

2023 Trafficking in Persons Report: Croatia

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 with the previous reporting period, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Croatia remained on Tier 2. These efforts included convicting more traffickers, identifying more victims, and unlike previous years, judges issuing prison terms for all convicted traffickers. The government adopted a new criminal procedure code which allowed victims to request to testify remotely and amended legislation to allow victims accommodated at the government-funded NGO-run shelters to receive financial assistance. However, the government did not meet the minimum standards in several key areas. Authorities penalized a trafficking victim for theft committed as a direct result of being trafficked and, due to a lack of consistent screening efforts for trafficking indicators in irregular migration flows, some migrants and asylum seekers may have remained unidentified within the law enforcement system. Some judges continued to require victims to provide multiple statements or testimonies causing re-traumatization, while prosecutors sometimes charged traffickers with lesser offenses.

PRIORITIZED RECOMMENDATIONS:

- Vigorously investigate, prosecute, and convict traffickers, and seek adequate penalties for convicted traffickers which should include significant prison terms.
- Ensure victims are not inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked.
- Continue to train prosecutors on trafficking, victim's rights, and victim-centered approaches, and refer trafficking cases to trained or experienced prosecutors.
- Strengthen rules and regulations to ensure immigration enforcement does not hinder human trafficking detection, criminal law enforcement, or victim protections.
- 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.
- 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 and restitution.
- Continue to reduce the judiciary's overall backlog of cases, including trafficking cases.
- Continue to inform all identified victims of their right to pursue compensation and encourage them to do so.
- Further increase capacity and training to accurately screen for victims and continue to consistently implement screening procedures for vulnerable populations, particularly undocumented migrants, refugees, asylum seekers, and seasonal workers.
- Continue to allocate and disburse sufficient resources to NGO-run shelters and NGOs participating in the mobile identification teams.
- Increase funding to the NGO-run hotline, so it can operate for more hours of the day and incorporate hotline numbers in more robust public awareness campaigns.

PROSECUTION

The government increased 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 other serious crimes, such as rape. Additionally, Article 162 of the criminal code, which criminalized "child pandering," could be used to prosecute some child sex trafficking offenses; it prescribed penalties of three to 12 years' imprisonment. Law enforcement investigated 11 cases with 14 suspects, compared with seven cases with 17 suspects in 2021; this included four sex trafficking, two labor trafficking, and five forced criminality cases. Prosecutors prosecuted two defendants, compared with four defendants in 2021; both were for labor trafficking. Courts convicted five labor traffickers, an increase compared with two labor traffickers and one sex trafficker in 2021. While some judges in past years issued lenient sentences by liberally applying mitigating circumstances, first instance courts issued sentences between one year to three years' imprisonment to all five convicted labor traffickers. Courts also acquitted six suspected traffickers. The government did not report the number of cases that remained pending for rulings (19 in 2021). The government used child pandering (Article 162 of the criminal code) to convict some suspected traffickers but did not report the number of perpetrators convicted for child pandering. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking crimes. Court proceedings in Croatia often lasted years contributing to a substantial backlog of criminal cases, including trafficking cases dating as far back as 2013.

The Police Office for the Suppression of Corruption and Organized Crime (PNUSKOK) within the General Police Directorate maintained specialized police officers for cases related to organized crime and designated officers for trafficking cases in district offices. PNUSKOK conducted proactive investigations of commercial sex establishments and cooperated with the State Labor Inspectorate to jointly inspect employers in the agriculture, construction, hospitality, and service industries; authorities did not report the number of joint inspections (132 in 2021). However, most inspection violations were administrative labor violations involving contracts, permits, and salaries rather than labor trafficking prosecutions. GRETA and other sources reported some judges and prosecutors lacked an understanding of trafficking and often prosecuted traffickers using offenses with lesser penalties, such as "prostitution," "assault," "sexual abuse," and "pandering." Additionally, some prosecutors charged individuals suspected of trafficking with other or lesser crimes that were easier to prove to decrease their large caseloads. Independent experts assessed prosecutors heavily relied on victim testimony and did not often use special investigative measures to corroborate evidence. The government could not share details on international investigations due to confidentiality protections. The government maintained institutionalized training programs on various trafficking issues at the Police Academy, Police College, Judicial Academy, and Border Police Directorate.

