



VLADA REPUBLIKE HRVATSKE  
Ured za ljudska prava



**ICMPD**

International Centre for  
Migration Policy Development



# Trafficking in Human Beings in Croatia: An Assessment Focusing on Labour Exploitation

International Centre for Migration Policy Development (ICMPD)  
September 2010

# **Trafficking in Human Beings in Croatia:**

**An Assessment Focusing on Labour  
Exploitation**

International Centre for Migration Policy Development (ICMPD)  
September 2010

Authors:

Selma Golubović Škec and Mariyana Radeva Berket

ICMPD Project Team:

Mariyana Radeva Berket, Jasmina Samardžić, Elisa Trossero

Translation:

Vinka Komesar Rajković

Copyright:

International Centre for Migration Policy Development (ICMPD), 2010

All rights reserved. No part of this publication may be reproduced, copied or transmitted in any form or by any means, electronic or mechanical, including photocopy, recording, or any information storage and retrieval system, without permission of the copyright owners.

International Centre for Migration Policy Development (ICMPD)

Gonzagagasse 1, 5th floor

Vienna, Austria

A-1010

[www.icmpd.org](http://www.icmpd.org)

Office for Human Rights, Government of the Republic of Croatia

Head of Office: Luka Maderić

Trg maršala Tita 8

10000 Zagreb, Croatia

[www.ljudskaprava-vladarh.hr](http://www.ljudskaprava-vladarh.hr)

Layout by ANH & Florin Paraschiv

Printed and bound by MediaPrint-Tiskara Hrastić

ISBN: 978-3-900411-56-5

# Table of contents

<b>Foreword</b> .....	<b>5</b>
<b>Acknowledgments</b> .....	<b>7</b>
<b>I. Introduction</b> .....	<b>8</b>
<b>II. Methodology</b> .....	<b>10</b>
<b>III. Trafficking in human beings and labour exploitation</b> .....	<b>11</b>
3.1. Definitions of human trafficking and labour exploitation .....	11
3.2. Current situation in Croatia with respect to human trafficking, with an emphasis on labour exploitation .....	16
3.3. Typology of labour exploitation .....	23
<b>IV. Legislative basis in Croatia</b> .....	<b>27</b>
<b>V. Legislative basis in the European Union</b> .....	<b>35</b>
<b>VI. Actors involved in combating trafficking for labour exploitation     in Croatia</b> .....	<b>38</b>
<b>VII. Four cases of trafficking in persons for labour exploitation</b> ....	<b>40</b>
Case no. 1 .....	40
Case no. 2 .....	41
Case no. 3 .....	43
Case no. 4 .....	44
<b>VIII. Conclusions and recommendations</b> .....	<b>47</b>
<b>Annex I: Indicators for identifying human trafficking with special     emphasis on labour exploitation</b> .....	<b>51</b>
<b>Annex II: Relevant Croatian legislation</b> .....	<b>57</b>
<b>Annex III: International legislation</b> .....	<b>58</b>
<b>Bibliography</b> .....	<b>60</b>



# Foreword

The Croatian Minister of Justice, Dr Ivan Šimonović, in a speech in Brussels on the occasion of the European Anti-Trafficking Day 2009, mentioned that “human trafficking for labour exploitation is on a constant rise. It is, therefore, crucial to pay particular attention to discovering it in construction works and in agricultural jobs.”

His statement reflects the increased attention governments around the world pay to trafficking for the purpose of labour exploitation.

This publication summarizes the results of a four-month assessment on the trafficking situation in Croatia, with a particular focus on trafficking for labour exploitation. The assessment was conducted in the framework of a Dutch funded project *“Targeting niches in the anti-trafficking efforts: customised support for Croatia.”*

The complexity of the issue of labour exploitation partially stems from the lack of an explicit internationally agreed definition, the different understanding and normative frameworks within national systems, and the many shapes and forms trafficking for labour exploitation may take.

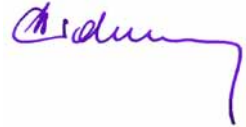
This assessment looks into the situation of trafficking for labour exploitation in Croatia. Despite the relatively low number of victims of trafficking for labour exploitation identified so far, the increase of such cases in Croatia is evident. The country’s accession to the European Union can be expected to lead to a further increase in labour migration into Croatia. This is in turn likely to increase the number of vulnerable persons, possibly subjected to conditions of labour exploitation.

An additional purpose of this assessment is to propose a set of indicators for the identification of potential victims of trafficking for labour exploitation. These are largely based on the indicators already developed by the ILO and UNODC, and are adapted to the specific situation

in Croatia. These indicators are mostly aimed at supporting labour inspectors, who often establish the first contact with potential victims.

Furthermore, we sought to provide relevant information for the Office for Human Rights in Croatia for the development of future initiatives, as well as for other interested policy makers intending to shape and implement future sustainable anti-trafficking policies in the country.

We hope that this assessment will draw further attention to the issue among all relevant actors in Croatia and stimulate further regional and international cooperation on the matter.



Peter Widermann  
ICMPD Director General

# Acknowledgments

The Project Team would like to thank the Dutch Ministry of Foreign Affairs for supporting the project financially and providing insightful comments on its implementation.

Special thanks goes to the Head of the Office for Human Rights and the other employees of the Office for their support throughout the assessment and their commitment to the goals of the project.

We would like to thank in particular the national experts from Croatia, who provided valuable information from their field of expertise and were always responsive to the needs of the research and project team throughout the assessment. Experts from the Ministry of Interior, Ministry of Justice, the Labour Inspection section of the State Inspectorate, the Ministry of Health and Social Protection, and the State Attorney Office have greatly contributed to the work of the project team.

These experts include: Maja Bukša, Meri Katunarić, Renata Kordić, Zlatko Koštić, Marina Kujundžić, Dubravka Lukovečki, Luka Mađerić, Lovorka Marinović, Marinka Orlić, Lidija Pentavec.

Authors: Selma Golubović Škec and Marijana Radeva Berket

National Legal Expert: Dr Snježana Vasiljević

Project Team: Marijana Radeva Berket, Jasmina Samardžić, Elisa Trossero

Translated by Vinka Komesar Rajković

The Croatian version was proofread by Alisa Kichl and the English one by Ellen Macoratti.



# I. Introduction

As shown by data from earlier years<sup>1</sup>, the Republic of Croatia was for a long time considered a transit country for trafficked persons. Victims of human trafficking, mostly young women from Eastern Europe were exploited in the countries of destination for forced prostitution. Their testimonies about how they became victims of trafficking were very similar. A life of deprivation and poverty, a desire for a better life, naïveté and lack of information about the risks of human trafficking made these people into slaves and made them face human cruelty and inhumanity. This trend remained evident for a number of years, but recently changes were noted with respect to the gender of victims, the type of exploitation and also to the source country.

As the data for the past three years show (2007, 2008 and 2009), Croatia is no longer just a transit country, but also a source and a destination country. The topic of this publication is an emerging phenomenon, which is important to emphasize – trafficking of human beings with the purpose of labour exploitation, i.e. forced labour. It is interesting to note that with this form of exploitation, in almost every case recorded in Croatia, the victims were male. What their lives were like before they became victims of trafficking, how they lived and what inhumane treatment they were subjected to is best depicted in their stories, some of which are presented as case studies in Section VII of this publication.

Trafficking for labour exploitation tends to be less visible than that for sexual exploitation. When we talk about labour exploitation at the global level, it is therefore difficult to assess how many people have actually become victims of forced labour in its various forms. Although

---

<sup>1</sup> Data on trafficking in persons have been systematically collected in the Republic of Croatia since 2002.

human trafficking for sexual exploitation is still the most prominent form of trafficking in a number of regions, forced labour has emerged as the second most prominent form of exploitation.<sup>2</sup>

In general, certain forms of exploitation are more prevalent in certain regions of the world. Sexual exploitation is thus more prevalent in Eastern and Western Europe, whereas in South-Eastern and Eastern Asia labour exploitation takes first place. In other parts of the world, such as the African continent, the division is not that clear.<sup>3</sup>

As there had been no publications which focus on human trafficking for labour exploitation in Croatia until now, and in view of the new trends and developments in Croatia and abroad, we hope that this assessment will become a kind of starting point for further research and monitoring of this phenomenon. Systematic monitoring of new trends in human trafficking is of great importance for Croatia, as it contributes to the identification of victims, successful prevention of human trafficking and also to maintaining and developing the system for assisting potential and actual victims of human trafficking, all in order to be able to respond to future challenges that ever more resourceful human traffickers place before us.

---

<sup>2</sup> Global Report on Trafficking in Persons, UNODC, 2009.

<sup>3</sup> Global Report on Trafficking in Persons, UNODC, 2009.

## II. Methodology

To conduct this assessment we used a combination of qualitative and quantitative research methods in order to assess the real situation in Croatia with respect to human trafficking, with a special emphasis on labour exploitation.

As **qualitative methods**, we used the survey of literature related to the topic of this assessment, a description of real-life cases of trafficking in persons for labour exploitation and data obtained through interviews with the representatives of competent institutions involved in the assessment.

As **quantitative methods** of research, we used questionnaires, which focused on statistical data and questions directed at institutions covered by this assessment because of their competences and mandate.

Due to the relatively small number of victims of human trafficking in Croatia, especially for the purpose of labour exploitation, we used the survey of literature on this topic as the basis for explaining this form of exploitation in order to familiarize our potential readers with this phenomenon.

The purpose of the assessment, besides establishing the current situation and trends Croatia with respect to trafficking in human beings with focus on labour exploitation, is to contribute to improved identification of victims of trafficking in persons, especially for labour exploitation. In order to contribute to this goal, it is important that all relevant institutions – governmental, non-governmental and international institutions involved in identifying potential and real victims of trafficking in persons – are familiarized with the types and the latest trends in the prevention of human trafficking. We hope that this publication will contribute to this objective.

# III. Trafficking in human beings and labour exploitation

## 3.1. Definitions of human trafficking and labour exploitation

---

By ratifying the UN *Convention Against Transnational Organized Crime* and the three protocols thereto, notably the *Protocol to Prevent, Suppress and Punish Trafficking in Persons<sup>4</sup>, Especially Women and Children* and the *Protocol against the Smuggling of Migrants by Land, Sea and Air*, the Republic of Croatia committed itself to adhere to the provisions of that Convention and its supplementing Protocols.

Article 3 of the above mentioned *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (hereinafter: the Palermo Protocol) gives a definition of trafficking in persons:

*“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”*

The whole text of the Protocol is focused on several important insights, and the state parties’ attention is drawn to these aspects. They are the following:

---

<sup>4</sup> UN Convention Against Transnational Organized Crime, 2000.

