

# **Implementation of the UN General Assembly Resolution A/RES/77/194 “Trafficking in Women and Girls”**

## **Contribution of the Republic of Croatia**

### **Legislative Framework**

In Croatia, human trafficking is a criminal offence prescribed by the Criminal Act (Official Gazette 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, 114/22, 114/23, 36/24; hereinafter: CA) in Chapter IX. Criminal offences against humanity and human dignity, according to the provisions of Article 106 of the CA, which prescribes the criminal offence of human trafficking.

The criminal offence of human trafficking in its basic form (Article 106, paragraph 1. of the CA) is committed by anyone who uses force or threats, deception, fraud, kidnapping, abuse of authority or a situation of hardship or dependence giving or receiving payments or other benefits to achieve the consent of a person having control over another person, or by any other means recruits, transports, transfers, harbours or receives a person or exchanges or gives over control over a person for the purpose of exploiting his/her labour by means of forced labour or services, slavery or a relationship similar thereto, or for the purpose of exploitation for prostitution of the person or other forms of sexual exploitation including pornography or for contracting an illicit or forced marriage or for taking parts of the person's body, or for using her in armed conflicts or for committing an unlawful act.

The definition of this criminal offence contains three constitutive elements (act of commission, means of commission and goal, i.e. the form of exploitation with which the perpetrator acts), and for which criminal offence a prison sentence of one to ten years is prescribed as a sanction.

When the victim of the criminal offence of human trafficking referred to in paragraph 2. of the aforementioned article, is a child (a person under the age of eighteen), it is sufficient to prove the existence of the act of commission and the goal of exploitation, and it is not necessary for the means of execution, i.e. for the perpetrator to use force or threat, deception, fraud or some other means, i.e. the way of committing in order to achieve the act of committing with the aim of some form of child exploitation. The same punishment is prescribed, which in terms of type and measure corresponds to the one prescribed in paragraph 1 (one to ten years in prison) for the reason that it is a non-violent form of the crime.

Article 106, paragraph 3. of the CA prescribes a qualified form of committing the criminal offence of human trafficking for which a prison sentence of three to fifteen years is prescribed. As a qualified form of commission, the commission by a public official in the performance of the duties of his/her office, the commission against a great number of persons or the life of one or more persons was consciously put at risk, are prescribed. Also, the qualified form will be realized when the perpetrator commits the act of committing a crime against a child with the aim of exploiting him, while using force or threat, or all those incriminating means prescribed in Article 106, paragraph 1. of the CA.

Furthermore, paragraph 4 of the criminal offence from Article 106 of the CA sanctions the use of the services of victims of human trafficking, while prescribing a punishment that corresponds in type and measure to that prescribed in paragraph 1, since the incrimination from paragraph 4. encourages human trafficking.

Paragraph 5 sanctions the person who retains, seizes or possession, conceals, defaces or destroys another person's travel document, with the aim of enabling the commission of offences from paragraphs 1., 2. and 3. of Article 106 of the CA. For this form of illegal behaviour, the CA prescribes imprisonment of up to three years as punishment. Article 106 in paragraph 6 explicitly prescribes the punishment of an attempt of the above-described criminal offense from paragraph 5. In relation to other criminal offences prescribed in Article 106, paragraphs 1., 2., 3. and 4. attempt is punishable in accordance with Article 34 of the CA.

It should be noted that the CA is divided in general and special part. The general part contains provisions on the conditions for punishment and sanctions that may be imposed on the perpetrators of all criminal offences. The special part defines particular criminal offences imposes penalties against perpetrator of a criminal offence.

Onwards, Article 43 of the Criminal Procedure Act (Official Gazette, no. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 130/20, 80/22, 36/24; hereinafter: CPA) stipulates general list of victim's rights and according to which the victim of a criminal offense has the right to:

- 1) access to available, confidential, free of charge services to support victims of criminal acts, immediately after the commission of the criminal offense and for as long as necessary;
- 2) efficient psychological and other professional assistance and support of the body, organisation or institution aiding victims of criminal offences in accordance with the law;
- 3) protection from intimidation and from retaliation;
- 4) protection of the victim's dignity during questioning as a witness,
- 5) be interviewed without unjustified delay after filing a criminal complaint to the competent authority and that further interviews are carried out only where strictly necessary for the purposes of the criminal investigation;
- 6) be accompanied by a trusted person, of her choice, when undertaking all actions in which he participates, from the victim's report to the final termination of the criminal proceedings;
- 7) be subject to a minimum number of medical examinations and only carried out only where strictly necessary for the purposes of the criminal proceedings;
- 8) file a motion for prosecution and a private action pursuant to the provisions of the CA, the right to participate in the criminal proceeding as an injured party, the right to be informed of the dismissal of the criminal complaint (Article 206, paragraph 3, of this

