

PROTOCOL ON THE INTEGRATION/REINTEGRATION OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS

The system for combating trafficking in human beings in the Republic of Croatia is based on the principles of respect for the basic human rights of victims of human trafficking, and providing assistance and protection through safe accommodation, psycho-social, health and legal assistance, and the right to a safe return to the country of return.

The National Referral Mechanism pays special attention to the aspect of the social and economic integration/reintegration of victims of trafficking in society, as one of the main prerequisites for their successful return and empowerment.

The National Referral Mechanism, which regulates the area of combating human trafficking in the Republic of Croatia is based on international, European and national documents, which provide the basis for all forms of assistance and protection to the victims of human trafficking.

This Protocol, together with the Protocol on Identification, Assistance and Protection of Victims of Human Trafficking, the Protocol on Procedures during Voluntary Return of Victims of Human Trafficking and the Standard Operating Procedures of the ministry responsible for social welfare issues and the ministry responsible for entitlements from health insurance comprehensively regulate the procedures with respect to the victims of human trafficking.

The purpose of this Protocol is to define the procedures and the bodies with responsibilities for the integration/reintegration of persons in the society.

This Protocol will apply gender mainstreaming and will take into account the interests of the child.

This Protocol takes into account the specific health and other needs and risks facing victims of human trafficking with respect to their gender, age, the victim's disability, pregnancy, motherhood or fatherhood, and the sexual orientation and gender identity of the victim.

Article 1

Gender-based expressions used in this Protocol, regardless whether they were used in the feminine or masculine form, equally relate to both male and female genders.

THE PROCEDURE FOR INTEGRATION/REINTEGRATION OF VICTIMS OF HUMAN TRAFFICKING

Article 2

The following bodies are involved in the procedure of integration/reintegration of victims of human trafficking (hereinafter: the victims): the ministry responsible for health, the ministry responsible for social welfare issues, the ministry responsible for education, the ministry of the interior, the Croatian Employment Service, civil society organisations and, if necessary, other participants.

The procedure for integration/reintegration encompasses involving the victim in society in the sense of providing victims with social and psychosocial protection, entitlements from the social welfare system, participation in the educational system, organisation of free time, participation in the labour market for adult victims and all other entitlements pertaining to citizens of the Republic of Croatia.

If the victim is a foreign national, integration also covers learning the Croatian language, history and culture, as provided by the ministry responsible for education.

Integration relates to all the victims accommodated in the national shelter or in some other form of accommodation.

Accepting assistance and protection programmes

Article 3

After identification, the initial interview and approving the victim's status, the victim shall be entitled to a reflection period.

The reflection period is the period of time in which the victim has sufficient time to decide whether to accept the assistance and protection programme and whether to cooperate with the competent authorities.

The reflection period is defined in the Protocol on Identification, Assistance and Protection of Victims of Human Trafficking.

Within this period, the victim may be accommodated in temporary accommodation provided by the ministry responsible for social welfare issues, or in accommodation that the victims provide for themselves (private accommodation).

If the victim has accepted the assistance and protection programme, s/he shall inform the mobile team or the ministry responsible for internal affairs of his/her decision, and they will in turn inform the mobile team coordinator.

If the victim does not accept the assistance and protection programme, s/he is not entitled to accommodation in the national shelter for victims.

If the legal representative of a child victim does not accept the assistance and protection programme, the child must be provided with further monitoring, assistance and support at all levels for at least one year after identification, through the national social welfare centre.

In exceptional situations, as assessed by the Operational Team of the National Committee for Combating Trafficking in Human Beings (hereinafter: the Operational Team), a victim who does not accept the protection and assistance programme may be granted the right to stay in the national shelter for victims at a later stage.

THE PROGRAMME OF INTEGRATION/REINTEGRATION SUPPORT

Article 4

The assistance and protection programme includes accommodation in the national shelter for victims, health and psycho-social protection, translation and interpretation services, legal assistance, and other necessary forms of assistance.

Providing assistance and protection requires urgency and confidentiality in procedures.

The assistance and protection programme is based on a comprehensive assessment of the victims' needs, taking into account the specificities arising from age, gender, gender identity and cultural background.

The head of the organisation that manages the national shelter, who is at the same time the case manager for the victim of trafficking, shall conduct a comprehensive assessment, in cooperation with the competent centre for social welfare, with the active participation of the victim, based on the *Questionnaire for Comprehensive Needs Assessment*.

If the victim is a child, the comprehensive needs assessment shall be conducted by the child's legal representative in cooperation with the case manager, if the child is accommodated in the national shelter for victims.

For persons accommodated in private accommodation, a comprehensive needs assessment shall be implemented by the competent social welfare centre upon a request by the mobile team and civil society organisations that have completed specialized training for working with victims of human trafficking.

Health care

Article 5

Persons who have been identified as victims, who are citizens of the Republic of Croatia, shall be entitled to health care and insurance in accordance with the special regulations that regulate health care and mandatory health insurance.

Persons who have been identified as victims, who are foreign nationals, shall be entitled to health care in accordance with the regulations that regulate mandatory health insurance and health care of foreign nationals in the Republic of Croatia.