- Trafficking in persons is serious crime that violates the personal integrity of the victim, with an emphasis on exploitation through coercion and/or deception;
- The scope of activities that are considered a part of the process of human trafficking is expanded to include recruitment, transportation, transfer, harbouring or receipt of persons;
- A broad range of ways to put pressure on the victim to consent is emphasized – from blatant use of force to more subtle ways to capitalize on the person’s vulnerability;
- Consent of the victim to exploitation is considered irrelevant, if such consent was achieved by using any of the methods mentioned in the definition;
- It is recognized that men can also be victims of human trafficking, although the Protocol places the emphasis on women and children;
- Other forms of exploitation – not just sexual exploitation – resulting from human trafficking are recognized;
- It contains measures aimed at prevention of human trafficking, protection, care, return and reintegration of victims of trafficking, based on rights and social protection, economy, policies and law; furthermore, it includes measures aimed at punishing the traffickers and their facilitators;
- It emphasizes the need for international cooperation in the prevention and combating of trafficking in human beings.<sup>5</sup>

Although the definition of trafficking in persons contained in the Protocol leads to the conclusion that labour exploitation is one of the forms of human trafficking, there is a need to additionally explain the term of labour exploitation in order to clarify whether labour exploitation and forced labour are the same terms and to what extent they are represented within the phenomenon of human trafficking.

The literature does not provide us with many definitions of labour exploitation as a term; definitions relating to forced labour are more

---

<sup>5</sup> Trafficking for Forced Labour: How to Monitor the Recruitment of Migrant Workers, ILO, 2005.

common. One of the most frequently quoted and used definitions is the one from the *ILO Forced Labour Convention 1930 (No. 29)*:

*“Forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” (Article 2/1)*

This definition covers two elements: the work being performed under the menace of penalty and its non-voluntary character. In this sense, the penalty does not necessarily mean “criminal sanction”; it can mean loss of rights or privileges and other forms of punishment. But it undoubtedly involves physical violence and restraint, and often also death threats addressed to the victims of labour exploitation and their family members.<sup>6</sup> Punishment may also be psychological, such as threats to denounce the person to the police, which provokes fear of deportation among foreigners who are illegally staying and working in the country.

In order for a situation of forced labour to be identified as such, it is necessary that several elements or ‘indicators’ coincide. Based on many years of experience, the supervisory bodies of the International Labour Organisation identified several components that – individually or combined – may be indicative of forced labour:

- Threats of violence or real physical violence against the worker;
- Restrictions of movement and restriction of the working place to a limited area;
- Debt bondage;
- Non-payment of salary or significant reduction in the salary, which breaches previous agreement;
- Withholding the passport or identification documents, so that the worker cannot leave or prove his/her own identity and status;
- Threat of denouncing the illegal worker to the authorities, with the aim of forcing the person to perform involuntary work or services.<sup>7</sup>

The term “voluntary” normally refers to the fact that the person gave his/her consent. The initial consent of the person shall not be considered

---

<sup>6</sup> Trafficking for Labour and Sexual Exploitation in Germany, ILO, 2005.

<sup>7</sup> A Global Alliance Against Forced Labour, ILO, 2005.

relevant if the consent was achieved through fraud or deception. There are several other aspects to be considered with respect to the consent of the person: the role of external constraints and obstacles or indirect coercion and the possibility of revoking initial freely given consent.

The main determinant of forced labour is the relationship between a person (employee) and an “employer”, and not the type of work or activity, however hard or hazardous the conditions of work may be.

Women forced into prostitution are also in a forced labour situation because of the involuntary nature of the work and the menace under which they are working. Children or adult beggars under coercion will also be considered victims of labour exploitation. It is important to note that not every form of child labour is considered forced labour. It will be identified as forced labour if the children or their parents are forced by a third party to work or if the child's work results directly from the forced labour carried out by the parents.<sup>8</sup>

The Council Framework Decision on combating trafficking in human beings of 19 July 2002 (2002/629/JHA) also gives a definition of labour exploitation, and according to this definition, labour exploitation covers a spectrum that includes at least forced or compulsory labour and ranges all the way to slavery as the most severe form of this situation. This definition is in line with the one contained in the Palermo protocol.

Forced labour is often referred to as a new form of slavery, but it is the concept of ownership that differentiates this term from slavery in its traditional form. Traditional slavery implies that the owner (the boss) owns the slave, whereas forced labour entails the use of force and restriction or deprivation of freedom. Slavery is just one of the forms of forced labour, and it implies absolute control of one person over another person or a group of persons.

In order to better understand the phenomenon of forced labour, we have to differentiate it from the situation of human trafficking, with which it is often fully equated. The two concepts overlap substantially; yet are not to be discussed interchangeably.

Forced labour is closely connected to human trafficking, but it is not always identical with it. Whereas most trafficked persons mostly end up in a forced

---

<sup>8</sup> Forced Labour and Human Trafficking: Estimating the Profits, ILO, 2005.

labour situation, victims of forced labour do not always become victims as a result of human trafficking. A case in point would be forced labour in a prison camp. Also, one has to note the difference between those persons who, due to economic circumstances, are forced to accept substandard conditions of work, simply because they do not have an alternative (exploitation or abuse or their economic vulnerability, but not necessarily forced labour), and those who are under real coercion by third persons to concede to some work against their will.<sup>9</sup> As different interpretations of these statements co-exist, it is important that every situation of forced labour or trafficking is resolved on a case-by-case basis, in order to avoid harmful generalizations.

Since the world has a need for cheap products that would be available to almost everybody, there is also demand for cheap labour in order to maximize profits. Cheap labour is needed in almost all industries where there is such demand, and it is obvious that it is primarily the most vulnerable groups that form this cheap labour force, and they are the ones who suffer most damage under such working conditions.

Women and children certainly also belong to these most vulnerable groups, and trafficking in children in all its forms, especially with the purpose of their sexual exploitation, begging and drug dealing is a severe form of forced labour and a violation of the rights of the child.

It is estimated that there are about 2.45 million victims of human trafficking for the purpose of labour exploitation. This means that around 20 percent of victims of all forms of forced labour are at the same time victims of human trafficking.<sup>10</sup>

In Croatia, when the topic of labour exploitation is raised, one mostly refers to victims of human trafficking with the purpose of labour exploitation. However, forced labour is perhaps a more appropriate term than labour exploitation in the context of human trafficking, since the definition of forced labour includes the element of coercion, i.e. involuntary or compulsory work, and the element of coercion is also contained in the definition of human trafficking from the Palermo Protocol. On the other hand, labour exploitation does not have to mean forced labour, or in other words not all

---

<sup>9</sup> 010 Workshop: Supply Management, Eliminating the Risks of Forced Labour and Trafficking, 2008.

<sup>10</sup> A Global Alliance Against Forced Labour, ILO, 2005.



bad working conditions that an individual concedes to can be characterized as forced labour. Often, the difference between these two terms depends on the language in which they are used, and on which term is more commonly used or how they are interpreted in relevant legislations of different states. As a conclusion, one can say that forced labour is a broader term than labour exploitation, because labour exploitation is just one of the elements of forced labour. In addition, trafficking in human beings for labour exploitation is also a sub-category of the concept of forced labour.

### **3.2. Current situation in Croatia with respect to human trafficking, with an emphasis on labour exploitation**

---

The phenomenon of human trafficking has been systematically monitored in Croatia since 2002. Since then, there are official statistics and indicators about the extent of human trafficking in Croatia. Naturally, this does not mean that there was no human trafficking prior to 2002.

According to data gathered, we can differentiate between two stages. In the first stage, which more or less covers the first half of the 1990s, human trafficking was concentrated in Zagreb and its surroundings. The main route probably went from Hungary to Zagreb. Trafficked women were mostly employed in night clubs and bars in the city outskirts. A series of police raids in 1996 and 1997 put an end to this stage. In the second stage, human trafficking became more extensive, and the “Hungarian connection” was replaced by several routes from Bosnia and Herzegovina. Human trafficking spread out to tourist towns and places frequented by military personnel.<sup>11</sup>

At the beginning, Croatia was considered a transit country for trafficked persons. However, as the years went by, the trends changed significantly, and Croatia has also become a country of origin, which was indicated by an increased number of victims of trafficking who were Croatian citizens, and a destination country, probably due to development of tourism and the

---

<sup>11</sup> Štulhofer et al., «Trgovanje ženama i djecom u svrhu seksualnog iskorištavanja» (Trafficking in Women and Children with the Purpose of Sexual Exploitation), 2002.

need for seasonal employment of workers. Some newspaper articles mention the phenomenon of sex tourism along the Adriatic coast and, in particular, elite prostitution on luxury yachts. The issue that remains open in this context is how many unidentified victims of human trafficking are involved in sex tourism, and here is where the problem of dark numbers and victim identification appears.

In the past several years, changes have been noted with respect to trends in human trafficking – in regard to the victims' citizenship, gender and forms of exploitation. In the initial stages of monitoring human trafficking, most frequent victims were women from South-Eastern Europe, trafficked for the purpose of sexual exploitation. They were most often women between 18 and 30 years of age, of low education, having only completed primary school or who dropped out of the secondary school. A relatively small number came from urban areas in their countries of origin. Mainly they came from poor, rural areas. The ways of their recruitment were also somewhat different than in more recent years. The most common ways that the traffickers used to recruit their victims were newspaper ads. They would offer low-skilled jobs with the promise of good working conditions and a good salary. The jobs offered primarily included waitressing, dancing, modelling and babysitting.

In 2007, 2008, and 2009<sup>12</sup>, the number of Croatian citizens, registered as victims of human trafficking, increased. As nearly every registered case of labour exploitation involved male victims, it was necessary to adapt assistance and protection programmes as well as reintegration programmes for the specific needs of men.

In almost all cases, the victims were persons with low intellectual ability who became an easy target of traffickers due to their gullibility and submissiveness. All men identified as victims of trafficking were trafficked for the purpose of labour exploitation. Besides men, two women were subjected to labour exploitation as well. Victims were mostly exploited in agriculture, and used for begging and pick-pocketing. Two cases were noted

---

<sup>12</sup> For an overview of the trafficking situation in the Republic of Croatia, we used data from the Ministry of Interior for the period 2007-2009.

where victims were exploited in the car services industry, that is at a mechanic's and a car paint shop. Persons who became victims were recruited by traffickers whom they knew from earlier and even considered them friends; and in one case a person was sold by his own father, who "rented him out" several times.

Besides the adults who became victims of human trafficking, it is important to consider minors who found themselves in this situation. The numbers are not large, but they are certainly not to be neglected if we know that – mostly due to their age – children are especially vulnerable to exploitation and abuse resulting from human trafficking, and the consequences to their physical and mental health are more pernicious and longer-lasting. Two cases were recorded in 2007 and 2009.<sup>13</sup> In both cases, victims were citizens of Bosnia and Herzegovina, and they were exploited sexually. We have to be aware how important it is in such cases to react without delay and to make it possible for the victims to receive adequate professional assistance and care in order to mitigate the consequences to their mental and physical health.