Act) and of the state attorney dropping the criminal charge, and the right to take over criminal prosecution in lieu of the state attorney;

9) be informed by the State Attorney of the acts taken following his report (Article 206a) and to file complaints to the senior State Attorney (Article 206b);

10. to confidentiality of information, the disclosure of which could endanger her safety or the safety of the victim's close person;

11) be informed without unjustified delay of the release from custody or the investigative prison, the defendant having fled or the convicted person having been released, and of the measures taken for the purposes of his/her protection, except in the case of the victim's waiver of the said right;

12) be informed of any decision finally terminating a criminal proceeding, except in the case of the victim's waiver of the said right;

13) be propose to be interrogated through an audio-video device

14) any other rights provided for by law.

Furthermore, according to Article 43a paragraph 1 CPA, before interrogation of the victim, the body conducting the interrogation shall, in cooperation with bodies, organizations or institutions for assistance and support to victims of criminal offences, conduct an individual assessment of the victim. The individual assessment of the victim includes determining whether there is a need to apply special protection measures in relation to the victim and, if so, what special protection measures should be applied. Paragraph 3 of the same article stipulates that the individual assessment of the victim appropriately includes, in particular, victims of human trafficking. In accordance with the above, a victim in relation to whom special protection needs have been determined, along with victim's rights form the general list in Article 43, have additional rights:

- 1) right to consult an adviser before being interrogated, which is to be financed from the budget,
- 2) right to be interrogated by a person of the same sex at a police station and the State Attorney's office, and that, if possible, that it is interrogated by the same person in the case of re-examination
- 3) right to refuse to answer the questions related to the strictly private life of the victim,
- 4) right to be interrogated via an audio-video device, unless the victim requests to be present in the courtroom during the interrogation,
- 5) right to confidentiality of personal data,
- 6) right to request the exclusion of the public at the hearing.

Furthermore, for the victims of criminal offence of human trafficking, along with victim's rights form the general list in Article 43, Article 44 (4) CPA stipulates additional procedural rights:

- 1) right to consult an adviser before being interrogated, which is to be financed from the budget,
- 2) a right to counsel at the expense of the budget funds,
- 3) right to be interrogated by a person of the same sex at a police station and the State Attorney's office, and that, if possible, that it is interrogated by the same person in the case of re-examination
- 4) right to refuse to answer the questions related to the strictly private life of the victim,
- 5) right to be interrogated via an audio-video device, unless the victim requests to be present in the courtroom during the interrogation,
- 6) right to confidentiality of personal data,
- 7) right to request the exclusion of the public at the hearing.

Finally, child victim of a criminal offence, taking into account that the resolution also applies to „girls “, as well have additional procedural rights, along with victim's rights form the general list in Article 43, which are stipulated in Article 44 (1) CPA:

- 1) a right to counsel at the expense of the budget funds,
- 2) right to confidentiality of personal data,
- 3) right to exclusion of the public

Regarding the effective implementation of legal protection and access to the court and other public law bodies under equal conditions, Legal Aid Act („Official Gazette” no. 143/13. and 98/19) regulates provision of legal aid in civil and administrative matters. Legal aid can be provided as primary legal aid (legal information and legal advice) and/or secondary legal aid (representation in court proceedings, exemption from payment court fees and court expenses).

In 2023 measures were taken with the aim of strengthening the legal aid system regulated by the Legal Aid Act as follows: Financial resources for financing projects of NGOs and legal clinics for the provision of primary legal aid increased by 100% compared to 2022.

A total of 548.756,96 EUR was allocated to 23 providers of primary legal aid (20 NGOs and 3 Legal Clinics). Priority in financing had applicants who in their projects envisaged the immediate provision of primary legal assistance to vulnerable social groups (elderly persons, unemployed, members of national minorities, Roma, returnees and displaced persons, persons with disabilities, victims of violence, victims of domestic violence, victims of human trafficking, victims of discrimination, beneficiaries of the social welfare system, applicants for international protection, persons granted international protection, foreigners under subsidiary protection, foreigners on temporary residence and foreigners on permanent residence, children who do not have Croatian citizenship and are found in Croatia unaccompanied by an adult responsible according to the law, etc.) and who provide primary legal aid, apart from the headquarters, in their branches, through mobile teams, field visits to the areas affected by the earthquake, areas that are rural, less urban, isolated, or in communities with a lower level of development (areas of special state concern, islands, rural and less urban environments).

In addition, in the Regulation on determining the value of compensation for the provision of secondary legal assistance for 2023 ("Official Gazette", number 131/23), the value of points as a basis for determining compensation has been increased, namely for 69% for lawyers, 62% for experts and 60% for interpreters, to ensure enough interested providers, especially lawyers.