Health protection services shall be provided to victims in accordance with the needs established by the mobile team, and in accordance with the Standard Operating Procedures of the ministry responsible for entitlements from the health care system.

The ministry responsible for health care issues shall appoint a principal coordinator of the country health coordinators, who shall be available 24/7 throughout the year, on a phone number available to all mobile team members, the providers of accommodation services and legal representatives of children or adults under guardianship, and the members of the Operational Team.

Officials who have taken on the task of providing care to victims may at any time contact the principal coordinator of the county health coordinators and directly arrange medical appointments for the victims.

Providing accommodation services

Article 6

Accommodation of victims is a service within the social welfare system that is provided in the national shelter for victims.

Currently, there is one national shelter for child victims of trafficking, and one national shelter for adult victims of trafficking (hereinafter referred to as victims) in the Republic of Croatia, and both are managed by civil society organisations.

The ministry responsible for social welfare issues shall provide the funds for provision of accommodation services in the national shelters.

Recognition of the right to accommodation services, and provision of accommodation services is regulated by the legislation on social welfare.

The conditions in terms of the premises, equipment, type, content and scope of services, the structure and duration of direct professional work with victims, and the number of workers necessary are prescribed in the special regulation, which regulates the minimum requirements for the provision of social services.

Victims' stay, and the rights and obligations of all stakeholders who participate in the process of providing accommodation services are prescribed in the Standard Operating Procedures of the ministry responsible for social welfare issues, as published on the website of that ministry.

Psychosocial treatment and counselling

Article 7

Psychosocial treatment and counselling is a collection of professional procedures aimed at the protection, maintenance and improvement of the mental health and social status of the victims, and improving their quality of life and work, as well as encouraging the development of the victims' personal potential and effectiveness.

Psychosocial treatment and counselling are provided to victims who are accommodated in the national shelter for victims or in private accommodation.

The need for psychosocial treatment and counselling shall be established on the basis of the individual needs assessment and is defined in the Individual Plan.

The intensity, scope, frequency and length of treatment shall be defined by the expert who implements the treatment, while the victim shall actively participate in this process, and the expert shall respect the victim's capacities and free choice.

A psychotherapist or a counselling therapist shall implement the psychotherapy or counselling in the premises of the national shelter or the external counselling centre for victims, in a health or social care institution, private practice etc.

Social welfare

Article 8

A person identified as a victim shall exercise rights from the social welfare system, as prescribed by the law regulating social welfare.

The social welfare centre in the area of the victim's domicile or residence shall be in charge of deciding on the exercise of rights from the social welfare system.

The ministry responsible for social welfare issues has appointed a ministry coordinator competent for social welfare issues and regional coordinators at social welfare centres (Zagreb, Rijeka, Split and Osijek), who are available 24 hours each day of the year, on a telephone number available to all members of the mobile teams and to members of the Operational Team.

The procedure with victims and the role of stakeholders in the social welfare system are prescribed by the Standard Operating Procedures of the competent ministry.

Education, reskilling and upskilling

Article 9

In accordance with the legal requirements, victims shall be included in primary, secondary and/or tertiary education.

Victims older than 15 years of age who have not completed primary education shall be allowed to continue primary education in accordance with the conditions provided by the ministry responsible for education.

Victims who are foreign nationals will be allowed to participate in secondary education in accordance with the laws and by-laws of the ministry responsible for education.

Financing of the costs of attending primary and secondary education referred to in paragraphs 1 and 2 of this Article shall be covered by the ministry responsible for education.

Encouraging the inclusion of the victim in procedures preparing them for employment, on-the-job training and social training, reskilling, upskilling and further development of professional skills, with the aim of improving the victim's employability and employment shall be conducted by the Croatian Employment Service.

Access to the labour market

Article 10

The activities of the Croatian Employment Service are directed towards enhancing the employability of victims, assisting them find their way on the labour market, and encouraging their social inclusion through lifelong education and employment. All regional and branch offices shall provide support to the victims through activities aimed at preparing them for employment, through employment mediation and active employment policies.

Victims who are third country nationals shall be entitled to labour market access in accordance with the legislation regulating the work of foreign nationals.

Preparation for employment includes: professional orientation, development of career management skills, support in defining and developing an individual plan for job seeking (a professional plan or agreement), education and training for employment, and professional rehabilitation.

Employment intermediation includes: Individual counselling and information, individual consultations, defining a professional plan or agreement for job seeking, support for active job seeking, and referral to advertised vacancies.

The Croatian Employment Service shall make it possible for victims to be involved in active employment policy measures, in accordance with the requirements and criteria defined in the Guidelines for the Development and Implementation of Active Employment Policy in the Republic of Croatia.

Active employment policy measures include: employment aid, training aid, self-employment aid, education for unemployed persons, on-the-job training, measures to support gaining initial work experience/traineeship, public works, support for preserving employment, and permanent seasonal work.

Article 11

All regional and branch offices of the Croatian Employment Service have appointed advisers - coordinators for victims of domestic violence and victims of human trafficking (hereinafter: the victims).