PROTECTION

The government increased victim protection efforts. The government identified 28 victims, an increase compared to 19 in 2021. Of these 28, 19 were victims of sex trafficking, two of forced labor, and seven of forced criminality; there were six women, three men, and 19 girls. Three of these victims were foreign nationals. The government maintained SOPs for screening and identifying victims and a SOP on referral, assistance, and protection of victims. Civil society representatives and various ministry officials reported good cooperation with the Ministry of Interior and the active role of police in victim identification. However, civil society, media, and international organizations continued to report a lack of government efforts to adequately screen migrants and asylum seekers, including unaccompanied children. A multi-disciplinary 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 thereafter coordinated victim care and placement. For child victims, first responders contacted the Ministry of Labor, Pension System, Family and Social Policy (MLPSFSP), which dispatched a mobile team of specialized social workers. The police cooperated with mobile teams to officially identify victims and with the MLPSFSP in cases involving children. In previous years, 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. While officials reported the mobile team functioned well and the Office for Human Rights and Rights of National Minorities (OHRRNM) reimbursed costs in 2022, funding disbursement was often delayed.

The government and NGOs provided protection and assistance to victims, including shelter, medical assistance, legal assistance, psycho-social support, rehabilitation, reintegration services, and, during the pandemic, personal protective equipment and COVID-19 tests; 13 victims received assistance and 15 victims opted out of receiving assistance. The government funded two NGO-run shelters based on the number of assisted victims and allocated 211,802 kunas (\$30,830) to the NGO-run shelter for adults, compared with 257,741 kunas (\$37,520) in 2021. It allocated 331,028 kunas (\$48,180) for the NGO-run shelter for children, compared with 162,331 kunas (\$23,630) in 2021. The government-funded, NGO-run shelter for adults had capacity to accommodate five adult victims, 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 NGO-run shelters accommodated two adult victims and one child victim. In previous years, legislation required victims to choose between accommodation at the shelter or social allowance of 1000 kunas (\$145) per month; however, the government amended legislation to allow trafficking victims accommodated at NGO-run shelters to receive half of the guaranteed social allowance. As a result, the government allocated 500 kunas (\$72) per month to victims staying at NGO-run shelters in addition to a monthly stipend of 250 kunas (\$36) for personal items and a one-time monetary compensation of 2,500 kunas (\$360). The Center for Missing and Exploited Children provided a range of educational and psycho-social services for unaccompanied or exploited children, including child trafficking victims. The government continued its efforts to implement foster care for the custody of children instead of using state childcare institutions; MLPSFSP organized foster families for three child victims (five in 2021). The government 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 coordinated roundtables and presentations to encourage employers to hire trafficking victims; HZZ did not report the number of victims assisted in securing employment (one in 2021).

Experts reported authorities inappropriately penalized a trafficking victim for theft committed as a direct result of being trafficked. Authorities prosecuted the trafficking victim after they admitted to stealing; however, they did not have legal representation or a full understanding that they were subjected to forced criminality. Authorities denied requests to revisit the case and consequently the victim did not qualify to receive any victim assistance or support services. In addition, contacts reported lack of consistent screening efforts for trafficking indicators in irregular migration flows may have resulted in some migrants and asylum seekers remaining unidentified within the law enforcement system. 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; no victims required residence permits (four in 2021). The government also cooperated with German authorities to repatriate a victim to Germany. Seven out of 15 county courts had Victim and Witness Support Offices (VWSO) which 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 civil society network to provide legal and psychological assistance and logistical support in the eight county courts without VWSOs. While observers reported courts with VWSOs offered assistance consistently, the other eight county

courts assisted by civil society did not have the capacity or resources to provide victim-centered approaches. The government adopted a new criminal procedure code which allowed victims to request in writing to testify remotely.