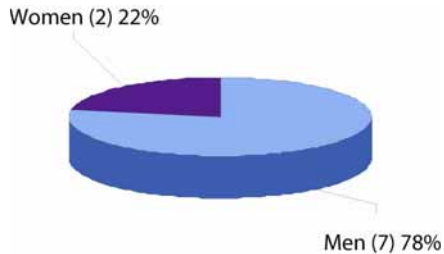
Another group of persons exceptionally vulnerable to exploitation, frequently represented among trafficked persons in Croatia, are members of the Roma ethnic minority, whose number has increased somewhat in the past years when compared to the total number of victims of human trafficking. Their way of life, tradition, culture and customs of living often lead them to a situation that could fall under the definition of human trafficking. In view of everything mentioned above, identifying victims of human trafficking among the Roma population is a sensitive issue. Despite assistance and protection programs being initiated for them as victims of trafficking, there is a high probability that most of them will return to their old way of life and thus be repeatedly exposed to the risk of re-victimization.

The data that follows has been provided mostly by the Ministry of Interior of the Republic of Croatia.

---

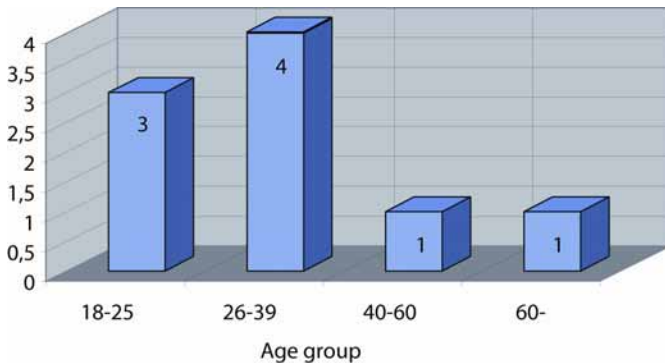
<sup>13</sup> Data on underage victims of human trafficking are based on statistics received from the Ministry of Health and Social Welfare and the Ministry of Interior for the period 2007-2009.

**Figure 1:** Number of victims of labour exploitation by gender, 2007-2009



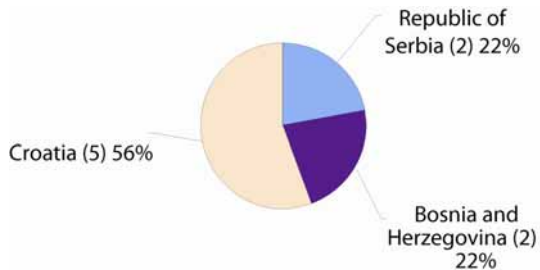
Source: Data from the Ministry of Interior

**Figure 2:** Number of victims of labour exploitation by age



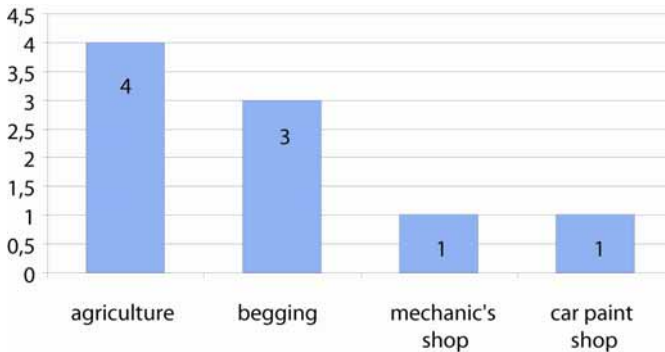
Source: Data from the Ministry of Interior

**Figure 3:** Number of victims of labour exploitation by citizenship



Source: Data from the Ministry of Interior

**Figure 4:** *Areas of exploitation*



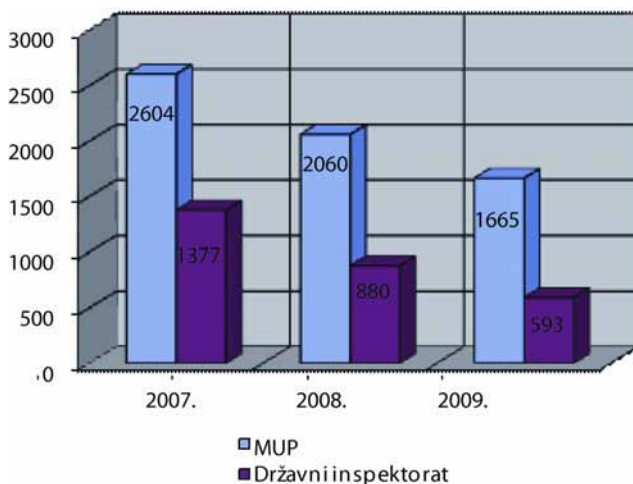
Source: *Data from the Ministry of Interior*

One of the frequent phenomena in Croatia is (unreported) illegal employment. A difficult economic situation is reflected in the labour market, so it has become increasingly problematic to find employment, even for individuals with higher education. Workers may thus find themselves in a situation of deprivation and poverty, where they do not have the possibility to choose where and under what conditions they will work, but accept any offer of employment in order to earn money and improve at least slightly their living standard. Yet by accepting illegal employment workers not only give up the benefits that would result from a valid employment contract, but they are also exposed to greater risk of labour exploitation and to the possibility of becoming victims of human trafficking with the purpose of labour exploitation. Among the most vulnerable groups are foreign workers who work illegally and, in most cases, are even staying in Croatia illegally. If they were to find themselves in a situation of exploitation, they would find it more difficult to turn to competent institutions for help, often for the fear of being deported. Deportation would mean losing the possibility to return to Croatia and find employment again and thus losing almost entirely the possibility to earn an income.

It is important that the institutions that supervise labour conditions, primarily the Labour Inspection of the State Inspectorate, become aware and adequately trained in the field of prevention and combating of human trafficking and that they establish and improve cooperation with other bodies in Croatia that are active in identifying victims of human trafficking, such as the Ministry of Interior.

Data gathered for the needs of this assessment included data on foreigners and Croatian citizens detected in illegal employment in Croatia. These data are gathered by two institutions – the State Inspectorate, in the cases of both foreigners and citizens of Croatia, and the Croatian Ministry of Interior, just for foreign citizens. When we consider data on foreign citizens gathered by both of these institutions, it becomes evident that the numbers indicated by the State Inspectorate are much lower than the numbers provided by the Ministry of Interior. While in 2007 the State Inspectorate indicated almost 53% of the cases given also by the Mol, in 2009 the relation between the numbers collected by the two institutions fell to only 35,6%. Taking into consideration the different mandates the two institutions have with regard to identifying illegal work done by foreigners, it is imperative that the two authorities work closely with each other in order to harmonize their approaches and data.

**Figure 5:** *Number of foreigners detected in illegal employment in the Republic of Croatia*



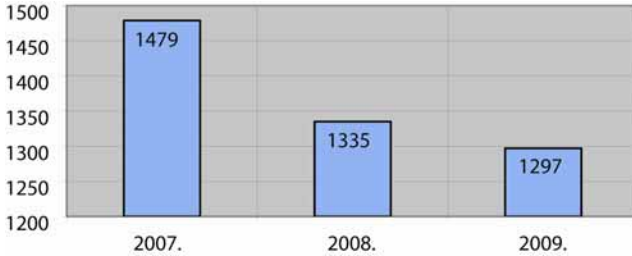
MUP – Mol; Državni inspektorat – State Inspectorate

Source: *Data provided by the Ministry of Interior and by the State Inspectorate.*

An interesting point for reflection is the comparison between the number of foreigners found in conditions of illegal employment, and

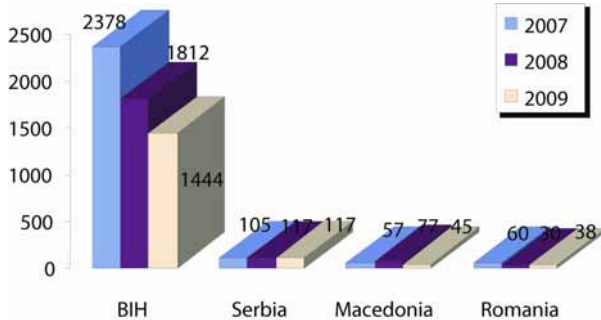
the quotas<sup>14</sup> provided by the Croatian government each year for the employment of foreigners. Although such an analysis goes beyond the scope of the current assessment, a future study on the matter could provide useful insights into the policy for employment of foreign workers designed by the Croatian government.

**Figure 6:** Number of Croatian citizens detected in illegal employment in Croatia



This refers to Croatians working illegally according to national labour laws (i.e. working without a contract, being paid under the table without social contributions being paid, etc.)

**Figure 7:** Foreigners detected in illegal employment in Croatia, by citizenship<sup>15</sup>



Source: Data provided by the Ministry of Interior

<sup>14</sup> Every year, the Croatian government determines quotas for the employment of foreigners in each sector and industry where such employment is considered needed. For reference, see the Decision (Odluka) on the quotas (2007, 2008 and 2009).

<sup>15</sup> The mentioned groups include the four most numerous groups of foreign citizens. Other citizenships that appear in the statistics include citizens of Bulgaria, Turkey, Kosovo and Montenegro.

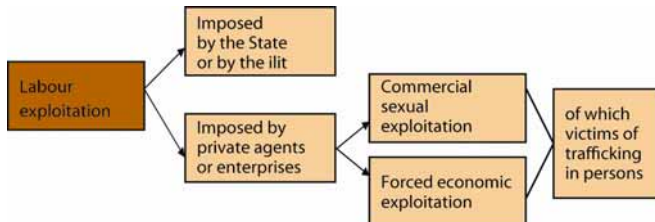
It is evident that Bosnian citizens caught in illegal employment are by far the most numerous group of foreigners. Given the historically close relations between Croatia and Bosnia and Herzegovina, such data might not be surprising, but it nevertheless provides grounds for revision of policies and strengthening bilateral cooperation on the matter.

### 3.3. Typology of labour exploitation

Although labour exploitation in Croatia is most frequently found in farming and animal husbandry, international literature on this topic offers several categorizations. In broadest terms, forced labour can be divided into three main types<sup>16</sup>:

- **Forced labour imposed by the State or the military** – this includes the following subcategories: forced labour exacted by the military or rebel groups, compulsory participation in public works and forced prison labour.
- **Forced labour imposed by private agents for commercial sexual exploitation** – includes women and men who have involuntarily entered prostitution or other forms of activities, or who have entered prostitution voluntarily but who cannot leave. It also includes children who are forced into prostitution.
- **Forced labour imposed by private agents for economic exploitation** – comprises all forms of forced labour other than for commercial sexual exploitation, such as forced labour in agriculture, industry and services, and also in some illegal activities.

**Figure 8:** “A typology of labour exploitation”



Source: *Global Report, ILO, 2005*

<sup>16</sup> The First Global report, ILO, 2005.



This categorization is relatively broad and we have to take into account the division into persons who are victims of human trafficking with the purpose of labour exploitation and those who are not victims of human trafficking.