A coordinator is the contact person to whom other institutions or associations submit data on the victim and schedule appointments for the victim in the regional or branch office.

At the first appointment, the victim shall contact the coordinator at an agreed time.

The coordinator shall inform the victim of the possibilities of employment, in the light of their status as a victim.

Accompanied by the coordinator, or as arranged by the coordinator by telephone, the victim shall register at the information desk in order to be registered in the unemployment register, where supplementary measures of data protection are ensured.

The coordinator shall maintain a separate record on the victims for the needs of statistical reporting.

The employment advisor assigned to the victim shall manage the victim's file in the database of unemployed persons.

The employment advisor has the following obligations towards victims who are registered in the unemployment register:

- to ensure that victims exercise their right to information and professional assistance;
- to provide victims with information on the local labour market;
- to involve victims in workshops for the unemployed, with the aim of increasing their competences, motivation and active job-seeking skills;
- together with the victims to define a professional plan or agreement on job-seeking, on the basis of assessment of their competences, level of education and previous work experience;
- to inform victims of advertised vacancies in accordance with the defined professional plan or agreement;
- to inform victims of active employment policy measures;
- to assist victims in establishing contact with potential employers.

Legal aid

Article 12

Victims of human trafficking (hereinafter: the victims) shall be entitled to free legal aid and to certain forms of assistance and support, in accordance with the national legislation regulating criminal procedure and the provision of free legal aid.

Legal aid significantly contributes to victims' recovery and their integration/reintegration into society.

Within their integration/reintegration programmes the victims should also be given additional forms of legal aid, as provided by the competent institutions and civil society organisations.

Legal aid for victims entails effective legal protection and access to courts and other public bodies.

Victims are entitled to primary and secondary legal aid.

Primary legal aid covers all legal services for the victim related to the victim/injured person's status in criminal court proceedings.

Legal services shall cover the following: general legal information; legal advice (comprehensive instructions on how to and the possibility to exercise and/or protect a certain right of the beneficiary); representing the party and drafting submissions for the competent national courts - the European Court of Human Rights and international organisations in accordance with international agreements and operational rules of such bodies.

Secondary legal assistance covers all forms of legal services for victims in civil, labour, family and administrative proceedings, and also includes exemption from payment of court fees or other costs of court proceedings.

From the moment of establishing contact with the competent authorities, victims are entitled to access to information on relevant court and administrative proceedings in a language they understand.

Victims should be familiar with their rights and should be provided with free legal aid at the earliest possible stage.

Legal aid makes it possible for victims to exercise their right to compensation from the perpetrator, or to receive the guaranteed compensation for damage.

Legal aid makes it possible for victims not to be sanctioned for participating in illegal activities, to the extent to which they were forced to participate in them.

Legal aid makes it possible to implement efficient and adequate protection from retaliation or intimidation, particularly during and after investigation and criminal prosecution of the perpetrators.

Legal aid (secondary), counselling and representation are also provided to victims in other legal proceedings unrelated to criminal proceedings against human traffickers (such as divorce, decisions on custody of children, compensation for damages, labour disputes, enforcement procedures, issues of debt towards the banks).

Legal aid should take into account the trauma of the victims, and it is therefore necessary particularly to strengthen the client-attorney relationship in cases of human trafficking, where the victims suffered traumatic events.

Providing assistance and protection programmes to victims of human trafficking with multiple, specific risks and needs

Article 13

The assistance and protection programme for victims of human trafficking (hereinafter: the victims) takes into account the specific health and other needs of and risks for victims of

human trafficking with respect to the gender, age, disability, pregnancy, motherhood or fatherhood, sexual orientation and gender identity of the victim.

The assistance and protection programme for victims with specific needs and risks encompasses the appropriate training of mobile teams in view of the above mentioned specific needs and risks of the victims.

Pregnant women and parents identified as victims shall be familiarized with their rights stemming from pregnancy and parenthood, and instructed as how to exercise such rights in accordance with the regulations from these specific areas.

Members of sexual and gender minorities who are identified as victims shall be provided with the assistance and protection programme that includes the appropriate medical, psychological, legal and social support and assistance aligned to their specific needs, with the aim of achieving their full and efficient integration in society.

In proceeding with victims who have been sexually exploited, special attention shall be paid to protecting their sexual and reproductive rights and their dignity, and their integration into society shall be supported in a sensitive manner.

FINAL PROVISIONS

Article 14

The provisions of this Protocol relate to victims who are Croatian citizens and to victims who are foreign nationals, whose status is regulated in the legislation on foreign nationals, and to victims who have been granted international protection.

Article 15

All bodies that participate in the integration/reintegration of victims are obliged to proceed in accordance with the provisions of this Protocol.

Article 16

Participants to this Protocol are obliged to inform all bodies and institutions within their remit on the adoption of this Protocol, and to undertake measures to ensure its consistent application.

Article 17

On the day of entry into force of this Protocol, the Protocol that came into force on 1 January 2012 shall cease to be in effect.

Article 18

This Protocol shall enter into force on 1 April 2019.