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**INFORMATION LEAFLET**

**THIRD-COUNTRY NATIONAL VICTIMS OF TRAFFICKING IN HUMAN BEINGS: detection, identification and protection**

*The European Migration Network has published a synthesis report of the EMN study “Third-country national victims of trafficking in human beings: detection, identification and protection” based on the national contributions of the 27 EMN NCPs.[[1]](#footnote-1) This study aims to explore the national practices of detection, identification and protection of third-country national victims of trafficking in human beings. In this respect, without adopting the same scope, it updates the 2013 EMN study “Identification of victims of trafficking in human beings in international protection and forced return procedures”. The information collected for this study refers mainly to the legislative, policy and practice frameworks that the Member States, Norway and Georgia have put in place, rather than how these frameworks are implemented.*

*DISCLAIMER*

*This information is produced exclusively by EMN NCP Croatia in order to highlight the most important findings in the study and to provide a comparative overview of developments and use of detention and alternatives to detention in the Republic of Croatia and EU Member States, Norway and Georgia.*

*EMN synthesis reports and further information can be found here.*

**INTRODUCTION**

Trafficking in human beings is a crime that can take various forms; it includes destruction of individuals’ lives by depriving them of their dignity, freedom and fundamental rights. It is often a violent crime committed by organized crime networks. Trafficking in human beings is prohibited under various EU and international instruments, such as Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (**the Anti-Trafficking Directive**), the Charter on Fundamental Rights of the EU and many others. The EU recognizes trafficking in human beings as a violation of human rights: Article 5(3) of the EU Charter on Fundamental Rights prohibits trafficking in human beings.

The main trends related to the trafficking of the human beings at national level between 2015 and 2020 in EU Member States, Georgia and Norway consisted primarily of the introduction of policy changes, legislative actions and institutional developments. Thus, majority of Member States set up national coordination systems in order to incentivize activities to detect, identify and protect victims of human trafficking as well as to fight the trafficking of human beings. One of the main policy developments identified in most Member State was the adoption and re-adoption of National Action Plans (NAPs) to prevent and combat trafficking in human beings. Since 2002, Croatia has adopted several national plans for combating trafficking in human beings, the last of which is for the period from 2018 to 2021.

Croatia has ratified the most important international documents in this field, such as the UN Convention against Transnational Organized Crime and related protocols: Protocol to Prevent, Suppress and Punish Trafficking in Human Beings, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air. In addition, Croatia has ratified the Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, as well as the Council of Europe Convention on Action against Trafficking in Human Beings.

At the level of the European Union, Croatia has transposed the Directive 2011/36/EU on the prevention and combating of trafficking in human beings and the protection of victims. The provisions of the aforementioned international documents are incorporated into the Croatian normative framework.

**DETECTION AND IDENTIFICATION**

The Anti-trafficking Directive introduced the concepts of detection and identification into EU law. **Detection** refers to the process of identifying a possible situation of human trafficking. This process can happen as part of a broader procedure or measure, for example, as part of a standard border control procedure, a medical visit, as part of a law enforcement investigation into trafficking or through the work of NGOs specialized in supporting victims of trafficking. After the person is detected, they have to be identified. **Identification** is the confirmation that the detected person(s) can be considered a presumed victim of trafficking. Not all countries have a clear distinction in place between detection and identification. The authorities involved in detecting and identifying (presumed) victims vary across countries. Whilst a variety of authorities is competent to detect (presumed) victims, a limited number of authorities usually carries out identification.

As shown in **Table 1,** in Croatia, multiple authorities can detect victims, but only one authority can identify them (Ministry of Interior).

|  |  |
| --- | --- |
| **No formal distinction between detection and identification** | |
| The same authorities are involved in detection and identification. | CZ, SE, SK and NO |
| Multiple authorities can detect victims, but only a few can identify them. The two phases coincide when the authority that detects the presumed victim is also competent to identify. | AT, FR, LV, NL, PT and GE |
| Any authority or organization can informally detect a situation of human trafficking, whereas only a few authorities or one authority is competent to identify | IE, FR, NL |
| **Formal distinction between detection and identification** | |
| Multiple authorities are competent to detect victims, but only one authority is responsible for identification. | BE, BG, CY, EL, ES, HR, LT, LU, MT, PL, SI |
| Multiple authorities can detect victims, but only a few can identify them. The two phases coincide when the authority that detects the presumed victim is also competent to identify. | EE, PL |
| Multiple authorities are competent for both detection and identification. | CZ, DE, FI, HU, IT |

**Table 1**

**DETECTION MEASURES**

Member States, Norway and Georgia use various procedures and measures to detect third-country nationals who are (presumed) victims of human trafficking. The most commonly used measures are: self-reporting of the crime,[[2]](#footnote-2) awareness-raising campaigns,[[3]](#footnote-3) using indicators to detect victims,[[4]](#footnote-4) intelligence gathering[[5]](#footnote-5) and proactive screening mechanisms during the asylum and migrationprocedures.