### **Current Trends**

Statistical data clearly indicate the fact that the victims of human trafficking in Croatia are mostly minors and younger (from 19 to 30 years old), and that they are mostly women, and the most common forms of exploitation of the mentioned persons are sexual exploitation.

More precisely, in 2019, 27 victims of human trafficking were identified in the territory of Croatia, of which 19 were female, 17 were minor victims, and 6 victims were persons of younger age. Furthermore, in 2020, out of a total of 15 victims of human trafficking, 5 victims were minors, and 5 were between the ages of 19 and 30. In 2021, out of a total of 19 victims, 10 victims were minors, and three were younger. Likewise, in 2022, out of 29 victims, 19 victims were minors, and seven victims were young people, in 2023, out of 21 victims of human trafficking, 11 victims were minors, 5 were young people. Among the mentioned victims, as a form of exploitation, sexual exploitation and exploitation for committing illegal acts stood out, but several cases of illegal/forced marriage were also recorded.

In the last three years, a significant number of victims were recorded in the territory of Croatia who were exploited by new methods of recruitment via the Internet.

Considering the above data, Croatia implements and plans to implement a series of preventive actions and measures, an overview of some of them is presented below.

Croatia is in the process of adopting a new National Plan for Combating Trafficking in Human Beings for the period up to 2030 and the accompanying Action Plan for 2024-2026. The new National Plan defines specific goals concerning combating human trafficking in Croatia in order to upgrade the already established referral system for combating human trafficking and adapt to new trends in trafficking in human beings (hereinafter: THB). In defining goals, measures and activities, the key points of the 2021 European Union Strategy on Combating Trafficking in Human Beings were considered, as were the recommendations of the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the US State Department. Thus, the following goals were defined: "Preventing human trafficking", "Improving the system of identification, assistance and protection of victims of human trafficking" and "Improving cooperation at the regional and international level". Concerning the categories/groups of people recognised as at-risk, the new National Plan envisages activities that will:

- 1) sensitise and inform the public about new forms of online recruitment and new types of exploitation, with special emphasis on women and children;
- 2) sensitise all bodies involved in the national referral system with the aim of avoiding the revictimization and stigmatisation of victims;
- 3) inform migrants, asylum seekers, persons who were granted international protection and other vulnerable groups about THB;

- 4) develop public-private initiatives with companies in high-risk sectors and environments;
- 5) improve the tools for monitoring human trafficking;
- 6) improve the existing normative framework with the aim of protecting victims of THB, as well as identifying, prosecuting and adequate sanctioning of perpetrators of the criminal offence of human trafficking;
- 7) reinforce the system for identifying victims of THB;
- 8) to empower mobile teams;
- 9) monitor the process of discovering, prosecuting and sanctioning the criminal offence of human trafficking and related criminal offences;
- 10) provide assistance and protection to victims of THB;
- 11) design educational materials aimed at police officers, public prosecutors and judges, to be used for the target groups' ongoing training on the topic of human trafficking (police officers, judges, public prosecutors, members of the armed forces, diplomatic and consular staff, employees of the Croatian Employment Service (CES), representatives of civil society organisations and employees of social welfare and healthcare institutions).

In addition, recognising the importance of protecting women and girls, the Draft for the new National Plan for Combating Trafficking in Human Beings for the period up to 2030 dedicates an entire distinct Objective to preventing THB. Under this Objective, public campaigns aimed at raising public awareness about the phenomenon of THB and cybersecurity, primarily focussed on women and girls as victims of human trafficking, will be organised and carried out by the 4th quarter of 2026.

In cooperation with the United Nations Office on Drugs and Crime (UNODC), the Ministry for Europe and Foreign Affairs of the Republic of France, the Ministry for Foreign Affairs of the Kingdom of Sweden and the Organization for Security and Co-operation in Europe (OSCE), the Office for Human Rights and the Rights of National Minorities of the Government of Croatia (hereinafter: OHRRNM) organised a two-day international conference entitled "Improving response to trafficking in persons for sexual exploitation, especially women and girls, through addressing demand in the South-Eastern Europe" in spring 2022, 2023 and 2024. The conferences were organised with the goal of strengthening cooperation among the countries of South-Eastern Europe in combating sexual exploitation, especially of women and girls, but also with the goal of raising awareness among all the stakeholders in the system about the challenges and problems regarding this form of THB. In addition, in the course of his active participation in the informal network of South-Eastern European national coordinators, the national coordinator regularly highlights the problem of the gender dimension of THB, likewise fostering the exchange of good practice among South-Eastern European countries.

