

PROTOCOL ON IDENTIFICATION, ASSISTANCE AND PROTECTION OF VICTIMS OF HUMAN TRAFFICKING

(consolidated text)

The system of combating human trafficking in the Republic of Croatia is based on the humanitarian and legal approach to the victim of trafficking in human beings according to which newly identified victims receive through an organized program first forms of aid and protection, temporary accommodation in reception centers, legal, medical and other forms of care and protection, safe accommodation and return. In the process of identification, support and protection of victims of human trafficking are involved representatives of the state administration bodies and civil society organizations, based on partnership. Accordingly, all the activities in the field of assistance and protection of victims of human trafficking can be realized only through joint and coordinated work of all the above mentioned parties. The purpose of this Protocol is to determine all the responsible parties and methods of procedures during identification of and assistance to victims of human trafficking.

VICTIM IDENTIFICATION

1

Identification of victims of human trafficking (hereinafter: the victims) is carried out by the Ministry of Interior (hereinafter: MoI). During the process of identification of a victim, MoI will cooperate with civil society organizations. In case victim is a child, MoI will cooperate in the process of identification with the institutions responsible for social welfare and the civil society organizations.

Competent authority is obliged to inform the national coordinator for combating human trafficking about the victim immediately after the identification has been carried out.

2

After the identification of a victim, the national coordinator for combating trafficking in human beings from MoI immediately informs about the victim the responsible head of coordination of mobile teams (hereinafter: the coordinator of the mobile team).

The national coordinator for combating trafficking in human beings nominates a coordinator of the mobile team in both cases, when the victim is a child as well as when the victim is an adult.

Coordinator of a mobile team, in cases when victim is a child, must be a representative of the state administration body competent for social welfare system.

3

If the victim of trafficking is a foreigner, the mobile team will transfer the victim to the relevant reception center after identification where the victim will stay until her or his final decision about accepting the aid and protection program about which the victim will be informed by the mobile team. If the victim is a Croatian citizen, until reaching his or her final decision about accepting the aid and protection program, he or she may either stay at the reception center or in his or her private accommodation.

The period within which the victim must decide whether or not he or she will accept the program of aid and protection is 60 days from the day of identification.

In case victim is a child, the decision about accepting the aid and protection program is made along with previously expressed opinion of the child, by the child's guardian with consent from the center of social welfare within 90 days from the day of identification.

The aid and protection program includes medical and psycho-social protection, safe accommodation, translation and interpretation services and legal aid. The procedure of aid and protection requires also expedience and confidentiality in the process

MOBILE TEAM

4

Mobile teams for providing first forms of aid and protection to victims of human trafficking (hereinafter: the mobile teams) consist of persons authorized for providing first forms of aid and protection to newly identified victims.

Members of the mobile team must be available 24 hours.

5

Mobile teams consist of specially trained representatives of the social welfare centers, Croatian Red Cross and civil society organizations which deal with combating human trafficking.

The persons, who are involved in the work of mobile teams, receive an authorization for working in mobile teams after finishing specialized trainings organized by the Office for Human Rights of the Government of the Republic of Croatia, Ministry of Health and Social Welfare and MoI. The authorization for the representatives of social welfare centers who are part of the mobile teams gives the minister competent for social welfare. The authorization for the representatives of the civil society organization and the Croatian Red Cross is issued by the national coordinator for combating trafficking in human beings.

6

There are four mobile teams established in the Republic of Croatia, and those are in the following cities: Zagreb, Rijeka, Split and Osijek.

Local jurisdiction over the team is determined according to the place where the victim was identified.

Mobile team based in Zagreb is in charge for the victims identified in the following counties: City of Zagreb, Zagreb, Krapina-Zagorje, Varaždin, Međimurje, Koprivnica-Križevci, Sisak-Moslavina, Bjelovar-Bilogorje and Karlovac County.

Mobile team based in Rijeka is in charge for the victims identified in the following counties: Primorje-Gorski Kotar, Istria and Lika-Senj County.

Mobile team based in Split is in charge for the victims identified in the following counties: Zadar, Šibenik-Knin, Split-Dalmatia and Dubrovnik-Neretva County.

Mobile team based in Osijek is in charge for the victims identified in the following counties: Osijek-Baranja, Vukovar-Srijem, Požega-Slavonia, Brod-Posavina and Virovitica-Podravina County.

Each mobile team consists of four persons: one representative of the center for social welfare, one representative of the Croatian Red Cross and two representatives of the civil society organizations.

When providing first forms of aid and protection to newly identified victims it is required to have an involvement of minimum of two members of a mobile team.

In case victim is a child, a representative of the social welfare center must be present.

Obligations of the mobile teams include:

- coming to the place where the victim was identified, providing first forms of aid and protection to newly identified victims of human trafficking;
- initial interview with the victim immediately following the identification as well as informing the victim about the programs of aid and protection;
- transport and accommodation of the victim in temporary reception facilities, offering aid and protection to the victim till the victim is accommodated at a reception center;
- transport of the victim to an official safe house in case victim accepts offered program of aid and protection.

MoI is obliged to call the responsible coordinator of the mobile team, immediately after a victim is identified.