Whereas in Croatia the cases of labour exploitation were mostly detected in the agricultural sector, in several small businesses and for the purpose of begging, there are several most frequent forms of labour exploitation identified worldwide. According to the *U.S. State Department TIP Report*<sup>17</sup>, they are the following:

- **Bonded labour** – one form of coercion, where a bond or debt is used to keep a person under subjugation. The UN TIP Protocol includes it as a form of trafficking-related labour exploitation. Workers around the world fall victim to debt bondage when traffickers exploit an initial debt the worker assumed as part of the terms of employment.
- **Debt bondage among migrant labourers** – there are three potential contributing factors:
  - a) abuse of contracts;
  - b) inadequate local laws governing the recruitment and employment of migrant labourers;
  - c) intentional imposition of exploitative and often illegal costs and debts on these labourers in the source country, often with the support of labour agencies and employers in the destination country.

Abuses of contracts and hazardous conditions of employment do not in themselves constitute involuntary servitude, but the use or threat of physical force or restraint to keep a person working may convert a situation into one of forced labour.

While the accrued or imposed costs alone do not constitute debt bondage, when they become excessive and involve exploitation by unscrupulous employers in the destination country, they can lead to involuntary servitude.

- **Involuntary domestic servitude** – a unique form of forced labour, where the worker's workplace is informal, connected to their off-duty living quarters, and not often shared with other workers. Such an

---

<sup>17</sup> Trafficking in Persons Report, Department of State, 2009.

environment is conducive to exploitation since authorities cannot inspect private property as easily as they can inspect formal workplaces. Without protections, foreign domestic workers may have fewer options for seeking help when faced with their employer's threat of or use of force.

- **Forced child labour** – indicators of possible forced labour of a child include situations in which the child appears to be in the custody of a non-family member who has the child perform work that financially benefits someone outside the child's family and does not offer the child the option of leaving.
- **Child soldiers** – is a unique manifestation of trafficking in persons that involves the unlawful recruitment of children – often through force, fraud or coercion – for labour or sexual exploitation in conflict areas. Perpetrators may be government forces, paramilitary organisations or rebel groups. Many children are used as combatants, whereas others are made to work unlawfully as porters, cooks, guards, servants, messengers or spies. Girls are often forced to marry or have sexual intercourse with male combatants.

It is also important to consider the profits gained through forced labour, in all its forms. These are the estimates by the *International Labour Organization*:

- Profits from all forms of forced labour – profits made with approximately 9.8 million forced labourers amount to US \$ 44.3 billion per year, which represents roughly US \$ 4,500 per victim per year;
- Profits from all trafficked forced labourers – profit made with the world's 2.5 million forced labourers who have been trafficked amounts to US \$ 31.6 billion per year, which represents an annual average of US \$ 13,000 per victim.<sup>18</sup>

Taking into account everything mentioned above, one can conclude that trafficking in persons with the purpose of sexual exploitation is still the most frequently identified form of exploitation. However, in view of the excessively large profits connected to forced labour, one should by no means neglect this form of exploitation of trafficked persons.

---

<sup>18</sup> Forced Labour and Human Trafficking: Estimating the Profits, ILO, 2005.

There are several reasons why trafficking for sexual exploitation is more “prominent” (or tends to be investigated more often). According to the UNODC Global Report on Trafficking in Persons<sup>19</sup>, there are three main challenges related to detection of forced labour.

The first issue is regarding legislation. In 2008, the Penal Codes of most countries included in this report had a trafficking in persons offence in place that included the criminalization of trafficking for forced labour. Yet, this is only a recent development. For instance, in the period from 2005 to 2008<sup>20</sup>, ten European countries expanded their definition of trafficking in persons to include forced labour.

The second issue is that law enforcement agencies, as well as the general public often view trafficking in persons only in the context of sexual exploitation.

The third issue is the “visibility bias”. Prostitution (whether forced or voluntary) involves the general public because, in most cases, it is visible – taking place in streets, bars or public spaces in urban areas – to attract potential clients. Conversely, forced labour often takes place in hidden locations, such as agricultural fields, camps and factories or within the closed environment of a house in the case of domestic servitude. As a consequence, the detection of victims of trafficking for forced labour is less probable than the identification of victims of trafficking for forced prostitution.

---

<sup>19</sup> Global Report on Trafficking in Persons, UNODC, 2009.

<sup>20</sup> UNODC Global report, p. 51.

## IV. Legislative basis in Croatia

Croatia has undertaken a number of activities, both at the legislative and the operational level, to improve and expand its capacity to fight human trafficking.

In the framework of its activities to combat trafficking in human beings, Croatia ratified the UN Convention against Transnational Organized Crime and the three Protocols thereto, notably the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* and the *Protocol against the Smuggling of Migrants by Land, Sea and Air*. By developing the National Anti-Trafficking Referral Mechanism and by strengthening its international cooperation, the Government of Croatia initiated the development of a comprehensive system for combating these criminal offences, so that the year 2002 saw the establishment of the National Committee for Combating Trafficking in Human Beings and the adoption of the first National Plan for Combating Trafficking in Human Beings. Now every two to three years, a **“National Plan for Combating Trafficking in Human Beings”** is adopted. The latest one is the Action Plan for the period 2009 – 2011. In addition, a National Programme is adopted for each of the periods covered by the National Action Plan, containing operative activities for every year. Thus the Government of Croatia has created a solid framework for its anti-trafficking activities.

Furthermore, the amendments of the Criminal Act (2004) introduced a separate criminal offence of “Trafficking in Human Beings and Slavery”, thus creating a solid legal framework for the prosecution of perpetrators of the criminal offence of human trafficking and for providing adequate assistance and protection to victims of trafficking. In order to inform the public about these problems, the National Committee for Combating

Trafficking in Human Beings, in cooperation with the International Organization for Migration conducted a broad public campaign and launched an SOS hotline. A mobile team of experts was established for assistance and protection of victims, providing care and accommodation to the victims in the reception centres/shelters. The former Ministry of Labour and Social Welfare monitored the implementation of the three year Programme for the Protection of Victims of Human Trafficking for Sexual Exploitation, and several NGOs also became involved in anti-trafficking (Zagreb Centre for Women Victims of War – Centre for Women Rosa, Karlovac women's group "Korak" etc.). A shelter was established in July 2003, within the scope of responsibility of the former Ministry of Labour and Social Welfare, and three reception centres were established in various regions of Croatia.

The national bodies established by Croatia to combat trafficking in human beings include: *National Committee for Combating Trafficking in Human Beings*, *the Operative Team of the National Committee for Combating Trafficking in Human Beings*, and mobile teams, which include members from both government bodies and non-government organizations, thus establishing partnership between state authorities and civil society organizations. The anti-trafficking system in the Republic of Croatia places the rights of victims in the centre of attention. A victim of trafficking may obtain a temporary residence permit for the period of one year, with the possibility to extend it for another year, regardless of their cooperation or non-cooperation with the judicial or police authorities. Article 175, Paragraph 4 of the Criminal Act prescribes punishment for anyone who takes advantage of the services of persons that they know or should have known are victims of human trafficking.

In order to be as efficient as possible in providing assistance and protection to victims of human trafficking and in ensuring their physical integrity in the Republic of Croatia, there are two shelters for victims of human trafficking – one for adults and one for minor victims of trafficking. Victims are entitled to free medical care. Through the amendments of the Social Welfare Act (NN, 79/07), victims of human trafficking were included in the category of beneficiaries of social welfare benefits, and they are thus entitled to the benefits provided by this law and financed from the state budget.

The issue of labour exploitation is closely connected with the phenomenon of labour migration. A report from November 2009 on labour migration from the Western Balkans states:

“Unlike other Western Balkan countries, Croatia is gradually turning from a purely emigration into an immigration and emigration country (see Chapter 2). Given Croatia’s well advanced progress towards EU accession, its political stabilization and economic growth, the country attracts increasing numbers of immigrants, especially from neighbouring countries. As this situation is still relatively new, it brings with it a number of challenges concerning the country’s migration policy, such as the management of labour inflows in accordance with labour market needs and the evolving and growing labour demand of a growing economy which calls for skills that cannot be fully satisfied locally, labour outflows, especially of skilled labour, and the combat of irregular migration and human trafficking.”<sup>21</sup>

A number of international documents condemn forced labour and labour exploitation. A short (non-exhaustive) list of the most important documents is provided at the end of this publication.

In the Croatian legislation trafficking in human beings, including trafficking for labour exploitation, is specifically defined already in paragraph 1 of Article 175 of the Criminal law (110/97, 27/98-ispr., 50/00, 129/00, 51/01, 111/03, 105/04, 84/05, 71/06, 110/07 & 152/08): *Trafficking in human beings and slavery*. Croatia prohibits trafficking for sexual and labour exploitation through Article 175. Prescribed penalties for all forms of trafficking are one to ten years imprisonment; penalties are sufficiently stringent and are commensurate with those for rape. The definition of “trafficking in human beings” in Article 175 is mostly based on the definition contained in Article 3 of the Palermo Protocol (see above) and is completely in line with the provisions of the Council Framework Decision of 19 July 2002 on combating trafficking in human beings<sup>22</sup> (see page 35). In addition, Art. 175 paragraph 2 of the Criminal Law prescribes a stricter minimum punishment in case of trafficking in children and minors: “Whoever, infringing the rules of

---

<sup>21</sup> Labour Migration Patterns, Policies and Migration Propensity in the Western Balkans. Marek Kupiszewski, Anna Kicinger, Dorota Kupiszewska, Frederik Hendrik Flinterman. The Central European Forum For Migration And Population Research (Cefmr). Editor: *Marek Kupiszewski*, English Language Editor: *Ilse Pinto-Dobernig*; November 2009

<sup>22</sup> Combating trafficking in human beings. Luka Mađerić, Hrvatska Pravna Revija 10/08, Part 5

international law, buys, sells, delivers to another person or mediates in the buying, selling or delivering a child or a minor for reasons of adoption, transplantation of organs, exploitation of the minor's work or for some other unlawful purpose, shall be punished by imprisonment of at least five years." Similar logic is followed in Art. 178, Paragraph 1 of the Criminal Law, which prohibits and sanctions international prostitution with imprisonment from three months to three years and from three months to five years if an element of coercion is involved (paragraph 2), whereas paragraph 3 prescribes a stricter sanction, ranging from one to ten years of imprisonment, if the criminal offense was committed against a child or a minor. Thus until now trafficking in human beings (Art. 175) and international prostitution (Art. 178) have been treated as separate offences. There are indications from the Ministry of Interior of Croatia that, with the amendments of the Criminal Law planned for the end of 2010, this differentiation will be taken away, thus making any offence of international prostitution a case of trafficking in human beings.<sup>23</sup> This change will in turn probably increase the number of identified "trafficked persons" but will cast a doubt on the real number of trafficking cases.

