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USDOS – US Department of State

2019 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 to the previous reporting period; therefore Croatia remained on Tier 2. These efforts included investigating, prosecuting, and convicting more traffickers and identifying more victims, particularly victims of forced criminality. The government conducted operations to proactively screen for trafficking indicators, increased funding to NGO-run shelters, and adopted the 2018-2021 national action plan. However, the government did not meet the minimum standards in several key areas. Despite conducting operations to proactively identify victims, the government did not consistently screen migrants and asylum seekers, and alleged police abuse strongly discouraged victims within this population from cooperating or self-identifying. Judges continued to issue light sentences and dismissed victim testimony as unreliable due to a lack of understanding of trafficking, while a large backlog of criminal cases caused long delays and police experienced difficulties in encouraging victims to cooperate with investigations.

PRIORITIZED RECOMMENDATIONS

Institutionalize and implement screening procedures for migrant flows, including asylum seekers and unaccompanied minors. • Increase capacity and training to accurately screen for victims and consistently implement screening procedures for vulnerable populations, particularly migrants, refugees, asylum seekers, seasonal workers, and Roma. • Vigorously investigate, prosecute, and convict traffickers, and impose strong sentences. • 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. • Continue to encourage victims' 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. • Implement efforts to address the vulnerability of children placed in child care institutions. • Allocate additional resources and staff for the Office for Human Rights and Rights of National Minorities to enable it to more effectively combat trafficking.

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 serious crimes, such as rape. Law enforcement investigated seven cases involving 22 suspects (nine cases involving 17 suspects in 2017). The government initiated the prosecution of 15 defendants (12 in 2017). The government continued to prosecute 33 defendants in ongoing cases. Courts convicted five traffickers (four in 2017). Judges issued one trafficker an appealable sentence of one year and six months' imprisonment and three traffickers final sentences of imprisonment ranging one year and five months to three years and eight months. Judges also issued one

trafficker a final sentence of one year suspended sentence with five years' probation, below the trafficking statute's minimum penalty, acquitted two suspected traffickers, and issued "correctional measures" for two juvenile traffickers. Observers reported a substantial backlog of criminal cases causing long delays in court proceedings.

Law enforcement personnel under 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 increased spot checks of suspicious vehicles for signs of trafficking and illegal migration attempts of migrant smuggling. The government maintained institutionalized training programs on trafficking for law enforcement, including prosecutors, border police, traffic police, juvenile police, and organized crime police. In addition, the government, in cooperation with NGOs and international organizations, trained police, prosecutors, and judges. The government cooperated with law enforcement in Taiwan and other foreign governments, but it did not specify details. 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 73 victims (29 in 2017). Of these, 60 were victims of forced criminality, 10 of sex trafficking, three of forced labor, and one unknown (eight of sex trafficking, seven of forced criminality, three of forced labor, and eleven of multiple types of exploitation in 2017); two were minors (14 minors in 2017); 26 women and 46 men (six women and nine men in 2017); and 62 were foreign victims (10 in 2017). The government conducted three large operations to screen for indicators of trafficking: police cooperated with the Ministry of Labor to screen 14,792 people, 8,523 vehicles, and 372 locations for indicators of forced labor; police screened 86,268 people, 38,793 vehicles, and 958 locations for indicators of child trafficking; and police separately screened 131,037 people, 49,172 vehicles, and 7,991 locations for indicators of sex trafficking and forced criminality. However, none of these efforts led to the identification of a victim. Civil society reports indicated government efforts to screen migrants and asylum seekers, including unaccompanied children, were seriously lacking. While the government denied allegations of police abuse against migrants, international organizations criticized the government for violent pushbacks of illegal migrants, and civil society reported border police assaulted and harassed migrants, including vulnerable persons such as asylum seekers, children, persons with disabilities, and pregnant women, which strongly discouraged victims from self-identifying or cooperating with authorities.

