



Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings

Recommendation CP(2016)3 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Croatia

*adopted at the 18th meeting of the Committee of the Parties
on 23 May 2016*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as “the Convention”), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Croatia on 5 September 2007;

Recalling Committee of the Parties’ Recommendation CP(2012)3 of 30 January 2012 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Croatia and the report of the Croatian authorities on measures taken to comply with this recommendation, submitted on 29 January 2014;

Having examined the second report concerning the implementation of the Convention by Croatia, adopted by GRETA at its 25th meeting (7-11 March 2016), as well as the comments of the Croatian Government received on 15 January 2016;

1. Welcomes the progress made since the first round of evaluation in the following areas:
 - the further development of the legal framework for combating trafficking in human beings, through the adoption of an expanded definition of trafficking in human beings, as well as the criminalisation of acts relating to travel and identity documents for the purpose of enabling trafficking in human beings;
 - the strengthened prevention of child trafficking, in co-operation with civil society, through awareness raising activities in schools, as well as the promotion of the inclusion of Roma children in school and university;
 - the establishment of reintegration programmes for victims of trafficking, which involves psychological and social support, health care, support in finding work and accommodation;
 - the efforts made to provide training on human trafficking to relevant professionals, expand the categories of staff targeted, and adopt a multi-stakeholder approach to training;

- the involvement of civil society organisations in local anti-trafficking mobile teams set up as part of the National Referral Mechanism to identify victims of human trafficking and refer them for assistance;
- the adoption by the State Attorney of instructions on the application the principle of non-punishment of victims of trafficking in human beings for their involvement in unlawful activities, to the extent that they have been compelled to do so;
- the amendment to the Criminal Procedure Act which specifies the rights of victims of trafficking during criminal investigations and proceedings, and measures taken to assist victims in court and avoid any contacts with offenders;

2. Recommends that the Croatian authorities take measures to address the following issues for immediate action identified in GRETA's report:

- intensify their efforts to prevent child trafficking, including by:
 - addressing the vulnerability of unaccompanied children and children placed in institutions and avoid that they go missing;
 - ensuring that foster parents are adequately sensitised to human trafficking;
- take additional steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures contained in the Convention, in particular by:
 - taking steps so that law enforcement officials, social workers, NGOs and other relevant actors adopt a more proactive approach and increase their outreach work to identify victims of human trafficking for the purpose of sexual exploitation;
 - increasing efforts to proactively identify victims of trafficking for the purpose of labour exploitation, including among irregular migrant workers, by reinforcing the role and training of labour inspectors, and providing the Labour Inspectorate (including construction and agriculture inspectorates) with the resources required to effectively prevent and combat trafficking in human beings;
 - paying increased attention to detecting victims of trafficking among asylum seekers and persons placed in the Reception Shelter for Foreigners. In this context, training on the identification of victims of trafficking should be provided to staff, including medical staff, of centres for asylum seekers and irregular migrants;
 - securing adequate funding for specialised NGOs to enable them to effectively take part in identification performed by mobile teams and to undertake outreach work in order to proactively identify victims of trafficking;
 - providing regular training on the identification of victims of trafficking in human beings to all frontline staff who may come into contact with possible victims, including operational indicators, guidance and toolkits for the identification of victims of human trafficking;
- improve the identification and assistance to child victims of trafficking, in particular by:
 - ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of human trafficking by paying particular attention to children in institutions, Roma children and unaccompanied minors;
 - addressing the problem of disappearance of unaccompanied minors from reception centres for asylum seekers, by providing suitable safe accommodation and adequately trained staff;
 - training all professionals working with child victims of trafficking to recognise and respond appropriately to their needs;

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- facilitate and guarantee access to compensation to victims of THB, in particular by:
 - ensuring that all victims of human trafficking, regardless of nationality and residence status are eligible for state compensation;
 - enabling victims of trafficking to exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation;
 - including victim compensation into training programmes for law enforcement officials, prosecutors and judges;
 - reviewing the eligibility criterion of serious injury for state compensation which is too restrictive.
 - take additional legislative and practical measures to ensure that:
 - human trafficking cases are investigated proactively, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions;
 - the offence of trafficking in human beings is excluded from the plea bargaining procedure.

3. Requests the Government of Croatia to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by **23 May 2017**.

4. Recommends that the Government of Croatia takes measures to implement the further conclusions of GRETA's second evaluation report.

5. Invites the Government of Croatia to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.