Special provisions on minors are also contained in Article 213 of the Criminal Law: *Neglect and Maltreatment of a Child or a Juvenile*. Article 213, Paragraph 1 of the Criminal Law prescribes that a parent, adopter, guardian or another person who severely neglects his duties in maintaining or educating a child or a juvenile shall be punished by imprisonment for three months to three years. The same punishment is prescribed in cases when a parent, adopter, guardian or another person who maltreats a child or a juvenile or forces him to work in a way that is unsuitable for his age, to work excessively or to beg or who induced him for personal gain to behave in a manner which is harmful to his development. Aggravating circumstances of this offense are taken into consideration if such conduct has inflicted serious bodily injury to a child or a juvenile, or if his health is severely impaired, or a child or a juvenile engages in begging, prostitution or other forms of asocial behaviour or delinquency. Under these circumstances imprisonment is foreseen for a period of three months to

---

<sup>23</sup> Shared during informal conversations with representatives of the Croatian Ministry of Interior, June 2010.

cumstances imprisonment is foreseen for a period of three months to five years.

A new Criminal Act is currently being drafted and is expected to be presented in the Croatian parliament for discussion by the end of 2010. It remains to be seen if there will be any further changes concerning the provision on trafficking in human beings.

Labour exploitation in a more traditional sense is covered by Article 114 of the Criminal Act – Violation of the Right to Work and Other Labour-Related Rights. Coercion is covered by Article 128 of the Criminal Act, and it can be concurrent with another criminal offense.

The Croatian Labour Act (NN, 149/09) stipulates what are the rightful conditions for employment, thus excluding possibilities for labour exploitation (Article 5):

- (1) The employer shall assign the worker a job and pay him or her for the work carried out, whereas the worker shall perform personally the job assigned, following the employer's instructions given according to the nature and type of work.
- (2) The employer has the right to specify the location and manner for carrying out the work, while respecting the rights and dignity of the worker.
- (3) The employer shall provide the worker with safe working conditions in accordance with a special law and other regulations.
- (4) Direct or indirect discrimination with respect to employment and employment conditions shall be prohibited, including with respect to criteria for the selection of candidates for employment, promotion, access to professional orientation, occupational training, further training and retraining, in accordance with special laws.
- (5) The employer shall be obliged to protect the dignity of the worker during the performance of his/her job with respect to his/her treatment by superiors, co-workers and persons with whom the worker regularly has contact in the performance of his/her duties, if such treatment is undesirable and represents a breach of special laws.

The new labour law (NN, 149/09) was adopted in December 2009 and entered into force on 1 January 2010. It also contains provisions on the pro-



tection of worker's dignity (Article 130), and on the prohibition of discrimination on the basis of the provisions of the Constitution of the Republic of Croatia, the Anti-Discrimination Act (NN 85/09) and the Gender Equality Act (NN 82/09). Articles 17-20 stipulate provisions for work done by minors.

Apart from the provisions on penalizing traffickers in human beings in general, the Criminal code in Croatia does not contain specific provisions on penalizing persons who exploit others for the purpose of labour exploitation.

**The National Policy for the Promotion of Gender Equality 2006-2010** introduced special measures for promoting gender equality, among which measures for combating trafficking in human beings are also available, many of which have by now been implemented. These include, among others:

(Chapter 5. Violence against women):

5.2.9. Public campaigns will be conducted with the aim of informing the community and raising public awareness of the phenomenon, problems and ways of prevention of trafficking in human beings and prostitution.

Implementing entities: Office for Human Rights, in cooperation with NGOs. Time frame for implementation: 2006–2010

Trafficking in human beings is a special topic also in the **National Programme for the Protection and Promotion of Human Rights 2008 - 2011. More specifically, the document stipulates the following<sup>24</sup>:**

**115. Objective: Develop and build upon co-operation between state administration bodies and non-governmental organisations in the field of combating trafficking in persons**

115.1. Measure: Prepare and sign the Memorandum of Understanding between the Government's Office for Human Rights and non-governmental organisations engaged in combating trafficking in persons.

Implementing agency: Governmental Office for Human Rights. Deadline: 2008.

**116. Objective: Increase efficiency in the prosecution of traffickers**

---

<sup>24</sup> Trafficking in human beings is a special topic also in the National Programme for the Protection and Promotion of Human Rights 2008- 2011, Pg. 88

116.1. Measure: Organise seminars and workshops for judges and public prosecutors on the criminal offence under Article 175 of the Criminal Code ("Trafficking in Persons and Slavery")

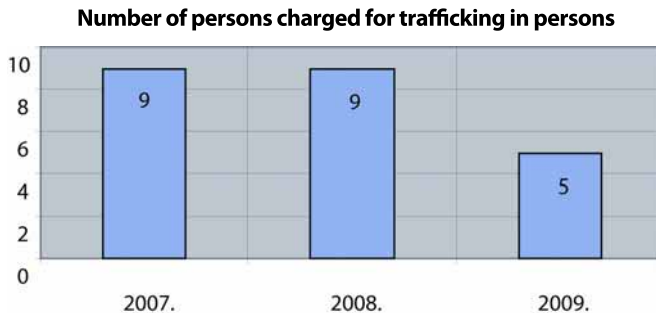
Implementing Agency: Ministry of Justice, Judicial Academy. Deadline: 2008-2011.

**117. Objective: Raise awareness of the youth of the phenomenon of trafficking in persons**

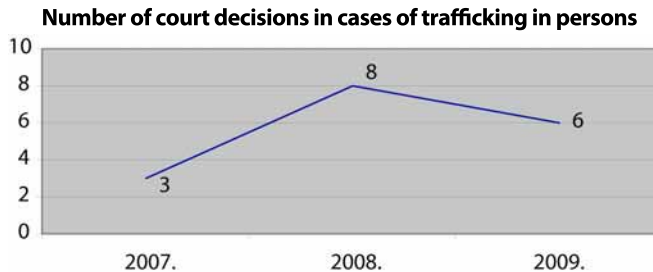
117.1. Measure: Organise seminars for pupils and students on trafficking in persons

Implementing agency: Ministry of Science, Education and Sports. Deadline: 2008-2011.

The following data on court decisions issued in the last three years for criminal offenses of trafficking in human beings were provided by the Governmental Office for Human Rights of the Republic of Croatia. The number of persons charged for trafficking in human beings has decreased noticeably.

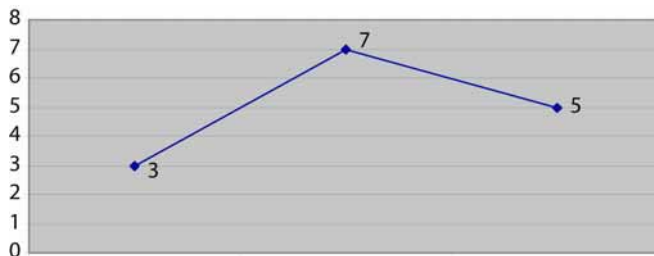


Source: Office for Human Rights



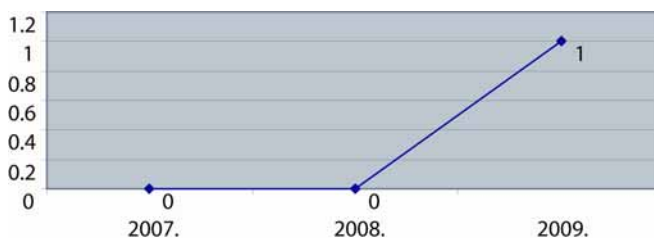
Source: Office for Human Rights

**Number of convictions for trafficking in persons**



Source: *Office for Human Rights*

**Number of acquittals**



Source: *Office for Human Rights*

At the international level, it is the Forced Labour Convention, C29, which provides the most widely used definition of forced labour (see pg. 13 of this assessment.)

Croatia has ratified the following international conventions:

- C29 Forced Labour Convention, 1930
- C105 Abolition of Forced Labour Convention, 1957
- C182 Worst Forms of Child Labour Convention, 1999
- Council of Europe Convention on Action against Trafficking in Human Beings (CETS 197).

## V. Legislative basis in the European Union

Starting in 2007, on 18 October every year, the European Union celebrates an Anti-Trafficking Day. The day is an opportunity for awareness-raising exercises on the need for better policy aimed at preventing and combating trafficking in human beings. The first Anti-Trafficking Day had the motto "Time for action", to underline the need for more effective initiatives.

Victims' identification and assistance was the priority for 2007 and for the first Anti-Trafficking Day. In particular, the European Commission presented "Recommendations on the identification and referral to services of victims of trafficking in human beings". The recommendations call for the establishment of a national mechanism aimed at early identification and assistance to victims, based on close cooperation between governments and civil society organisations. The Council conclusions adopted by the JHA Council on 8-9 November 2007 take note of the Recommendations.

The **Council Framework Decision of 19 July 2002 on combating trafficking in human beings** (2002/629/JHA - OJ 2002/L 203/1, 1.8.2002) provides measures aimed at ensuring approximation of national penal legislation concerning the definition of offences, penalties, jurisdiction and prosecution, protection and assistance to victims. This Framework decision is a milestone document, in that

"it almost entirely includes the comprehensive definition of trafficking in persons from the Palermo Protocol, and thus draws attention at the EU level to other forms of victim exploitation besides sexual exploitation."<sup>25</sup>

The new Framework Decision, proposed in November 2009, again follows the definition contained in Article 3 of the Palermo Protocol and "observes

---

<sup>25</sup> Combating trafficking in human beings. Luka Mađerić, Hrvatska Pravna Revija 10/08, Part 3.

the principles recognised in particular by the Charter of Fundamental Rights of the European Union<sup>26</sup>. Article 5 of the Charter explicitly states:

Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.
3. Trafficking in human beings is prohibited.

This text builds upon Article 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which prohibits slavery and forced labour.

This Framework Decision will be replaced later in 2010 by a Directive of the European Parliament and the Council<sup>27</sup>. It is interesting to note that the draft directive as tabled by the European Commission makes it explicit that forced begging is to be regarded as a form of forced labour. This would also apply to “exploitation of criminal activities”, to be understood as coercing a person to engage in pick-pocketing, shop-lifting or other forms of petty crime with the aim of making a financial profit out of it.

The **Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration**, who cooperate with the competent authorities (OJ 2004/L 261, 6.8.2004) establishes an obligation for Member States to provide for reflection period and residence status, with related assistance and support measures, to victims of trafficking in human beings.

The **Council EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings** (OJ 2005/C 311/1, 9.12.2005) provides for actions to be implemented by Member States, the Commission and other EU bodies concerning coordination of EU action, scoping the problem, prevention, reducing the demand, investigating and prosecuting, protecting and supporting victims of trafficking, returns and reintegration, external relations.

---

<sup>26</sup> New framework decision, 2009/0050 (CNS)

<sup>27</sup> Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA. Brussels, 29.3.2010

This action plan states:

(iv) Human trafficking for labour exploitation requires new types of specialisation and cooperation with partners, e.g. agencies responsible for the control of working conditions and financial investigations related to irregular labour.<sup>28</sup>

Article 32 of the Charter of Fundamental Rights specifically addresses the exploitation of children. The Charter of Fundamental Rights became an integrative part of the Lisbon Treaty which entered into force on 1 December 2009, which means that the Charter has finally become legally binding.

---

<sup>28</sup> EU Action Plan, pg. 2.

