

2024 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; therefore Croatia remained on Tier 2. These efforts included investigating and prosecuting more suspects. The government increased funding to NGO-run shelters and reimbursed mobile teams providing victim protection for travel and training costs. The government established four new Victim and Witness Support Offices (VWSO) to provide victim-witness assistance measures and allocated more resources for operational costs of the Office for Human Rights and Rights of National Minorities (OHRNM) and the implementation of the NAP. However, the government did not meet the minimum standards in several key areas. The government convicted fewer traffickers, lacked proactive screening efforts within the increasing foreign worker community, and did not adequately screen migrants and asylum-seekers, including unaccompanied children, for trafficking indicators. Authorities inappropriately penalized a trafficking victim for theft committed as a direct result of being trafficked and, due to inconsistent screening 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 offenses that resulted in lesser penalties. Most judges continued to reject restitution in criminal cases directing victims to seek compensation through civil litigation, and the government did not adequately inform victims of the compensation fund.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute trafficking crimes and seek adequate penalties for convicted traffickers, which should involve significant prison terms. * Ensure victims are not inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked. * Increase the use of established SOPs to proactively identify trafficking victims by screening for trafficking indicators among vulnerable populations, such as foreign migrant workers, unaccompanied children, migrants, refugees, and asylum-seekers, and train officials on the use of established SOPs. * Continue to train state 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 identification, criminal law enforcement, or victim protections. * Continue to implement protection services for victims participating in criminal justice proceedings 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. * Inform all identified victims of their right to pursue compensation and encourage them to do so. * 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 slightly 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 grave 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 14 cases involving 31 suspects (six cases with 18 suspects for sex trafficking and eight cases with 13 suspects for multiple forms of trafficking), compared with 11 cases involving 14 suspects in 2022. Law enforcement continued to investigate one sex trafficking case with five suspects and six labor trafficking cases with 10 suspects from previous years. Authorities prosecuted 11 defendants (five for sex trafficking and six for labor trafficking), compared with two defendants in 2022. Authorities continued to prosecute three defendants for sex trafficking and three defendants for labor trafficking from previous years. Courts convicted one labor trafficker, compared with five labor traffickers in 2022. The judge sentenced the trafficker to four years' imprisonment. In previous years, some judges issued lenient sentences or suspended sentences by applying mitigating circumstances. The government used child pandering (Article 162 of the criminal code) to convict some perpetrators but did not report the number of perpetrators convicted for child pandering. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes. Court proceedings often lasted years, and a two-month judicial strike in 2023 exacerbated the judicial 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 for labor trafficking in the agriculture, construction, hospitality, and service industries; authorities inspected 118 employers (135 in 2022). Observers and GRETA reported some judges and state prosecutors lacked an understanding of trafficking and prosecuted traffickers using offenses with lesser penalties, such as "prostitution," "assault," "sexual abuse," and "pandering." Additionally, some state prosecutors charged individuals suspected of trafficking with other crimes with lesser burden of proof and more lenient penalties to decrease their large caseloads. Independent experts assessed state prosecutors heavily relied on victim testimony and did not often use special investigative measures to corroborate evidence. The government cooperated with authorities from Bosnia and Herzegovina (BiH), Brazil, Colombia, France, Italy, Nepal, and Serbia on international trafficking investigations. 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 21 victims, compared with 28 victims in 2022. Of the 21 victims identified, traffickers exploited eight in sex trafficking and 13 in multiple forms of trafficking; 14 were female, seven were male; 11 were children; nine were foreign national victims. The government maintained SOPs for screening and identifying victims, and civil society representatives and various ministry officials reported good cooperation with the Ministry of Interior (MOI) and the active role of police in victim identification. However, observers reported a perceived lack of proactive identification efforts within the increasing population of foreign migrant workers. Additionally, civil society, media, and international organizations continued to report a lack of government efforts to adequately screen migrants and asylum-seekers, including unaccompanied children. International organizations and civil society reported fewer pushbacks of migrants compared with previous years; however, they criticized the police for pushbacks of undocumented migrants and potential asylum-seekers into BiH. Border police allegedly assaulted and harassed migrants and asylum-seekers, according to civil society and media, which strongly discouraged victims from self-identifying or participating in criminal justice proceedings. While UNHCR reported accusations were difficult to verify as migrants wanted to move quickly through Croatia and were inaccessible for follow-up

