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2021 Trafficking in Persons Report: Croatia

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CROATIA: Tier 2

The Government of Croatia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Croatia remained on Tier 2. These efforts included adopting a protocol on data exchange and continuing to provide robust training for police. A municipal civil court issued a trafficking victim compensation for the first time, and the government extended temporary residence permits due to the pandemic. Civil society reported helpful cooperation with the Ministry of Interior (MOI), and the government included representatives from the judiciary in the national committee. However, the government did not meet the minimum standards in several key areas. The government investigated and prosecuted fewer suspects and did not convict any new traffickers under the trafficking article. The government identified fewer victims, and some judges continued to require victims to provide multiple statements or testimonies causing re-traumatization, while prosecutors often charged traffickers with lesser offenses. The MOI investigated the continued allegations of pushbacks and excessive use of force on the border and charged two police officers in June 2020, but according to some observers, the government continued to lack adequate screening efforts for irregular migrants and asylum seekers, which discouraged victims from cooperating and self-identifying.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, and sentence convicted traffickers to significant prison terms. • Enhance screening procedures for irregular migration flows, including asylum seekers and unaccompanied children. • Further increase capacity and training to accurately screen for victims and continue to consistently implement screening procedures for vulnerable populations, particularly irregular migrants, refugees, asylum seekers, and seasonal workers. • Train judges at all levels of the judiciary to take the severity of trafficking into account when issuing sentences and sensitize judges on victim-centered approaches. • Continue to allocate and disburse sufficient resources to NGO-run shelters and NGOs participating in the mobile identification teams. • Train prosecutors on trafficking, victims' rights, and victim-centered approaches. • Continue to encourage victim participation in investigations and prosecutions by providing alternative methods to testify, including remote testimony or funding for travel and other expenses for victims to attend court hearings. • Further reduce the judiciary's backlog of cases, including trafficking cases.

PROSECUTION

The government decreased law enforcement efforts. Article 106 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of one to 15 years' imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. Law enforcement investigated 15 cases with 29 suspects (19 cases with 31 suspects in 2019). Prosecutors indicted eight defendants in five cases (26 defendants in 13 cases in 2019) and continued to prosecute 32 defendants in 16 ongoing cases (27 defendants in ongoing cases in 2019). Courts did not convict any new traffickers, but a higher court confirmed one forced labor conviction from 2019 (four traffickers convicted in 2019; one for sex trafficking, one for labor trafficking, and two for forced criminality). The higher court issued the trafficker a non-appealable sentence of two years' imprisonment, compared with courts issuing two traffickers an appealable sentence of two years' imprisonment and two traffickers an appealable, partially-suspended sentence of two years and eight months' in 2019. The government used child pandering (Article 162 of the criminal code) to convict some suspected traffickers; courts convicted two perpetrators for child pandering in 2020. Some court proceedings lasted years, contributing to a substantial backlog of criminal cases, including trafficking cases dating as far back as 2013. The government effectively closed most courts from March 2020 to June 2020 due to pandemic lockdown measures. As such, judges reported an increased influx of new cases, the existing backlog and delayed court proceedings as witnesses, defendants, or attorneys

tested positive for COVID-19. Additionally, two earthquakes in 2020 destroyed or damaged multiple courts, including Zagreb County Court and several courts located in Sisak-Moslavina county, further delaying court proceedings. Croatian law did not permit virtual trials for first instance courts and only permitted virtual trials in limited circumstances for appellate courts.

Law enforcement personnel under the MOI conducted proactive investigations of commercial sex establishments and cooperated with the State Labor Inspectorate to jointly inspect 144 employers in the agriculture, construction, hospitality, and service industries (116 in 2019); most inspections resulted in administrative labor violations involving contracts, permits, and salaries rather than labor trafficking prosecutions. Civil society representatives and government officials reported the MOI accurately and consistently identified victims and noted good cooperation. GRETA and other sources reported some judges and prosecutors lacked an understanding of trafficking and often prosecuted traffickers using offenses with lesser sentences, such as prostitution, assault, sexual abuse, and pandering. Similarly, some prosecutors charged individuals suspected of trafficking with other or lesser offenses that were easier to prove to decrease their large caseloads. Prosecutors heavily relied on victim testimony and did not often use special investigative measures to corroborate evidence; while some judges in past years issued lenient sentences by liberally applying mitigating circumstances, the absence of convictions during the reporting period made it difficult to assess whether the practice persisted. The government maintained institutionalized training programs on various trafficking issues at the Police Academy, Police College, Judicial Academy, and Border Police Directorate. The government provided virtual and in-person trainings for at least 1,372 police officers, but all four trainings for judges and prosecutors were temporarily canceled or postponed due to the pandemic. The government did not share information on international investigations due to confidentiality protections. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking offenses.