## VI. Actors involved in combating trafficking for labour exploitation in Croatia

In Croatia, it is police officers who are authorized to press charges in the case of a suspected victim of trafficking. As per the Protocol on Identification, they are also the only authorized officials to conduct an official identification. The Operational team (see above) then grants the status of a “trafficked person”.<sup>29</sup>

Police officers also supervise the working conditions of foreigners working in Croatia, as stipulated in Articles 197-199 of the Law on Foreigners (NN, br. 79/07). It is in this capacity that the Ministry of Interior officials join forces with the State Inspectorate in the detection of cases of illegal employment. Labour inspectors are often the first ones to come into contact with potential victims of labour exploitation at the locations they inspect, and they may inform the police, if they suspect they might be looking at a case of trafficking. Such cooperation and exchange of information is in fact one of the recommendations of the Report of the EU expert Group on THB from December 2004, which calls for

“awareness raising and training on labour standards and the connection with trafficking to those responsible for labour policies, including policy makers, employers, Unions and labour inspectors. Inclusion of these actors in counter trafficking initiatives should always be considered; the enforcement of labour standards through labour inspections, and if necessary the use of administrative and criminal sanctions.”<sup>30</sup>

Under the current Act on the Office for the Suppression of Corruption and Organized Crime (USKOK), the institution USKOK is, among other things,

---

<sup>29</sup> Act on Aliens, Articles 68-71.

<sup>30</sup> Expert group report, 22.12.2004, p.19

competent for performing the tasks of public prosecution in criminal cases, which involve organising a group of people in joint action with an aim to commit criminal offences as provided for in Article 333 of the Criminal Code. This includes the criminal offence of “Trafficking in Human Beings and Slavery”, in cases where the relevant criminal offence was committed within a group or a criminal organisation or if it was committed against a larger number of persons or if it caused the death of one or more persons (Article 175 paragraph 3 of the Criminal Code). In order to continue with the harmonisation of work between the police and the Public Prosecution Service (USKOK), National Police Offices for the Suppression of Corruption and Organised Crime, whose competences also include combating human trafficking, were established in 2008.

With regards to the efficient identification of potential victims of trafficking, it is important that all relevant actors are aware of the tools they have to recognize a case of a potential victim of trafficking:

“To allow proper identification of trafficked persons all involved actors – governmental agencies, law enforcement, NGOs, local welfare organisations, labour unions, labour inspections and other labour related agencies – should be trained and referral systems should be established.”<sup>31</sup>

Croatia ratified the Council of Europe Convention on Action against Trafficking in Human Beings (No. 197), a milestone document, on 5 September 2007 and it entered into force on 1 February 2008.

A number of European countries are currently attempting to address trafficking in human beings for labour exploitation in an efficient manner, with a view of protecting the rights and dignity of potential and identified victims. A conference, LABOUREX10, devoted to the issue took place in the Netherlands on 1-2 February 2010, bringing together 22 countries interested and active in this field. Some practical outcomes of this conference include addressing the required labour circumstances and/or the system of social security rights of employees, as opposed to relying solely on the provisions of migration law. In addition, it is suggested to provide trainings for identification of victims to the officers of inspection, prosecution and investigation together, to enable discussion amongst these groups.

---

<sup>31</sup> Ibid. p.13



## VII. Four cases of trafficking in persons for labour exploitation

The following chapter presents a description of four cases of labour exploitation in Croatia. After the four people were identified as victims of trafficking in persons, they then accepted the assistance and protection programme for victims of human trafficking, and were accommodated in the National Shelter for Victims of Human Trafficking for a while, where they were provided with all necessary care in order to facilitate their recovery and reintegration into society. These cases are presented through the view point of an employee of an assistance providing organization, who worked directly with the trafficked persons.

### Case no. 1

---

S. B. is a young man from Bosnia and Herzegovina. He lived in his home town, under very harsh conditions. In order to survive, he performed hard physical work ever since he was 12 years old, but he said that he did not find that hard. In early 2008, upon invitation by his friend O.K., he decided to come to Croatia in order to work at his friend's estate as a shepherd, tending to the sheep. They also agreed some other potential future jobs, as the need would arise. His friend sent him EUR 100 for the travel costs from Bosnia and Herzegovina to Croatia. He had to pay this money back to his friend. After two months, as he did not receive the agreed amount of money, he decided to return home, to Bosnia. After some time, O.K. contacted him again and asked him again to come to his estate in order to help him with the sheep, and in addition he promised to pay him the amount he owed him from before. Again he sent him EUR 100 to cover the travel costs to Croatia, and S.B. decided to go. When he came to Croatia, he was met by his friend's brother at the railway station, which he found

somewhat strange. In the first month, he really did tend to the sheep, and then he realized that something was wrong. They took away his passport and again he received no money for his work. The whole time he was under surveillance and he could not go anywhere alone. He was living in inhumane conditions, without water, electricity or sanitary facilities. He only received food occasionally. With time, they started to abuse him physically and psychologically. He was beat up several times. After that, he asked to have his documents back, not really caring about the money any more. Several days after that, he was given his documents, but not the money. O.K. started to threaten him that he would kill him, after which S.B. decided to report everything to the police. After he told his story to the police, the authorities initiated an assistance and protection programme, and S.B. spent a couple of months in the shelter for adult victims of human trafficking, where he recovered well. Once the conditions for his return were fulfilled, he was returned to his family in Bosnia and Herzegovina.

## Case no. 2

---

E. H. is a citizen of Bosnia and Herzegovina, a person with low mental ability, who lived with his family, father and mother in conditions of extreme poverty.

In spring 2007, they were visited by a man – A. H., and his wife, who lived in Croatia and engaged in animal husbandry. They were looking for a person who would be ready to work on their estate, taking care of the cattle. A. H. made an agreement with E. H.'s father to hire him for work, and the father received 100 convertible marks (KM) in return for that. The mother did not agree with that proposal and she did not want her son to go work for him, and E.H. did not want to go either because he was afraid of such life and of being separated from the family. However, as he was aware that he did not finish any school and that did not stand much chance of finding another job, he eventually agreed to go with them. His father gave A.H. his son's passport and ID, telling him that he should withhold these documents from E.H. They entered Croatia legally, at the border crossing.

After arriving at the farm, E.H. immediately started working, cleaning the sheepfolds, giving the sheep fodder and water and performing other chores as instructed by A.H.

During his stay at the farm he slept in a room annexed to the family home, without any heating or sanitary facilities, so throughout his whole time at the farm, he did not bathe at all and he could not maintain personal hygiene. He ate only occasionally – leftovers that he would be given after the family had had their meal. He stayed with A.H. for 3 months, and during this period he was physically abused several times. Especially after he had lost a sheep, the boss started yelling at him, telling him that he was incompetent and that he would beat him every time that happened. Since he could not find the lost sheep, A.H. decided to return him to his father in Bosnia.

In spring 2008, another man – R. – came to his house. He also lived in Croatia, and had a farm near A.H.'s farm. He was also seeking a person to tend to his sheep, so the father again agreed to "rent him out" for 100 KM. R. was handed his passport and ID. When they arrived at the farm, R. accommodated him in an auxiliary room of the house – a kind of a lumber room without any heating or sanitary facilities. R. had two sons who often abused E.H. and made him clean the huge sheepfolds. His working day looked like this: he would tend to the sheep from early in the morning until late at night, he gave them water and additional fodder, he would bring them back to the farm at dusk and then spent many hours cleaning the sheepfolds. He could only stay in the lumber room for some time, until the spring, after which he was made to move to a trailer in the field where he tended to the sheep. Although it was spring, it was still very cold, and temperatures would fall under zero degree Celsius. The trailer did not have any form of heating, nor did he have blankets, so he would cover himself up only with some old clothes. He was freezing. During his stay with R., he had a bath only once because R. said that the water was very expensive. Both A.H. and R. told him frequently to stay off the road, so that the police would not see him, threatening him that the police would arrest and abuse him and that he would then never see his mother again. He took this seriously and tended to the sheep only in the hills where there were no people. Several times he begged them to give him back his passport and ID, because he wanted to go back home to Bosnia, but they would not do it.

He stayed with R. until the police found him and offered him all necessary assistance, which he accepted. He agreed to go to the shelter for adult victims of human trafficking, where he received all necessary care until he could safely be returned to Bosnia and Herzegovina.

## Case no. 3

---

The following is the case of a Croatian citizen, who was exploited in Slavonia, Croatia.

When he was 1 or 2 years old, his father died. Eight years later, his mother died too. His older brother and he were left alone in their family home. In order to survive, he started working after 7<sup>th</sup> grade of primary school, and so he never finished primary school. He earned money by helping the townspeople with various chores – in the woods, cleaning the pigsties, feeding the animals etc. His brother was employed for a short while, after which he was fired. They lived in severe deprivation. Shortly after, the war began. In 1994, he found out that his brother was killed in the war, so he was left all by himself. He kept living in his house, still helping the townspeople in order to earn some money.

In 2005, an acquaintance from his town suggested to him to move to his father's home and work for them – do various farming-related work and tend to the herd of about 300-400 sheep. He agreed. Besides tending to the cattle, he transported manure, gathered hay, helped sow and reap and did all other work related to farming. He agreed to move in with them because he thought it would be simpler for him to work that way, and that he would get food and better accommodation than at his own home, which was very decrepit, and did not have water, electricity, heating or windows. He was accommodated in a room near the cow stable. The room had two beds, so that occasionally, other workers would sleep there too, but they mostly did not stay long. His working day started early, at dawn, around 4 a.m. He would immediately start with cleaning the stable, and feeding the sheep in the sheepfolds around the house. His boss's wife would give him a skimpy breakfast that he had to eat fast, and often this would be the only food he would get until late in the evening, after he would return from the field when he would get the leftovers from the family's dinner. In the two years of his stay with them, they bought him two sweaters, some socks and some underwear. He received almost no money at all, only occasionally 10 or 15 HRK that he could only spend furtively, without them seeing him.

The situation got worse after the older son, D.Š. came back from Serbia. He was afraid of D.Š., because he heard that he was prone to fights, that he was aggressive and that he committed all kinds of atrocities in Serbia and

Baranja. D.Š. never called him by his name, he only called him derogatory names, such as rat, dirt bag or dead ass. He was constantly rude to him and he could not go anywhere without his supervision. On several occasions, D.Š. beat him, and he did not dare ask why. D.Š. kept his passport from him the whole time. When he once dared ask him about his money – about an amount of approximately 1000 – 1500 HRK, saying that he needed that for food, D.Š. answered that he wasn't sure that he had earned that money. He said that he deposited his money on a savings account, which naturally was not true. About a month after D.Š. slapped his face several times, he decided to leave them for fear of repeated physical abuse. One night he snuck out and went to his family home where he hadn't been since he left two years before. He slept there once and in the morning, he went to a neighbour, where he stayed for a while. On several occasions, D. Š. tried to find him, but he did not succeed.

Then he decided to report it all to the police and to press criminal charges against D.Š. After listening to his story, the police identified him as a victim and initiated protection and assistance programme for victims of human trafficking, which N.L. accepted.

