)

Original link:

<https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282639.htm> (<https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282639.htm>)

Document type:

Periodical Report

Language:

English

Published:

28 June 2018

Document ID:

1437464 (former ID [362126 \(/en/document/362126\)](#))

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