Civil society reported the judiciary was not always familiar with legal protections available for trafficking victims and some judges lacked sensitivity, an understanding of the impact of psychological trauma, and required victims to provide statements or testimonies multiple times, causing re-traumatization. For example, judges allowed victims to testify by video call but required victims to do so from a room within the courthouse, which forced victims to travel from a different city. Children could provide testimonies to specialized professionals in child interview rooms. The law provided witness protection, but the government reported no victims required witness protection in 2022 or 2021. The government reported 28 victims participated in investigations. In previous years, authorities reported difficulties in encouraging victims to cooperate with investigations – particularly sex trafficking cases or cases involving potential foreign victims – due to fear of retaliation, stigma, re-traumatization, or logistical challenges. The law entitled victims to restitution in criminal cases, but judges most often rejected claims for restitution and directed victims to file civil suits to request compensation. Experts reported the lack of training for particularly criminal judges, complicated bureaucratic procedures, and inadequate mechanisms perpetuated the absence of restitution in criminal sentences. 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. Judges did not award restitution in 2022 or 2021 and compensation awarded in 2020 to a victim for 143,650 kunas (\$20,910) was never dispensed.

PREVENTION

The government maintained prevention efforts. The head of OHRRNM served as the national anti-trafficking coordinator and the secretariat for the senior-level national coordinating committee; the national committee met once in both 2022 and 2021. The committee's working-level operational team held monthly virtual meetings, monitored the implementation of the 2018-2021 NAP, and began drafting the 2023-2027 NAP. However, there was no NAP in 2022 and the government did not finalize the 2023-2027 NAP. The government allocated 107,249 kunas (\$15,610) for the implementation of the NAP, compared with 117,209 kunas (\$17,060) in 2021. The government also allocated 265,120 kunas (\$38,590) to OHRRNM, compared with 292,620 kunas (\$42,590) in 2021. The government organized awareness campaigns in areas with high tourism and separate campaigns for the public, students, and the Romani community. The government allocated 4,583 kunas (\$670) for the NGO-run hotline, compared with 4,706 kunas (\$685) in 2021. However, observers reported difficulties in finding the hotline number and the NGO-run hotline operated only from 10:00 a.m. to 6:00 p.m. due to inadequate financial support; the hotline received approximately 600 calls leading to five cases forwarded to UNKOK. The government maintained a legal framework for regulating and licensing private sector employers, including foreign employment agencies. The law prohibited charging workers recruitment fees with fines for a violation ranging from 4,000 to 100,000 kunas (\$580 to \$14,560); the government did not report if such fines were issued during 2022 and 2021. Labor inspectors could issue administrative fines and/or file criminal charges against employers for nonpayment of salaries. Labor inspectors conducted 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 did not make significant efforts to reduce the demand for commercial sex acts.

International organizations and civil society criticized the government for continued pushbacks of undocumented migrants and asylum seekers into Bosnia and Herzegovina (BiH), and civil society and media alleged border police abused undocumented migrants and asylum seekers. International and civil society organizations claimed these practices strongly discouraged victims from self-

identifying or cooperating with authorities. UNHCR reported accusations were hard to verify as migrants wanted to move quickly through Croatia and were inaccessible for follow-up investigations, but civil society recorded approximately 3,461 pushbacks to BiH in 2022, 8,800 pushbacks from January 2021 to November 2021, and 30,309 pushbacks from June 2019 to September 2021. In June 2021, the government established the Independent Monitoring Mechanism (IMM) to provide oversight for police conduct at borders and ensure compliance with human rights and international law. IMM released an annual report of their findings, which reported poor records and unclear procedures but that police were generally well-trained, followed regulations, and border abuse and mistreatment were isolated instances. NGOs criticized the lack of independence of IMM and transparency of the report.

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, Nepali, Pakistani, Taiwan, and Thai men in forced labor in the Croatian agricultural sector. Men are also exploited in forced begging and forced criminality, including theft and fraud. Traffickers increasingly use the internet, particularly social media platforms, to recruit children for sex trafficking. Undocumented migrants and asylum seekers from Afghanistan, Iraq, Syria, and neighboring countries traveling or being smuggled through Croatia are vulnerable to trafficking, particularly women and unaccompanied children. Individuals experiencing homelessness, children in the social welfare system, and persons with mental and physical disabilities are particularly vulnerable to trafficking.