## Case no. 4

---

S. K. is a Croatian citizen, identified as a victim of human trafficking in the area of Zagreb. His story shows us that even the persons we know, our so-called friends, may become our exploiters.

He lived in Bjelovar with his parents, grandmother and his younger brother. When he was 7 years old, his mother had a stroke, and therefore had to go to the hospital frequently. As the mother was ill, the grandmother took care of him and his brother. The father was strict, he worked for the military and his methods of upbringing were similar to the ways of the military. He often subjected them to physical punishment, and yelled at them and degraded them on a daily basis. Due to her illness, the mother was nervous as well, and she would quickly lose her temper, so she would often beat them, for any reason. When he was eight years old, they moved to Zagreb where they changed apartments several times, which also meant that he had to change schools. As he had always been shy, he had difficulty finding friends, and this has not changed until today. The mother passed away in 1986, and two years later, the grandmother died as well.

During that time, S. was at the university. They still lived with the father, but the father re-married soon after and moved to another city. After several years, the father committed suicide and he inherited the apartment where he and his brother lived. Soon, the brother got married and moved away. Although they had a good relationship, they did not keep regular contact.

Ever since the father moved away he started working at jobs that did not match his education, in order to survive and pay the bills. He mostly worked at ancillary jobs in restaurants, and distributed fliers in the city. Then – only one exam away from graduation – he dropped his studies.

After that, he worked for years in low-paid jobs and could hardly make ends meet.

On one occasion, he met a friend from school who offered him to work at his car-wash. As he did not have a job at that time, and the unpaid bills were stacking up, he was overjoyed and he immediately accepted the offer. After some time, the boss started telling him that his apartment was in a bad shape and that it should be refurbished. He offered him help with organizing and financing the works, and S. was supposed to repay him by working for him. S. took a mortgage and gave his money to the boss who was supposed to take care of the refurbishment. During that time, he lived in the boss's attic, sleeping on a mattress. It was a room, with just bare walls, with windows, but there was no door and no heating. It was especially harsh to endure during the winter. The boss soon started to yell at him and call him names. He never paid him anything. He gave him no food, only the boss's wife would occasionally take pity and bring him a sandwich. Physical abuse soon became unendurable. The boss occasionally put out cigarettes on his skin, or he would make him take off his clothes and hose him down with cold water, and the boss and his son would demean and laugh at him. Ever since he was a little boy, he was afraid of dogs, and the boss knew that. So he would often bring his dog and incite it against him. Several times he put a loaded gun to his head. S.K. never fought back, and just put up with daily abuse and humiliation.

Everybody asked him why he did not run away when they would let him go to the store occasionally, but he said that he simply did not dare, because the boss did not only threaten him, but also threatened to kill his three-year old nephew. For more than a year, he lived in fear, until one neighbour called the police. After the police identified him as a victim of

human trafficking, S.K. accepted the assistance and protection programme he was offered as a victim of human trafficking, and he was provided with extensive help and treatment.

The mentioned cases of trafficking in persons for labour exploitation in Croatia describe the dynamics of human trafficking, from victims' recruitment, over the course of their exploitation until they found a way out of the labour exploitation situation.

## VIII. Conclusions and recommendations

This assessment aimed at looking at the trafficking situation in Croatia at the beginning of 2010, at a time when the country has achieved much in its fight against trafficking in human beings and is currently at the doorstep of the European Union. The assessment placed a particular focus on trafficking for labour exploitation, a phenomenon that is relatively small now, but which is expected to increase in the future. Containing data collected from relevant institutions for the years 2007, 2008 and 2009, in addition to providing an extensive literature overview on the subject, the assessment aims at being a reference tool for practitioners involved in anti-trafficking efforts.

Even if the data on persons trafficked for labour exploitation are currently not large, an increasing trend is to be observed, as demonstrated in this assessment. One of the goals of the assessment was to establish whether there are data available on the people trafficked for labour exploitation in Croatia, and in particular whether such cases have been detected by the State Inspectorate. The answer of the State inspectorate that they do not consider a link to exist between illegal employment and labour exploitation<sup>32</sup> has been indicative of some possible gaps in the institutional response against trafficking. In the literature it is difficult to clearly distinguish between forced labour, illegal employment and trafficking for labour exploitation, and it is even more so in practice. Yet, as demonstrated in the assessment, the three phenomena are connected and it would be useful for state officials to be further trained to spot and handle such cases.

On the other hand, data provided both by the State Inspectorate and the Ministry of Interior on the number of foreigners caught in illegal employ-

---

<sup>32</sup> Answer given by the State Inspectorate to the Questionnaire sent to them in the data collection phase of the assessment.



ment show a strong decreasing trend. One of the reasons for that could be the economic crisis in 2009, which prompted less people to move for work, be it illegally. It would be interesting to observe the trend in 2010. It could also be an indication for a strengthened capacity of both the police and state inspectorate, which would discourage potential illegal workers. Another trend visible in the comparison (see assessment) is the continued discrepancy between the data reported by the Ministry of Interior and the State Inspectorate respectively.

With regards to the information collected, several recommendations have been elaborated.

## **1. Conduct further sector-specific research**

Further research in the supply of foreign labour in specific sectors (such as tourism, agriculture and construction) can be conducted to map out the possibilities for legal recruitment of foreigners, in order for cases of labour exploitation to be avoided. A similar study has already been conducted by the IOM Mission in Croatia on the shipbuilding industry.<sup>33</sup> Taking into consideration the quotas of the Croatian government for the numbers of foreign workers, determined every year, and the actual demands of the labour market, a comprehensive analysis of the situation will facilitate a better match between supply and demand of foreign employment.

## **2. Implement further sensitization of relevant actors**

Trafficking for labour exploitation is an issue on which relevant actors need further training. Placing it into the larger context of trafficking in human beings in general and enhancing the cooperation of all actors whose competencies are related to the issue requires further efforts and targeted capacity building measures. These could include awareness raising and continuous trainings. Such measures should focus specifically on the issues of illegal employment and the link between illegal employment and labour exploitation. As it became evident that Croatian labour inspectors consider that they have, so far, not been exposed to a single case of trafficking, particular attention should be paid to indicators for the identification of victims of trafficking for labour exploitation.

---

<sup>33</sup> Cross-Border Labour Migration Flows Croatia-Italy: Focus On Shipbuilding. IOM Mission to Croatia, 2005.

### **3. Support the exchange of information and trust on a national inter-institutional level in order to improve and streamline cooperation**

A number of different institutions in Croatia are involved in the system of combating trafficking in human beings. While the division of competences among them is relatively clear, further streamlining of their day-to-day cooperation is needed, especially with regards to trafficking for labour exploitation. Measures to improve this cooperation include, among others, joint interdisciplinary capacity-building initiatives for representatives of the different institutions, joint training manuals in a jargon understandable for all and common indicators. With due regard to the specific mandate of each institution, efforts shall be concentrated onto further improving the existing cooperation between the State Inspectorate and the Ministry of Interior at the central and local level.

### **4. Strengthen regional cooperation with neighbouring countries**

As the larger number of identified trafficked persons in Croatia comes from Bosnia and Herzegovina and, to a lesser extent from Serbia, it is evident that the issue can only be combated with a coordinated and target effort that extends across borders. Harmonized regional policies among neighbouring countries and equal understanding of the scale of the problem can contribute immensely to the efforts of each individual country. An analysis of the economic sectors that host the most foreign workers would improve coordination between countries on that matter.

### **5. Raise awareness in society on trafficking in human beings for labour exploitation**

Trafficking in human beings for sexual exploitation is still the most recognizable and known form of trafficking among the Croatian public. As this assessment showed, trafficking for labour exploitation is a trend that is currently increasing. That is why it is important to inform and educate the public about this type of exploitation as well. Such awareness-raising will contribute to more efficient efforts in combating trafficking in human beings for labour exploitation.

## **6. Further improve and strictly implement existing laws**

Croatian legislation has undergone a number of changes and amendments, taking into consideration the most up-to-date international and European documents. Thus the legislative base in Croatia is considered solid and adequate to respond to the challenges of the multi-faceted issue of trafficking.<sup>34</sup> Strengthened and coherent implementation of these existing laws is the next step, as is a constant improvement and further specialization of the legislation to be even more efficient. Upgrading trainings for judges and prosecutors could be an option to keep professionals knowledgeable about the most recent developments in their field of work.

## **7. Place trafficking in human beings for labour exploitation within the broader context of issues such as illegal employment and demand for cheap labour**

As this assessment shows, there is a close relation between the issues of trafficking for labour exploitation, forced labour and illegal employment. There are also additional related topics such of social rights and demand for labour. In order for the involved authorities to be fully aware of the similarities and differences between these concepts and the reaction needed in each specific case, a holistic approach to the problem is needed. The different demonstrations of trafficking for labour exploitation should be included in action plans that concern other issues as well, for example strategies on attracting legal work migrants, strict observation of the rights of workers and action plans on the integration of foreign workers and their families into Croatian society.

---

<sup>34</sup> Croatia has been placed in Tier 1 of the US State Department TIP report for three years in a row, 2008, 2009 and 2010, in recognition for its efforts in the field of anti-trafficking. In addition, as stated by Luka Mađerić, the Head of the Office for Human Rights and National Anti-Trafficking Coordinator, the European Union has not voiced any concerns or remarks with regards to trafficking in human beings, included in Chapter 24 of the Accession negotiations.

# Annex I: Indicators for identifying human trafficking with special emphasis on labour exploitation

The definition of human trafficking contained in the Palermo Protocol provides the basis, i.e. it shows what elements must coincide in order for a case of human trafficking to be identified as such. This definition was transposed into the penal codes of most countries in the world, and is the basis for sanctioning perpetrators of the criminal offence of human trafficking. In practice, things are much more complex. The methods perpetrators use in order to subjugate their victims and the behaviour of persons who found themselves in such a situation represent leads for the authorities that identify victims of human trafficking, based on which they are able to suspect a case of human trafficking. Based on its analysis of different cases from across the world, UNODC<sup>35</sup> developed a list of indicators for several most frequently identified forms of exploitation. These indicators are the following:

## General indicators:

People who have been trafficked may:

- Believe that they must work against their will
- Be unable to leave their work environment
- Show signs that their movements are being controlled
- Feel that they cannot leave
- Show fear or anxiety
- Be subjected to violence or threats of violence against themselves or against their family members and loved ones
- Suffer injuries that appear to be the result of an assault

---

<sup>35</sup> Human Trafficking Indicators, [www.unodc.org](http://www.unodc.org)

