

PROTOCOL ON PROCEDURES DURING VOLUNTARY RETURN OF VICTIMS OF HUMAN TRAFFICKING

System of combating human trafficking in the Republic of Croatia is based on respect of fundamental human rights of victims of human trafficking and on providing aid and protection through safe accommodation, psycho-social support, health assistance, legal aid and right to safe return to the country of return.

Ministry of Interior is competent for organization of voluntary return of victims of human trafficking, however if victim is a child, state administration body competent for social welfare is in charge of voluntary return.

In implementation of safe return, MoI and state administration body competent for social welfare cooperate with competent state authorities, international and non-governmental organizations and Croatian Red Cross (hereinafter: the participants). In accordance with this, all the activities in the field of voluntary return of victims of human trafficking are implemented through joint and harmonized work of all the above mentioned participants in voluntary return. The purpose of this Protocol is to determine methods of procedures and responsible parties during voluntary return of victims of human trafficking.

I DECISION ON RETURN

Article 1

Return of victim of human trafficking (hereinafter: the victim) to the country of return is in principle voluntary and safe.

Country of return for the purpose of this Protocol is the country of victim's origin, or the country to which the victim is transferred pursuant to Article 7 of this Protocol.

Procedure of return begins with victim's decision on return.

If victim is a child, decision on return is made by child's guardian with consent from the competent center for social welfare.

Decision on voluntary return is confirmed by a written statement from the victim or guardian of the minor victim on Form 1, which is a constituent part of this Protocol.

Victim in the process of return cooperates with all participants involved in return.

Article 2

Before making a decision on return, victim has to be timely informed about all the facts and legal consequences of return.

Members of a mobile team or of organization providing aid and protection at safe house, have the duty to inform the victim about the return.

If victim is a child, persons referred to in paragraph 2 of this Article must have guardian's consent. Victim will be informed in her native language or other foreign language that the victim understands.

If victim is illiterate, content of the form will be read out to the victim, and instead of signature, victim will write "x" or some other symbol in the designated place. A special remark will be written stating that the content of the form was read out to the victim.

The voluntary return form, which is to be signed by the victim or by the guardian on behalf of the victim and persons referred to in Article 2 paragraph 2 of this Protocol, is a constituent part of this Protocol.

Article 3

Ministry of Interior implements the procedure of victim's safe return. In the process of organizing safe return, Ministry of Interior 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 Ministry of Interior in cooperation with the state administration body competent for social welfare.

Costs of victim's safe return are covered by the Ministry of Interior, while in the case victim is a child accompanied by a guardian, all costs of return are covered by the state administration body competent for social welfare.

II ASSESSMENT OF RISKS AND SAFETY OF RETURN

Article 4

From the moment of identification of a victim until victim's return to the country of return, risk assessment is done in order to determine the degree of victim's safety and safety of victim's family in the country of return.

Assessment of risks and safety is done by the Ministry of Interior in cooperation with competent state authorities, international and non-governmental organizations and Croatian Red Cross.

If victim is a child, assessment of risks and safety is done by the state administration body competent for social welfare.

Article 5

During assessment of risks and safety, authorities referred to in Article 4 of this Protocol, shall determine

1. opportunities for and safety of return to the location where the victim wishes to return,
2. name of person or organization that will take over the victim of human trafficking in the country of return,
3. family and social circumstances of the victim,
4. possibility of safe accommodation (safe house or alternative accommodation),
5. circumstances around the criminal offence and perpetrator,
6. if necessary, other circumstances important for victim's return.

Article 6

If risk assessment requires so, the victim with victim's consent may be transferred to a third country in case Republic of Croatia has an appropriate agreement with that country, or to the country of destination if the requirements are met.

III RETURN PROCEDURE

Article 7

During the process of return, Ministry of Interior will provide the victim with necessary travel documents if the victim does not have any, and will also organize victim's trip and provide necessary accompaniment of police officers to the country of return.

If necessary, Ministry of Interior will organize health check of the victim in cooperation with the state administration body competent for health protection.

If victim is a child, accompaniment of guardian will be provided during the process of return.

Article 8

When organizing the return, Ministry of Interior 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 1 of this Article, competent for taking over and caring for victims will be delivered by the ministry competent for foreign affairs, following a request from Ministry of Interior or from the body competent for social welfare.

Following the arrival of the victim to the country of return, the Ministry of Interior or the body competent for social welfare will request signing of the form referred to in Article 1 paragraph 5 of this Protocol from the authorities in the country of return referred to in paragraph 1 of this Article.

Ministry of Interior, or the body competent for social welfare in case victim is a child, will write minutes on the undertaken activities referred to in paragraph 3 of this Article.

IV SAFE TRANSPORTATION

Article 9

Voluntary return of the victim to the country of return may happen after all the above mentioned steps have been undertaken.

Article 10

Voluntary and safe return of the victim to the country of return is implemented by the Ministry of Interior, Department for Illegal Migration.

Article 11

Pursuant to Article 75 of the Aliens Act, the Ministry of Interior, Department for Illegal Migration will organize transportation of the victim to the destination, while taking care of their wellbeing and protection.

Ministry of Interior, Department for Illegal Migration will cooperate with competent authorities in the country of return.

In case the return of the victim is organized in a personal vehicle, the vehicle must have no signs and the accompanying police officers must be wearing civilian clothes.

V FINAL PROVISIONS

Article 12

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

Article 13

Participants in this Protocol 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.