Several Member States, including Croatia, have a special telephone number set up to **self-report** or report cases of trafficking in human beings.[[6]](#footnote-6) In addition, the Croatian Border Police Directorate issued information leaflets (translated into foreign languages) which enable victims to inform police officers, in police stations and/or in detention centers, about their status. However, since third-country nationals may not always consider themselves as victims of trafficking in human beings, few Member States also allow NGOs,[[7]](#footnote-7) and labour inspectorates[[8]](#footnote-8) to report cases of trafficking.

To make victims aware and report their situation, many Member States use **public awareness campaigns**,[[9]](#footnote-9) in form of information days and conferences,[[10]](#footnote-10) and dissemination of informative material.[[11]](#footnote-11)

Many Member States use **indicators** to detect victims. Indicators describe key features of a potential trafficking situation and are deployed by about half of the Member States to facilitate the detection of potential victims by authorities who may encounter them[[12]](#footnote-12). In Croatia, police officers, guided by criminal intelligence and operational knowledge in order to proactively identify victims of trafficking and perpetrators of crimes related to trafficking, perform daily inspections and monitor all reported events of importance to the criminal police on the entire territory of Croatia.

To detect third-country national (presumed) victims of human trafficking, most Member States also make use of **proactive screening mechanisms during both the asylum**[[13]](#footnote-13) **and legal migration**[[14]](#footnote-14) **procedures**, often as part of the vulnerability assessment.[[15]](#footnote-15) For instance, Croatia, Belgium and Lithuania require asylum seekers to fill in an initial form whereby they can notify authorities if they are a victim of human trafficking.

**IDENTIFICATION PROCEDURE**

Detection is usually followed by identification, which is the confirmation that the detected person(s) can be considered a (presumed) victim of trafficking according to the competent authorities. However, not all countries have set a clear distinction between detection and identification, and several countries do not have identification measures in place.[[16]](#footnote-16) On the other hand, the countries that do have a specific procedure for identification of (presumed) victims of trafficking in human beings; they implement it with the help of the police or the Public Prosecutor, or by a combination of authorities and organizations.[[17]](#footnote-17)

In Croatia, in accordance with Article 2 of the Protocol for the Identification, Assistance and Protection of Victims of Trafficking in Human Beings, the identification of victims of trafficking in human beings is performed by the **Ministry of the Interior** in cooperation with the Croatian Red Cross and civil society organizations. If the victim is a child, the Ministry of the Interior will cooperate with the ministry in charge of social welfare and civil society organizations in the identification process.

After receiving information from any source (independent work of the police, notification of another state body or non-governmental organization, call to the SOS line, etc.) about the possible perpetration of the crime of trafficking in human beings, the police begin a criminal investigation. In Croatia, a specialized branch of the police (organized crime), police officers specially trained to combat trafficking in human beings, carries out this investigation. In addition, a national referral mechanism is in place to identify victims of THB, with four mobile teams (based in Zagreb, Rijeka, Split and Osijek) which involve social workers and NGOs, and are involved in the identification of victims of THB and their referral to assistance. These mobile teams work directly with the local police’s anti-trafficking officers, responsible for investigating trafficking cases, and cooperate closely with the two coordinators for adult victims and child victims. In cases where the potential victim of trafficking is a foreigner in irregular stay in Croatia, the migration police will also be involved.

If a criminal offense of trafficking in human beings is determined, the Ministry of Interior carries out identification of victims of human trafficking. After the formal identification, the victim can apply for authorization to remain on the territory of the country where they were identified. The victim is provided with assistance and placed in safe accommodation. In order to be placed in safe accommodation, the victim must accept a program of assistance and protection.

**PROTECTION**

Considering the long-lasting harm, that trafficking in human beings causes to its victims and the society, the EU has adopted measures to guarantee (presumed) victims’ protection. As a result, the most recent Strategy on Combatting Trafficking in Human Beings (2021- 2025) emphasizes the importance of protection.