- Suffer injuries or impairments typical of certain jobs or control measures
- Suffer injuries that appear to be the result of the application of control measures
- Be distrustful of the authorities
- Be threatened with being handed over to the authorities
- Be afraid of revealing their immigration status
- Not be in possession of their passports or other travel or identity documents, as those documents are being held by someone else
- Have false identity or travel documents
- Be found in or connected to a type of location likely to be used for exploiting people
- Be unfamiliar with the local language
- Not know their home or work address
- Allow others to speak for them when addressed directly
- Act as if they were instructed by someone else
- Be forced to work under certain conditions
- Be disciplined through punishment
- Be unable to negotiate working conditions
- Receive little or no payment
- Have no access to their earnings
- Work excessively long hours over long periods
- Not have any days off
- Live in poor or substandard accommodations
- Have no access to medical care
- Have limited or no social interaction
- Have limited contact with their families or with people outside of their immediate environment
- Be unable to communicate freely with others
- Be under the perception that they are bonded by debt
- Be in a situation of dependence
- Come from a place known to be a source of human trafficking
- Have had the fees for their transport to the country of destination paid for by facilitators, whom they must pay back by working or providing services in the destination

- Have acted on the basis of false promises

## Children:

Children who have been trafficked may:

- Have no access to their parents or guardians
- Look intimidated and behave in a way that does not correspond with behaviour typical of children their age
- Have no friends of their own age outside of work
- Have no access to education
- Have no time for playing
- Live apart from other children and in substandard accommodations
- Eat apart from other members of the “family”
- Be given only leftovers to eat
- Be engaged in work that is not suitable for children
- Travel unaccompanied by adults
- Travel in groups with persons who are not relatives

The following might also indicate that children have been trafficked:

- The presence of child-sized clothing typically worn for doing manual or sex work
- The presence of toys, beds and children's clothing in inappropriate places such as brothels and factories
- The claim made by an adult that he or she has “found” an unaccompanied child
- The finding of unaccompanied children carrying telephone numbers for calling taxis
- The discovery of cases involving illegal adoption

## Domestic servitude:

People who have been trafficked for the purpose of domestic servitude may:

- Live with a family
- Not eat with the rest of the family
- Have no private space
- Sleep in a shared or inappropriate space

- Be reported missing by their employer even though they are still living in their employer's house
- Never or rarely leave the house for social reasons
- Never leave the house without their employer
- Be given only leftovers to eat
- Be subjected to insults, abuse, threats or violence

### **Sexual exploitation:**

People who have been trafficked for the purpose of sexual exploitation may:

- Be of any age, although the age may vary according to the location and the market
- Be escorted whenever they go to and return from work and other outside activities
- Have tattoos or other marks indicating "ownership" by their exploiters
- Work long hours or have few if any days off
- Sleep where they work
- Live or travel in a group, sometimes with other women who do not speak the same language
- Have very few items of clothing
- Have clothes that are mostly the kind typically worn for doing sex work
- Only know how to say sex-related words in the local language or in the language of the client group
- Have no cash of their own
- Be unable to show an identity document
- There is evidence that suspected victims have had unprotected and/or violent sex.
- There is evidence that suspected victims cannot refuse unprotected and/or violent sex.
- There is evidence that a person has been bought and sold.
- There is evidence that groups of women are under the control of others.
- It is reported that sex workers provide services to a clientele of a particular ethnicity or nationality.

## Labour exploitation:

People who have been trafficked for the purpose of labour exploitation are typically made to work in sectors such as the following: agriculture, construction, entertainment, service industry and manufacturing (in sweatshops).

People who have been trafficked for labour exploitation may:

- Live in groups in the same place where they work and leave those premises infrequently, if at all
- Live in degraded, unsuitable places, such as in agricultural or industrial buildings
- Not be dressed adequately for the work they do: for example, they may lack protective equipment or warm clothing
- Be given only leftovers to eat
- Have no access to their earnings
- Have no labour contract
- Work excessively long hours
- Depend on their employer for a number of services, including work, transportation and accommodation
- Have no choice of accommodation
- Never leave the work premises without their employer
- Be unable to move freely
- Be subject to security measures designed to keep them on the work premises
- Be disciplined through fines
- Be subjected to insults, abuse, threats or violence
- Lack basic training and professional licences

The following might also indicate that people have been trafficked for labour exploitation:

- Notices have been posted in languages other than the local language
- There are no health and safety notices
- The employer or manager is unable to show the documents required for employing workers from other countries
- The employer or manager is unable to show records of wages paid to workers



- The health and safety equipment is of poor quality or is missing
- Equipment is designed or has been modified so that it can be operated by children
- There is evidence that labour laws are being breached
- There is evidence that workers must pay for tools, food or accommodation or that those costs are being deducted from their wages

### **Begging and petty crime:**

People who have been trafficked for the purpose of begging or committing petty crimes may:

- Be children, elderly persons or disabled migrants who tend to beg in public places and on public transport
- Be children carrying and/or selling illicit drugs
- Have physical impairments that appear to be the result of mutilation
- Be children of the same nationality or ethnicity who move in large groups with only a few adults
- Be unaccompanied minors who have been “found” by an adult of the same nationality or ethnicity
- Move in groups while travelling on public transport: for example, they may walk up and down the length of trains
- Participate in the activities of organized criminal gangs
- Be part of large groups of children who have the same adult guardian
- Be punished if they do not collect or steal enough
- Live with members of their gang
- Travel with members of their gang to the country of destination
- Live, as gang members, with adults who are not their parents
- Move daily in large groups and over considerable distances

The following might also indicate that people have been trafficked for begging or for committing petty crimes:

- New forms of gang-related crime appear
- There is evidence that the group of suspected victims has moved, over a period of time, through a number of countries
- There is evidence that suspected victims have been involved in begging or in committing petty crimes in another country

## Annex II: Relevant Croatian legislation

- Act on International Legal Assistance in Criminal Matters (NN, 178/04)
- Act on Juvenile Courts (NN, 111/97; 27/98; 12/02)
- Act on Pecuniary Compensation to Crime Victims (NN, 80/08) – enters into force on the day of Croatia’s EU accession.
- Act on USKOK (NN, 88/01;12/02; 33/05; 48/05 ;76/07)
- Aliens Act (NN, 79/07; 36/09)
- Asylum Act (NN, 79/07)
- Criminal Code (Narodne novine - NN, 110/97, 27/98, 129/00, 51/01 and 105/04, 84/05, 71/06 152/08) – amendments to the Code are under way
- Criminal Liability of Legal Entities Act (NN, 151/03)
- Criminal Procedure Act (NN, 110/97; 27/98; 58/99; 112/99; 62/03; 58/02; 143/02; 115/06; 152/08)
- Money Laundering Prevention Act (NN, 69/97; 106/97; 114/01; 117/03; 142/03; 189/03)
- Witness Protection Act (NN, 163/03)

## Annex III: International legislation

- Abolition of Forced Labour Convention, 1957 (No. 105)
- Charter of Fundamental Rights of the European Union (2000/C 364/01)
- Council of Europe Convention, CETS No. 197
- Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities
- Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings [Official Journal L 203 of 01.08.2002]
- Directive 2009/52/EC Of The European Parliament And Of The Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals
- EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings (2005/C 311/01)
- Forced Labour Convention (No. 29) of 28 June 1930
- ILO Declaration on Fundamental Principles and Rights at Work of 1998
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Adopted by General Assembly resolution 45/158 of 18 December 1990 (not ratified by Croatia)
- Labour Legislation Guidelines (Chapter VI)

- Proposal for a Council Framework Decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA, Brussels, 25.3.2009, COM(2009) 136 final
- The European Convention on Human Rights, ROME 4 November 1950 (Article 4)
- The Lisbon Treaty, Official Journal, 17.12. 2007., C 306
- The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956
- UN Convention on the Elimination of all Forms of Discrimination against Women, 1979 (Article 6)
- United Nations Slavery Convention, 1927
- Worst Forms of Child Labour Convention, 1999 (No. 182)

# Bibliography

- 1) 010 Workshop: Supply Management, Eliminating the Risks of Forced Labour and Trafficking, 2008.
- 2) A Global Alliance Against Forced Labour, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work ILO, 2005.
- 3) Address by Minister Dr Ivan Šimonović, Croatian Minister of Justice, given in Brussels in October 2009.
- 4) Cross-Border Labour Migration Flows Croatia-Italy: Focus On Ship-building. IOM Mission to Croatia, 2005.
- 5) EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings (2005/C 311/01)
- 6) Forced Labour and Human Trafficking: Estimating the Profits, ILO, 2005.
- 7) Global Report on Trafficking in Persons, UNODC, 2009.
- 8) Human Trafficking Indicators, [www.unodc.org](http://www.unodc.org)
- 9) Labour Migration Patterns, Policies And Migration Propensity In The Western Balkans. Marek Kupiszewski, Anna Kicinger, Dorota Kupiszewska, Frederik Hendrik Flinterman. The Central European Forum For Migration And Population Research (Cefmr). Editor: Marek Kupiszewski, English editor: Ilse Pinto-Dobernig; November 2009
- 10) Mađerić, Luka. Combating Trafficking in Human Beings. Croatian Legal Journal 10/08. Part 5.
- 11) National Plan for Combating Trafficking in Human Beings for the Period 2009-2011, Zagreb, 2009.

- 12) National Programme for the Protection and Promotion of Human Rights 2008-2011.
- 13) New Framework Decision, 2009/0050 (CNS).
- 14) Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA. Brussels, 29.3.2010
- 15) Report of the Experts Group on Trafficking in Human Beings, Brussels, 22 December 2004, Directorate-General Justice, Freedom and Security, European Commission, [http://ec.europa.eu/justice\\_home/doc\\_centre/crime/trafficking/doc/report\\_expert\\_group\\_1204\\_en.pdf](http://ec.europa.eu/justice_home/doc_centre/crime/trafficking/doc/report_expert_group_1204_en.pdf)
- 16) Štulhofer et al.: "Trafficking in Women and Children for the Purpose of Sexual Exploitation", 2002.
- 17) Trafficking for Forced Labour: How to Monitor the Recruitment of Migrant Workers, ILO, 2005.
- 18) Trafficking for Labour and Sexual Exploitation in Germany, ILO, 2005.
- 19) United Nations Convention Against Transnational Organized Crime And The Protocols Thereto.
- 20) US Department of State. Trafficking in Persons Report 2009., <http://www.state.gov/g/tip/rls/tiprpt/2009/123126.htm>
- 21) US Department of State. Trafficking in Persons Report 2010., <http://www.state.gov/g/tip/rls/tiprpt/2010/142755.htm>

## **Trafficking in Human Beings in Croatia: An Assessment Focusing on Labour Exploitation**

This publication summarises the results of an assessment of the situation of trafficking in human beings in Croatia, with a particular focus on trafficking for labour exploitation. The assessment was conducted between November 2009 and February 2010 in the framework of the project *"Targeting niches in the anti-trafficking efforts: customised support for Croatia."*

In addition to providing updated data in trafficking in human beings in Croatia, this publication aims at reviewing the most updated normative and practice-oriented documents on the subject of trafficking for labor exploitation. An additional purpose of this assessment is to propose a set of indicators for the identification of potential victims of trafficking for labour exploitation. These are largely based on the indicators already developed by the International Labour Office (ILO), and are adapted for the specific situation in Croatia.

The findings of this assessment intend to provide insightful information to the Office for Human Rights, partner in this project, for the development of future initiatives, as well as to other interested policy makers, in view of shaping and implementing future sustainable anti-trafficking policies in Croatia.