PROTECTION

The government maintained victim protection efforts. The government identified 17 victims in 2020 (25 victims in 2019). Of these, three were victims of sex trafficking, five of forced labor, one of both sex trafficking and forced labor, seven of forced criminality, and one of “imposing slavery” (in 2019, 13 were victims of sex trafficking, three of forced labor, seven of forced criminality, one of both forced labor and forced criminality, and one of “imposing slavery”); seven were children (16 children in 2019); seven females and 10 males (17 females and 10 males in 2019); and one foreign victim (three foreign victims in 2019). The government

maintained standard operating procedures (SOPs) for screening and identifying victims and published a protocol on identification, assistance, and protection of victims. Civil society, media, and GRETA continued to report a lack of government efforts to adequately screen irregular migrants and asylum seekers, including unaccompanied children. International organizations criticized the government for violent pushbacks of irregular migrants and asylum seekers into Bosnia and Herzegovina and Serbia, while civil society and media alleged border police abused irregular migrants and asylum seekers, including one allegation of sexual abuse. International and civil society organizations claimed these practices strongly discouraged victims from self-identifying or cooperating with authorities. However, the MOI reported conducting internal investigations for all claims of abuse and UNHCR reported accusations were hard to verify as migrants wanted to move quickly through Croatia and were inaccessible for follow-up investigations. The MOI investigated 60 cases of alleged pushbacks and excessive use of force in 2019 and 2020 and fired and charged two Karlovac-based police officers in June 2020 over the assault of an Afghan asylum seeker.

A multidisciplinary national referral mechanism (NRM) provided SOPs for identifying and referring victims to services. According to the NRM, first responders carried out the preliminary identification of potential victims and contacted one of four regional mobile teams consisting of social workers from a Center for Social Work and NGO representatives, who traveled to assess potential adult victims in person and coordinated victim care and placement. For child victims, first responders contacted the Ministry of Labor, Pension System, Family and Social Policy (MLPSFSP), who dispatched a mobile team of specialized social workers. The MOI cooperated with mobile teams to officially identify victims and included specialized police officers for potential child victims. Officials reported the mobile team for child victims functioned well, but NGOs participating in the mobile team for adults had not been reimbursed for expenses related to the use of their private vehicles for official travel. Sources reported difficulties in recruiting new NGO members into the mobile team due to the financial burden and that the one-day training for new team members was inadequate to learn the complex process of identifying victims. The government approved and allocated 170,000 Croatian kunas (\$28,570) to reimburse travel costs for mobile teams but, according to participating NGOs, Office for Human Rights and Rights of National Minorities (OHRRNM) did not reimburse invoices in a timely manner.

The government and NGOs provided victims protection and assistance, including shelter, medical assistance, legal assistance, psycho-social support, rehabilitation, reintegration services, and, during the pandemic, personal protective equipment and COVID-19 test adults and five children received assistance in 2020 (two adults and 16 children in 2019,

government funded two NGO-run shelters, one for adults and one providing specialized support for children, and the Center for Missing and Exploited Children provided a range of educational and psychosocial services for unaccompanied and exploited children, including child trafficking victims; these shelters accommodated two adults and three children in 2020 (two adults and three children in 2019). The government-funded, NGO-run shelter for adults allowed freedom of movement and provided separate accommodation for men and women, where they could stay for up to one year with the possibility of an extension. The government-funded, NGO-run shelter for children had the capacity to accommodate five child victims and could enroll children into school, including distance learning. The government continued its efforts to implement foster care for the custody of children instead of using state childcare institutions. MLPSFSP did not organize any foster families for child victims in 2020 (three child victims in 2019) and appointed special caregivers for three children (five children in 2019). MDFYSP organized trainings for foster families and special caregivers and required them to maintain a license, but officials reported a shortage in the number of foster families and special caregivers to fully support the increasing number of child victims. The Croatian Employment Bureau (HZZ) maintained special coordinators in regional and branch offices, who assisted victims in finding employment and worked with businesses to employ victims; HZZ did not assist any victims in 2020. MLPSFSP allocated funding for NGO-run shelters based on the number of assisted victims. It allocated 216,590 kunas (\$36,400) to support the NGO-run shelter for adults, compared with 457,000 kunas (\$76,800) in 2019. Additionally, MLPSFSP allocated 441,690 kunas (\$74,230) for the NGO-run shelter for children, compared with 527,000 kunas (\$88,570) in 2019.