Obligations of the coordinator of the mobile team are to:

- inform the members of the locally responsible mobile team pursuant to provisions of Article 6 of this Protocol,
- monitor the work and activity of the mobile team when offering first forms of aid and protection to victims of human trafficking,
- inform MoI about the activities related to providing first forms of aid and protection to the victims of human trafficking.

Immediately upon the call from the coordinator of the mobile team, the mobile team is obliged to initiate the procedure of providing aid and protection in line with the obligations prescribed pursuant to this Protocol.

The coordinator of the mobile team is obliged to submit a report in a written form to the Operative Team of the National Committee about all the activities carried out regarding provision of first forms of aid and protection to the newly identified victims of human trafficking.

In case members of the mobile teams use their private vehicles for going to the place where the victim is identified, they have the right to a refund of portage which it is to be paid back by the state administration body competent for social welfare pursuant to the Decision on per diems for official trip and compensation for the beneficiaries who are financed from the state budget.

The members of mobile team will be appointed, pursuant to defined criteria, for a two-year period by the national coordinator for combating trafficking in human beings.

Criteria referred to in paragraph 1 of this Item will be determined by the national coordinator for combating trafficking in human beings.

12

The membership in the mobile team ceases due to:

- expiry of the term for which the member was appointed;
- unjustified not answering to calls of the coordinator of the mobile team;
- initiation of a criminal procedure against the member;
- behavior which opposes commonly accepted ethical norms and
- upon one's own request

RECEPTION CENTER

13

Reception center is a form of temporary accommodation for victims in which the psycho-social, medical, legal and all other necessary aid is offered to him or her until his or her final decision about whether he or she accepts the aid and protection program.

Reception center for children is organized as a part of the national shelter for children who are victims of human trafficking. The ministry competent for social welfare issues will secure special accommodation for children under three years.

VICTIM'S STATUS

14

In case victim accepts in writing the offered aid and protection program, he or she is entitled to all rights and obligations arising from the program.

Operative Team of the National Committee for Combating Human Trafficking (hereinafter: the Operative Team) informs MoI about victim's acceptance of the aid and protection program.

In case victim who is a foreign citizen accepts the offered aid and protection program, on the basis of victim's personal request or legal proxy's request, pursuant to the procedure prescribed by MoI, temporary stay permit will be issued to the victim in duration of up to six months with a possibility of extension.

A person shall lose a right to aid and protection if person's statement was based on false facts, if the circumstances on the basis of which person had a right to aid and protection cease to exist, or if a person is behaving against the rules defined in the aid and protection program.

Decision about the termination of right to aid and protection shall be brought by the Operative Team. The Operative Team will inform MoI about the termination of the right to aid and protection.

SAFE ACCOMMODATION

15

A person with a status of a victim has a right to accommodation in a safe house or in alternative accommodation. In case victim is a Croatian citizen he or she can live in private accommodation (family, etc.)

16

Transport of a victim to a safe house or to an alternative accommodation is organized by the civil society organizations involved in the work of mobile teams and by the Croatian Red Cross.

VICTIM'S AID AND PROTECTION

17

All victims who are in the aid and protection program receive all necessary psycho-social, medical and legal aid based on the previously produced individual aid and protection program. Individual aid and protection program for victims who are Croatian citizens, regardless of their age, is produced by civil society organization authorized by the Operative Team of the National Committee in cooperation with the competent center for social welfare.

Individual aid and protection program for foreign citizens, regardless of their age, is produced by the organization which runs the safe house in which the victim lives in cooperation with the competent center for social welfare.

18

Safe house is a form of safe accommodation in which a victim is accommodated after he or she accepts the aid and protection program until his or her return to the country of return or until his or her re-integration into the society.

Alternative safe accommodation is a form of safe accommodation in which a victim is accommodated or living in case that there are justified reasons due to which a person cannot be accommodated at the safe house and in case that there is no direct physical danger for him or her. Victim will be provided at the alternative safe accommodation with same aid and protection as in the safe house.

19

Victims of human trafficking who stay at the safe house are obliged to respect the house rules of the safe house and cooperate in implementation of his or her individual aid and protection program.

20

For the purpose of safety of persons at the safe house, MoI will provide, when needed, a discrete surveillance of the facility where the safe house or alternative safe accommodation is located.

21

Staff working at the safe house must comply with the criteria determined pursuant to the decision of the national coordinator.

VII VICTIM'S SAFE RETURN

22

A victim will be returned to the country of return following an assessment of risks and safety during return, which will be regulated pursuant to special Protocol.

MoI implements the procedure of victim's safe return. In the process of organizing safe return, MoI may cooperate with competent state authorities, international and non-governmental organizations and Croatian Red Cross.

If victim is a child, safe return is organized by MoI in cooperation with the state administration body competent for social welfare.

When organizing the return, MoI and body competent for social welfare have to cooperate with competent state authorities, international and non-governmental organizations at the state of return.

Information on the state authority referred to in paragraph 4 of this item competent for taking over and caring for victims will be delivered by the ministry competent for foreign affairs, following a request from MoI or from the body competent for social welfare.

FINAL PROVISIONS

23

Everyone who participates in the process of identification and provision of assistance and protection to victims of human trafficking is obliged to act in accordance with the provisions of this Protocol.

24

Line ministries are obliged to inform all bodies and institutions from their field of work about adoption of this Protocol and undertake measures which are necessary for its consistent enforcement.