Also, Croatia has invested significant effort in raising awareness about the problem of under-age marriage, especially when it comes to the Roma community, and the importance of reporting cases of it to the relevant authorities. In line with the current National Plan for Roma Inclusion 2021-2027 and the accompanying Action Plans, the General Police Directorate, in collaboration with the relevant partners, has carried out preventative activities focussed on enhancing integration and improving the living conditions of members of the Roma national minority, which includes preventing early and/or forced marriage among the Roma population. An educational documentary film, "Marry when you're ready", produced by the Police Directorate in collaboration with the Roma women's association "Roma Heart" with financial support from the European Union, is used to educate and sensitise. The film addresses the problem of early marriage among Roma girls aged 9-15, and is thus aimed at preventing criminal offences against them, including the offence of human trafficking and the offences of sexual abuse and sexual exploitation of children. In addition to preventative activities aimed at members of the Roma national minority, the film is also used to sensitise both members of the relevant professions and the broader public to the issue in hand, through organising public panels, debates, workshops and public events to mark topical days.

Among the numerous project activities, it should be highlighted that the OHRRNM director took part in the Young Roma People's Congress in the town of Medulin (Istria County) from 22 to 24 September 2023, where he used a number of examples to draw attention to a number of perils faced by young people which he encounters in his official capacity as the national coordinator for combating THB.

As part of the ESF project "Roma Inclusion – Fulfilling Preconditions for Successful Implementation of National Minority Policies – PHASE I", the OHRRNM produced and widely distributed a documentary film about successful young Roma women, "Their own", which portrays Roma women beyond the usual stereotypes and traditional gender roles. The film was shown on public television, and is now available on the OHRRNM YouTube channel, in Croatian and English. These and related activities were aimed at motivating young Roma women to enter education and other areas, and to shatter stereotypes and prejudice about Roma women among the majority population, which certainly contributes to increasing young Roma women's self-confidence and independence, which in turn reduces the likelihood of them being exposed to any kind of violence, and thus also to some forms of human trafficking.

Through the project, a publication entitled "Roma Inclusion in the Croatian Society: Women, Youth and Children" was published and translated into English. The main goal of the study was to identify and determine complex links between individual indicators of social status of the three target groups and unite them in a single framework of recommendations for improving the social position of Roma women, children and youth in relation to the majority population and other national minorities and their integration into Croatian society.

The study presents data and results of analyses on the social position of Roma women, Roma children and youth collected in 2017 using a complex mixed methodology (through the IPA 2012 project).

Presentations from the conference and the publication in Croatian and English in pdf format are available at the following link – <https://ukljucivanje-roma.com/zdm.html> . Also, video graphics based on the results of the said publication was made and now is available on the official

YouTube channel of the OHRRNM in Croatian with English subtitles:  
<https://youtu.be/qrq47mTX3WY> .

Also, this year the director of the Office for Human Rights and the Rights of National Minorities hosted pupils from the Ivan Meštrović primary school as part of a pilot-project on civic education, in his capacity as the national coordinator. The goal of the primary schoolchildren's visit was to become acquainted with various topics from the field of protection and promotion of human rights, as well as for children and young people to become acquainted with the phenomenon of human trafficking in a way that is appropriate for their age.

**Impacts of conflict, crisis, COVID, climate change or other emergency contexts on the trafficking of women and girls and specific measures undertaken to address these risk factors.**

In February 2023, the Office for Gender Equality financed the printing and translation from English to Croatian of the *Recommendation CM/Rec(2022)17 of the Committee of Ministers to member states on the protection of rights of migrant women and girls, refugees and asylum seekers, which was adopted by the Committee of Ministers of the Council of Europe in 2022*. Furthermore, a representative of the Office participated in the work of the working group that drafted the *Recommendation*. The publication was presented in 2023 at an event organized by the Office on the occasion of celebrating International Women's Day.

In 2021, the Office produced and printed 3,000 copies of the *Leaflet on gender-based violence for female migrants, refugees and asylum seekers* in English (100 copies), French (400 copies), Farsi (700 copies), Arabic (700 copies), Turkish (400 copies), Kurdish (300 copies), Urdu (300 copies), and Croatian (100 copies). The initiative was launched by the Office as the implementer of the measure from the *National Action Plan of the UN Security Council Resolution 1325 (2000)* on women, peace, security, and related resolutions, for the period from 2019 to 2023.

After all of the copies were distributed in 2022 among the recipients (who were mainly from the Ministry of the Interior, the Croatian Red Cross, non-governmental organizations, and other bodies relevant in the care of migrants, refugees and asylum seekers), the Office printed additional 8,000 copies of the *Leaflet*, namely: in Croatian (500 copies), English (500 copies), French (250 copies), Farsi (600 copies), Arabic (500 copies), Turkish (250 copies), Kurdish (250 copies), Urdu (150 copies), and Ukrainian (5,000 copies). Almost all of the copies were distributed in the Ministry of the Interior and the Croatian Red Cross.