investigations, civil society recorded approximately 3,331 pushbacks to BiH (3,461 pushbacks in 2022). The MOI reported these numbers included administrative returns labeled as pushbacks. In 2023, the MOI recorded 3,110 people were readmitted to BiH and 605 to Serbia. 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 coordinate victim care. 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. OHRRNM allocated €14,600 (\$16,130) to reimburse mobile teams for travel and training costs.

The government and NGOs provided protection and assistance to victims, including shelter, medical assistance, legal assistance, psycho-social support, reintegration services; all 21 victims identified in 2023 received assistance (13 in 2022). The government funded two NGO-run shelters based on the number of assisted victims and allocated €34,808 (\$38,460) to the NGO-run shelter for adults, compared with 211,802 kunas (\$30,830) in 2023. It allocated €68,950 (\$76,190) for the NGO-run shelter for children, compared with 331,028 kunas (\$48,180) in 2022. 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 in school, including distance learning. In 2023, the NGO-run shelters accommodated three adult victims and two child victims. The government allocated a social allowance of 1000 kunas (\$145) per month for victims not staying at the NGO-run shelters and 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 government continued its efforts to implement foster care for the custody of children instead of using state childcare institutions; MLPSFSP did not report the number of foster families organized for child victims (three in 2022). 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 (did not report information in 2022). Observers reported authorities inappropriately penalized a potential 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 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 a 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 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 in 2023 or 2022. Eleven out of 15 county courts had VWSO, including four new VWSO established in 2023, which provided assistance to victim-witnesses participating in 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 eight county courts. 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. Children could provide testimonies to specialized professionals in child-friendly interview rooms. The

government reported 21 victims participated in investigations (28 in 2022). In previous years, authorities reported victims often chose not to participate in 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, failure to seize assets, and inadequate mechanisms to inform victims of their rights 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. The government did not provide information on judges awarding restitution in 2023 or 2022. The government operated a government-financed compensation program for victims of violence; however, the government did not receive any requests for compensation from trafficking victims.

PREVENTION

The government increased 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 2023. The committee's working-level operational team held monthly virtual meetings, monitored cases, and drafted the 2023-2030 NAP. The NAP remained pending approval at the end of the reporting period. The government allocated €31,990 (\$35,350) for the implementation of the NAP, compared with 107,249 kunas (\$15,610) in 2022. The government also allocated €46,590 (\$51,480) to OHRRNM, compared with €37,180 (\$41,080) in 2022. The government organized awareness campaigns in areas with high tourism and separate campaigns for the public, students, and the Romani community. The government allocated €600 (\$660) for the NGO-run hotline, compared with 4,583 kunas (\$670) in 2022. 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 referred four trafficking-related calls to PNUSKOK. 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 €5,300 to €13,270 (\$5,860 to \$14,660); the government did not report the number of issued fines in 2023 or 2022. 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 provide information about 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. Traffickers exploit women and girls from Central Europe, neighboring countries, and Brazil in sex trafficking in Croatia. Traffickers also exploit Croatian women and girls in sex trafficking within the country and elsewhere in Europe. Traffickers exploit men from Afghanistan, the Philippines, Nepal, Pakistan, Taiwan, and Thailand in forced labor in the agricultural sector. Traffickers also exploit men 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 traveling or being smuggled through Croatia are vulnerable to trafficking, particularly women and unaccompanied children. Persons experiencing homelessness, children in the social welfare system, and persons with mental and physical disabilities are particularly vulnerable to trafficking.