There were no reports the government penalized victims for crimes their traffickers compelled them to commit; however, due to a lack of consistent screening efforts for trafficking indicators in irregular migration flows reported by some observers, authorities may have detained and deported some unidentified victims among irregular migrants and asylum seekers. Foreign victims had access to the same services as domestic victims, but foreign victims without work permits at the time of their exploitation could not receive compensation for lost wages. Foreign victims could receive a temporary residence permit after a 60-day reflection period for adults and 90 days for children; the government reported one victim received a temporary residence permit (one in 2019). In response to the pandemic, the government amended the Law on Foreigners to extend temporary residence permits up to 30 days from the end of the pandemic. Seven out of the 15 county courts had Victim and Witness Support Offices (VWSO) that provided assistance during criminal proceedings, including requests to testify via video link, referrals to specialized institutions, legal and logistical assistance, and measures to prevent re-traumatization. The government also funded a c

society network to provide legal and psychological assistance and logistical support in county courts without VWSOs. Observers reported courts with VWSOs offered assistance consistently, and while the eight courts without a VWSO did not have the capacity or resources to provide victim-centered approaches, government-funded civil society organizations provided assistance in those areas. Civil society reported the judiciary was not always familiar with legal protections available for trafficking victims, and some judges lacked sensitivity and an understanding of the impact of psychological trauma and required victims to provide statements or testimonies multiple times, causing re-traumatization. Children could provide testimonies to specialized professionals in child interview rooms, but observers reported, in 2019, a judge required a child to testify in court for seven hours. The law provided witness protection, and the government reported no victims required witness protection in 2020. Authorities reported difficulties in encouraging victims to cooperate with investigations, particularly sex trafficking cases or cases involving potential foreign victims. The law entitled victims to restitution in criminal cases and compensation in civil suits, but experts reported judges rejected claims for restitution in criminal cases and recommended victims to file a civil suit. Judges in civil courts were sometimes better positioned to assess emotional pain, but civil suits were expensive, lengthy, and required victims to re-testify about their exploitation, causing re-traumatization. A municipal civil court issued a trafficking victim compensation for the first time and awarded 143,650 kunas (\$24,140).

PREVENTION

The government increased prevention efforts. OHRRNM served as the secretariat for the senior-level national coordinating committee; the national committee met once (once in 2019). The government adopted a decision to include representatives from the judiciary in the national committee, appointed two judges from the Supreme Court, and appointed the Deputy Prime Minister to chair the committee. The committee's working-level operational team held monthly meetings and monitored the implementation of the 2018-2021 national action plan. The government exchanged and shared information with civil society, adopted a protocol on data exchange, and posted information on ministries' websites. The government held virtual awareness campaigns targeting students and teachers, distributed informative materials, and organized virtual and in-person awareness-raising events for NGOs, government officials, and the general public.

OHRRNM reported spending 37,851 kunas (\$6,360) on services for trafficking victims, including funding for the NGO-run hotline, compared with 93,304 kunas (\$15,680) in 2019. Observers reported the NGO-run hotline operated only from 10:00 a.m. to 6:00 p.m. due to

inadequate financial support; in 2020, the hotline received 296 calls, leading to three investigations (474 calls leading to four investigations in 2019). The government maintained a legal framework for regulating and licensing private sector employers, including foreign employment agencies. The law prohibited worker recruitment fees with fines ranging from 4,000 to 100,000 kunas (\$670 to \$16,800). Labor inspectors could issue administrative fines and/or file criminal charges against employers for nonpayment of salaries. Labor inspectors conducted 8,101 inspections in a variety of sectors, such as agriculture, construction, elderly care, forestry, and service; most infractions involved improper labor contracts, work permits, and salary issues. The government made efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Croatia, and traffickers exploit victims from Croatia abroad. Women and girls from the Balkans and Central Europe are exploited in sex trafficking in Croatia. Traffickers exploit Croatian women and girls in sex trafficking within the country and elsewhere in Europe. Traffickers exploit Croatian, Bosnian, and Romanian women and some Afghan, Filipino, Pakistani, Taiwan, and Thai men in forced labor in the Croatian agricultural sector. Men also are exploited in forced begging and forced criminality, including theft and fraud. Traffickers increasingly use the internet, in particular social media platforms, to recruit children for sex trafficking. Irregular migrants and refugees from Afghanistan, Iraq, Syria, and neighboring countries traveling or being smuggled through Croatia are vulnerable to trafficking, particularly women and unaccompanied children. In 2018, Taiwanese women and men were exploited in forced labor and forced criminality in an illegal call center.

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