

USDOS – US Department of State

2022 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 on its anti-trafficking capacity; therefore Croatia remained on Tier 2. These efforts included convicting more traffickers, not issuing any suspended sentences, and identifying more victims. The Office for Human Rights and Rights of National Minorities (OHRRNM) reimbursed mobile teams for travel costs, and coordinating bodies consistently met and reported good collaboration. The government established the first Independent Monitoring Mechanism (IMM) to provide oversight for police conduct at borders and ensure compliance with human rights, an action that may help potential victims self-identify to authorities and reduce future opportunities for traffickers to exploit migrants and asylum-seekers. However, the government did not meet the minimum standards in several key areas. The government investigated fewer cases and indicted fewer defendants compared with the previous year. Observers reported a lack of adequate screening efforts for undocumented migrants and asylum seekers, which discouraged victims from cooperating and self-identifying. 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 sentence convicted traffickers to significant prison terms.
- 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.
- Train prosecutors on trafficking, victim's rights, and victim-centered approaches, and refer trafficking cases to trained or experienced prosecutors.
- 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.
- 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.
- Strengthen rules and regulations to ensure immigration enforcement does not hinder human trafficking detection, criminal law enforcement, or victim protections.
- 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 serious crimes, such as rape. Law enforcement investigated seven cases with 17 suspects, compared with 15 cases with 29 suspects in 2020. Prosecutors indicted four defendants, compared with eight

defendants in 2020. Courts convicted two labor traffickers and one sex trafficker, an increase compared with zero convictions in 2020. First instance courts sentenced each of the two labor traffickers to one year and eight months' imprisonment and the sex trafficker to three years and three months' imprisonment. The government reported 19 cases remained pending for rulings, compared with 16 cases in 2020. 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. Some court proceedings lasted years contributing to a substantial but decreasing backlog of criminal cases, including trafficking cases dating as far back as 2013. Judges reported both an increased influx of cases to the existing backlog and delayed court proceedings from the government closing courts from March to June 2020 due to pandemic lockdown measures and two earthquakes in 2020 that destroyed or damaged multiple courts.

The government did not operate specialized law enforcement units, but police designated officers for trafficking cases in all jurisdictions. Law enforcement personnel under the Ministry of Interior (MOI) conducted proactive investigations of commercial sex establishments and cooperated with the State Labor Inspectorate to jointly inspect 132 employers in the agriculture, construction, hospitality, and service industries (144 in 2020). However, most inspection violations were administrative labor violations involving contracts, permits, and salaries rather than labor trafficking prosecutions. Group of Experts on Action against Trafficking in Human Beings (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 crimes that were easier to prove to decrease their large caseloads. Independent experts assessed that 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 government maintained institutionalized training programs on various trafficking issues at the Police Academy, Police College, Judicial Academy, and Border Police Directorate. The government could not share details on international investigations due to confidentiality protections. The government did not report any investigations, prosecutions, or convictions of government officials complicit in trafficking crimes.

PROTECTION

The government slightly increased victim protection efforts. The government identified 19 victims, compared with 17 victims in 2020. Of these, six were victims of sex trafficking, five of forced labor, seven of forced criminality, and one victim of all three types of exploitation; there were four women, five men, five girls, and five boys; and four were foreign victims from Nepal. The government maintained standard operating procedures (SOPs) for screening and identifying victims and a protocol on identification, assistance, and protection of victims. Civil society representatives and government officials reported the MOI accurately and consistently identified victims and noted good cooperation. However, civil society, media, and the Council of Europe continued to report a lack of government efforts to adequately screen undocumented migrants and asylum seekers, including unaccompanied children.

A multi-disciplinary 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 travelled 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. MOI cooperated with mobile teams to officially identify victims and included specialized police officers for potential child victims. While 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, officials reported the mobile team functioned well and the OHRRNM reimbursed costs in 2021. In previous years, sources reported difficulties in recruiting new mobile team members due to annual budgets that allocated inconsistent funding and said a one-day training for new team members was inadequate to learn the complex process of identifying victims; however, OHRRNM provided 130,000 kunas (\$20,160) to host a three-day training for new mobile unit volunteers in 2021.

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; six adults and 10 children received assistance (three adults and five children in 2020). The government funded two NGO-run shelters based on the number of assisted victims and allocated 257,741 kunas (\$39,960) to the NGO-run shelter for adults, compared with 216,593 kunas (\$33,580) in 2020. It allocated 162,331 kunas (\$25,170) for the NGO-run shelter for children, compared with 441,692 kunas (\$68,480) in 2020. Additionally, the Center for Missing and Exploited Children (CMC) provided a range of educational and psycho-social services for unaccompanied or exploited children, including child trafficking victims; these shelters accommodated four adults and no children (two adults and three children in

2020). 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 child care institutions. MLPSFSP organized three foster families for five child victims (none in 2020) and appointed special caregivers for three children (three children in 2020). 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 coordinated roundtables and presentations to encourage employers to hire trafficking victims; HZZ assisted one victim in securing employment in 2021 (none in 2020).

The government did not report penalizing victims for unlawful acts traffickers compelled them to commit; however, due to a lack of consistent screening efforts for trafficking indicators in irregular migration flows, authorities likely detained and deported some unidentified victims among undocumented 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 issued four victims residence permits (one in 2020). 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 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. 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 they required victims to provide statements or testimonies multiple times, causing re-traumatization. For example, judges allowed victims to testify remotely but required victims to do so at the courthouse, which forced victims to travel from a different city. 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, but the government reported no victims required witness protection in 2021 or 2020. 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 indemnification guidelines, training for judges, 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 2021, but compensation awarded in 2020 to a victim for 143,650 kunas (\$22,270) became final in 2021.

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 2021 and 2020. In 2020, 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 virtual meetings and monitored the implementation of the 2018-2021 national action plan (NAP), and members of the team, including civil society, reported good cooperation. The government allocated 117,209 kunas (\$18,170) for the implementation of the NAP and also allocated 292,620 kunas (\$45,370) to OHRRNM in 2021 and 265,120 kunas (\$41,100) for 2022. The government organized awareness campaigns in areas with high tourism targeting individuals who can come into contact with a victim, including public transport workers, restaurant and bar staff, and port and airport employees. Additionally, the government organized awareness campaigns for the public, students, and the Romani community. The government allocated 4,706 kunas (\$730) for the NGO-run hotline, but observers reported the NGO-run hotline operated only from 10:00

a.m. to 6:00 p.m. due to inadequate financial support and difficulties in finding the hotline number; the hotline received 678 calls leading to six investigations. 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 (\$620 to \$15,500); the government did not report if such fines were issued during 2021. Labor inspectors could issue administrative fines and/or file criminal charges against employers for nonpayment of salaries. Labor inspectors conducted 8,247 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 criticized the government for continued violent pushbacks of undocumented migrants and asylum seekers into Bosnia and Herzegovina (BiH), while civil society and media alleged border police abused undocumented migrants and asylum seekers, including allegations of sexual abuse. 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 8,800 pushbacks to BiH from January 2021 to November 2021 and 30,309 pushbacks to BiH from June 2019 to September 2021. In June 2021, the government established the IMM to provide oversight for police conduct at borders and ensure compliance with human rights and international law. IMM released a six-month report of their findings, which reported poor records and unclear procedures, but police were generally well-trained and followed regulations, and border abuse and mistreatment were isolated instances. However, 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, Taiwanese, 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. 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. In 2018, Taiwanese women and men were exploited in forced labor and forced criminality in an illegal call center. Individuals experiencing homelessness, children in the social welfare system, and persons with mental and physical disabilities are particularly vulnerable to trafficking.

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