In addition, the Directive 2004/81 states that the third-country national who is a (presumed) victim of trafficking in human beings has the right to reside in the Member State where they were identified during the reflection period. The third-country national cannot be expulsed or transferred to another Member State in this period. In addition, during this period, (presumed) victim can recover and decide whether they wish to cooperate with the authorities and accept the protection. The **duration of the reflection period** ranges from 30 days to three months in the majority of Member States and Georgia,[[18]](#footnote-18) while a few countries allow for a longer duration.[[19]](#footnote-19) Once **the reflection period has expired,** (presumed) victim who is third-country national may be granted a residence permit of a longer duration, with an aim to support investigation and prosecution of their perpetrators. Member States can also grant a permit for **humanitarian reasons**.[[20]](#footnote-20) Croatia grants this type of permit to identified victims only if they accept assistance and protection programme offered to them. Reflection period for assistance and protection programme is 60 days or 90 days if the victim is a minor.

(Presumed) victims of trafficking can also seek international protection and can benefit from the principle of *non-refoulement*, even when they are in a situation of irregular migration. The majority of Member States apply this principle in the same way as for any other asylum application.[[21]](#footnote-21)

In Croatia, if a victim who is a third-country national accepts the offered assistance and protection programme; temporary stay permit is issued to the victim in duration of up to six months with a possibility of extension. A person can lose all right to assistance and protection if their statement is based on falsehoods, if the circumstances based on which person had a right to assistance and protection cease to exist, or if a person is behaving against the rules defined in the assistance and protection programme. All victims who accept the protection have the right to information, translation and interpretation, counselling, legal representation and legal aid. In addition, they have access to appropriate accommodation, material support, medical treatment and psychological assistance.

In nearly half of the Member States, (presumed) victims are entitled to access social and economic integration programmes.[[22]](#footnote-22) In Croatia, a number of institutions supports the integration: the ministry responsible for health, for social welfare, for education, the ministry of the interior, the Croatian Employment Service, civil society organisations and, if necessary, other participants.

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. 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. In Croatia, authorities seek to avoid forced returns of victims of trafficking in human beings, prioritizing voluntary returns to the largest extent possible.

**COOPERATION**

Cooperation at EU level and international level plays a strategic role in the fight against trafficking in human beings. There are networks and mechanisms that allow exchange of information and good practices. The study mentions thematic networks such as the Police and Customs Cooperation Centre (PCCC)[[23]](#footnote-23) the European Return and Reintegration Network (ERRIN)[[24]](#footnote-24) and European Crime Prevention Network (EUCPN).[[25]](#footnote-25) At operational level, Joint Investigation Teams (JITs) are viewed as effective tools in the fight against human trafficking.[[26]](#footnote-26) Several Member States and Georgia emphasised cooperation with and within the structures of Interpol,[[27]](#footnote-27) while others mentioned good working relations with the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA),[[28]](#footnote-28) and with the International Organization for Migration (IOM).[[29]](#footnote-29)

It is important to mention the Europol Joint Action Days that are considered essential to tackle trafficking in human beings more efficiently.[[30]](#footnote-30) According to France, the Europol-coordinated Joint Action Day at EU level involving 23 Member States led to 73 cases of trafficking in human beings detected, 630 victims identified and 747 new investigations (including 150 for trafficking in human beings).

A number of Member States mentioned active cooperation with third countries through the **deployment of liaison officers**[[31]](#footnote-31) and/or diplomatic missions.[[32]](#footnote-32)

**CONSEQUENCES OF THE COVID-19 PANDEMIC**

The COVID-19 pandemic presented challenges to the detection, identification and protection of (presumed) victims.

Several Member States and Norway had to close or adapt (part of) their public services as a result of the public health measures taken,[[33]](#footnote-33) and/or move these services online where possible. Over a half of the Member States stated that pandemic had a big impact on their activities and had to adapt their policies and procedures to address the challenges brought by the COVID-19 crisis.[[34]](#footnote-34) The main changes were moving to online services (for example video interviews),[[35]](#footnote-35) the use of hotlines,[[36]](#footnote-36) etc. However, some Member States considered that COVID-19 pandemic had not such a great impact on their activities in trafficking in human beings. For instance, in Croatia, the state authority responsible for identification is the police. The police could not work remotely. All the work took place, perhaps in a reduced form for the sake of the lockdown, but in accordance to the epidemiological measures that were in force at the time. Assistance, protection and accommodation for the victims were provided by the relevant non-governmental organizations, also in accordance to epidemiological measures. The main conclusion is that the pandemic has changed how victims are recruited, trafficked and exploited, with most Member states reporting on the increasing use of the internet to recruit, exploit and control victims.[[37]](#footnote-37)

1. AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK, NO, GE. [↑](#footnote-ref-1)
2. AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LU, LV, NL, PT, SE, SI, SK and NO, GE. [↑](#footnote-ref-2)
3. AT, BE, BG, CZ, EE, EL, ES, FI, FR, HR, HU, IE, LU, LV, NL, PT, SE, SI, SK and NO, GE. [↑](#footnote-ref-3)
4. AT, BE, CY, CZ EL, ES, FI, HU, IE, LT, LU, LV, NL, PL, PT, SE, SI, SK and NO, GE. [↑](#footnote-ref-4)
5. BE, BG, CY, CZ, EE, EL, ES, FI, HR, HU, IE, LV, LU, NL, PT, SE, SK and NO, GE. [↑](#footnote-ref-5)
6. AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, HR, IE, LT, LV, PL, SI, SK and NO, GE. [↑](#footnote-ref-6)
7. CY, CZ, FI, FR, HU, SE, SK and NO. [↑](#footnote-ref-7)
8. BE, CZ, FI, IE, LT, SK and GE. [↑](#footnote-ref-8)
9. AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, IE, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK and NO, GE. [↑](#footnote-ref-9)
10. AT, DE, EE, HR, LV, NL, PL, PT and GE. [↑](#footnote-ref-10)
11. BE, CY, CZ, DE, EE, ES, FI, FR, HR, HU, LT, LU, LV, NL, PL, SE, SK and GE. [↑](#footnote-ref-11)
12. AT, BE, CY, EL, FI, HR, IE, LT, LU, LV, NL, PL, PT, SE, SI, SK and NO, GE. [↑](#footnote-ref-12)
13. AT, BE, BG, CY, CZ, EE, EL, ES, FI, FR, HU, IE, IT, LT, LV, LU, NL, PL, PT, SI, SK and GE. [↑](#footnote-ref-13)
14. BG, CY, CZ, EE, FI, HU, LU, LV, NL, PT, SI, SK and GE. [↑](#footnote-ref-14)
15. BE, EE, IE, LT, LU. [↑](#footnote-ref-15)
16. BE, FR, LT. [↑](#footnote-ref-16)
17. AT, BG, DE, EL, ES, FI, HU, IE, IT, LU, MT, PL, SI. [↑](#footnote-ref-17)
18. AT, CY, FR, LT, LV, MT (extendable), SI, SE and GE. [↑](#footnote-ref-18)
19. DE, ES, FI, HR, IT, LU, NL, NO. [↑](#footnote-ref-19)
20. DE, EL, FR, HR, LU. [↑](#footnote-ref-20)
21. AT, BG, CZ, EE, EL, HR, LT, LV, LU, NL, SE, SI and NO. [↑](#footnote-ref-21)
22. AT, BG, FI, HR, IE, IT, LU, SE, SI and NO. In Sweden, (presumed) victims within a Dublin III procedure enjoy limited access to these programmes. [↑](#footnote-ref-22)
23. BE, DE, FR, LU, NL. [↑](#footnote-ref-23)
24. FR. [↑](#footnote-ref-24)
25. CZ, HR, LU. [↑](#footnote-ref-25)
26. BE, CZ, ES, FI, HR, LT, SK. [↑](#footnote-ref-26)
27. CZ, EL, HR, IE, LU, LV and GE. [↑](#footnote-ref-27)
28. CY, EL, FR, LV, SK and NO, GE. [↑](#footnote-ref-28)
29. CZ, DE, LT, LU, NL, IE, SK and NO, GE. [↑](#footnote-ref-29)
30. AT, BE, DE, ES, FR, HR. [↑](#footnote-ref-30)
31. BE, CZ, EL, ES, FR, HR, LT, LV, NL and GE. [↑](#footnote-ref-31)
32. BE, EL, HR, LU, LV and GE. [↑](#footnote-ref-32)
33. BE, CY, DE, EE, EL, ES, FI, FR, IE, IT, LT, LU, LV, NL, PL, PT and NO, GE. [↑](#footnote-ref-33)
34. AT, BE, DE, EE, EL, ES, FI, FR, IE, LV, NL, PL and NO, GE. [↑](#footnote-ref-34)
35. AT, FI, HU, LU and NO. [↑](#footnote-ref-35)
36. GE. [↑](#footnote-ref-36)
37. AT, CY, EL, LU, LV, DE, ES, FR, HR, LT, LU, LV, NL, SI, SK and GE. [↑](#footnote-ref-37)