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 travelled to assess the potential victims in person and coordinated victim care and placement. The MOI officially identified all victims in cooperation with first responders and the regional mobile team and specialized police officers responsible for child protection were called for potential child victims. The government trained police officers, border police, social workers, and members of the regional mobile teams on victim protection. 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 two new adults and one adult who arrived the previous year (one child and seven adults in 2017). The Ministry of Demography, Family, Youth and Social Policy (MDFYSP) organized a foster family

for one minor victim (nine in 2017) and the Center for Social Welfare supervised two minors who were living with their families and one minor who lived independently after becoming an adult. The Center for Missing and Exploited Children (CMEC) provided a range of educational and psycho-social services for unaccompanied minors and exploited children, including child trafficking victims. The government moved toward implementation of foster care and away from using state child care institutions to mitigate traffickers targeting children from state orphanages. MDFYSP allocated 609,055 kunas (\$96,520) to support the NGO-run shelters, compared to approximately 360,000 kunas (\$57,050) in 2017. In addition, the government allocated 365,386 kunas (\$57,910) to CMEC and the Office for Human Rights and Rights of National Minorities (OHRNM) allocated 20,000 kunas (\$3,170) for direct cash subsidies to victims in both 2017 and 2018.

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 minors; government reported one victim received a temporary stay based on humanitarian concerns. The Office of the Chief State Prosecutor maintained written instructions on non-penalization of victims. Seven victim and witness support offices at county courts provided assistance during criminal proceedings, including requests to testify via video link, referrals to specialized institutions, logistical assistance, and measures to prevent re-traumatization. None of the victims entered witness protection in 2018 (none in 2017). Children provided testimonies to specialized professionals in child interview rooms. In previous years, OHRNM 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, in previous years experts reported 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 victim testimony as unreliable. Police reported some difficulties in encouraging victims to cooperate with investigations, particularly sex trafficking cases or cases involving potential foreign victims. State prosecutors were obliged to inform victims in criminal proceedings of their right to compensation, however the government reported that no trafficking victims filed for such compensation.

PREVENTION

The government increased prevention efforts. OHRNM served as the secretariat for the senior-level national coordinating committee and added an NGO and the Labor Inspectorate into the committee; the national committee met in July 2018 (one session in 2017). The committee's working-level operational team held monthly meetings and adopted the 2018-2021 national action plan. OHRNM allocated 137,320 kunas (\$21,760) for prevention efforts, compared to 197,000 kunas (\$31,220) in 2017. In addition, OHRNM allocated 4,085 kunas (\$650) for the NGO-run hotline, compared to 4,000 kunas (\$630) in 2017. Observers reported the NGO-run hotline operated only from 10:00 a.m. to 6:00 p.m. due to inadequate financial support; the hotline received 280 calls leading to four investigations. The MOI operated a specific unit consisting of 80 officers for crime prevention, including trafficking, and OHRNM organized roundtables on preventing traffickers' recruitment through the internet. The government held awareness campaigns targeting students and teachers, distributed informative materials and continued to organize awareness-raising events for social workers, NGOs, government officials, and workers from the tourism industry. The government monitored its anti-trafficking efforts, produced annual reports, and posted information on ministries' websites. The government continued to distribute materials from the "If You Are a Man, You Will Not Buy a Woman" anti-prostitution campaign.

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 subjected to sex trafficking in Croatia. Traffickers subject Croatian women and girls to sex trafficking within the country and elsewhere in Europe. Although there were no official reports this year of traffickers exploiting marginalized Romani children in forced begging in Croatia, this was reported in previous years. Traffickers subject Croatian, Bosnian, and Romanian women and men to forced labor in the Croatian agricultural sector. Migrants and refugees from Afghanistan, Iraq, Syria, and neighboring countries traveling or being smuggled through Croatia are vulnerable to trafficking, particularly women and unaccompanied minors. In 2018, Taiwanese women and men were subjected to forced labor and forced criminality in an illegal call center.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2018 to March 2019)



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Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T.(Telefon) +43 1 589 00 583

F.(Fax) +43 1 589 00 589

info@ecoi.net

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