

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Croatia - 2023

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR Protocol of 2014 P029 to the Forced Labour Convention

REPORTING

Fulfillment of Government's reporting obligations

Yes

Involvement of Employers' and Workers' organizations in the reporting process

91. When preparing its report, did the Government consult? [10.1]

a) The most representative employers organizations, b) The most representative workers organizations, c) The competent authorities.

92. To which employers organizations was the report sent? [12] Please provide the list

Croatian Employers' Association (CEA)

93. To which workers organizations was the report sent? [13] Please provide the list

Union of Autonomous Trade Union of Croatia (UATUC) - Independent Trade Unions of Croatia (ITUC) - MATICA - Association of Croatian Trade Unions

94. Please describe the consultation process(es). [10.2]

Reports on ratified conventions are prepared by competent state bodies depending on the subject matter of ratified conventions. The Ministry of Labour, Pension System, Family and Social Policy serves as a coordinator in the preparation process. After the preparation of reports, the Ministry of Labour, Pension System, Family and Social Policy sends an invitation to social partners for a meeting within the Committee responsible for dealing with the matters arising from the work of the International Labour Organization of the Social Economic Council (hereinafter: Committee) and provides draft versions of reports for comments and discussion at the meeting of the Committee. In 2023, four meetings of the Committee were held with social partners in order to discuss reports, proposed submissions, different

	questionnaires and other relevant issues arising out of the membership of the International Labour Organisation.
OBSERVATIONS BY THE SOCIAL PARTNERS	
Employers' organizations	
83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	Yes
84. Please provide details and provide any relevant URL(s) [6.2]	The answer is already provided under question 65.
95. Did employers organizations comment on the report? [11a]	No
96. Did workers organizations comment on the report? [11b]	No
97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them	The Ministry of Labour, Pension system, Family and Social Policy has provided a draft of a report to workers and employers organizations on 4 October 2023. We have not received any comments.
Workers' organizations	
83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	Yes
84. Please provide details and provide any relevant URL(s) [6.2]	The answer is already provided under question 65.
95. Did employers organizations comment on the report? [11a]	No
96. Did workers organizations comment on the report? [11b]	No
97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them	The Ministry of Labour, Pension system, Family and Social Policy has provided a draft of a report to workers and employers organizations on 4 October 2023. We have not received any comments.

EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL

Ratification

Ratification intention

61. If you have ratified Convention No. 29 but not the 2014 Protocol to Convention No. 29, what are the prospects for ratification of the Protocol?

Likely

62. What, if any, are the impediments to the ratification of the 2014 Protocol to Convention No. 29?

There are no impediments to the ratification of the 2014 Protocol to Convention No. 29.

Existence of a policy and or plan of action for the suppression of forced or compulsory labour

63. Is there a national policy and plan of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies? [1.1]

Yes

65. Please also indicate the manner in which employers' and workers' organizations have been consulted. [1.3]

Social Economic Council is the highest level of tripartism and social dialogue at national level in the Republic of Croatia. Representatives of government and social partners cooperate through mentioned Council and its Committees related to issues such as: wage policy and tax system and standard of living; social policy; employment; education and harmonization with the labour market; collective negotiations and protection of rights; sustainable development, economic stimulation, energy and climate change; and monitoring the activities of the International Labour Organization. In general, all drafts of national policies and acts are discussed and agreed in a specific working group with relevant state bodies and civil societies organizations related to the subject matter, and finally consulted with all interested public that is done through e-consultations. E.g. Work on creation of National policy on human trafficking and its action plans is done through a working group that includes all relevant state bodies and representatives of interested civil society organizations. Since the subject matter of human trafficking is not directly linked to issues that are discussed and agreed through social dialogue, social partners are not directly included in this working group. However, on such or any other national plan or an act, e-consultation is compulsory, and all interested public including social partners can provide comments and revisions of proposed draft of national policies and acts. Moreover, the working group on the draft of the Act on the Suppression of

	Undeclared Work, that constitutes type of compulsory, i.e. forbidden work included representatives of social partners since this subject matter is directly related to the scope of Social Economic Council.
66. Does the Government envisage adopting a national policy and/or plan of action in this regard? [1.4]?	
67. Does the Government wish to receive ILO assistance in developing a national policy and/or plan of action in this regard? [1.4b]	
68. Is there a national policy and plan of action setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour? [1.5]	Yes
69. Please describe these measures. [1.5]	The areas covered by the National Plan for Combating Human Trafficking for the period from 2018 to 2021 are: 1. Normative framework, 2. Identification of victims of human trafficking, 3. Monitoring of procedures for detection, prosecution and sanctioning of criminal offenses related to human trafficking, 4. Assistance and protection of victims of human trafficking, 5. Prevention, 6. Education, 7. International and regional cooperation and 8. Coordination of activities. All mentioned areas are defined by specific measures and actions. The Report on Implementation of National Plan for Combating Human Trafficking for the period from 2018 to 2021 is available at: https://judskaprava.gov.hr/UserDocsImages/dokumenti/Izvje%C5%A1%C4%87e%20o%20provedbi%20mjera%20iz%20NP%20za%20suzbijanje%20trgovanja%20judima%202018-2021,%20za%202021.pdf.
70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]	Yes
71. Please describe these data. [1.6.1]	The Ministry of the Interior collects data on human trafficking and forced labour victims such as number of identified victims per year, their age, origin, citizenship, gender, type of exploitation, exploration by gender and number of type of criminal acts related to victims of human trafficking. In addition to the collection of data on undeclared work, the State Inspectorate - Labour inspection collects data on number of misdemeanours. Most frequent misdemeanours found by labour inspectors are related to breach of article 14 paragraph 3 of Labour Act and Article 24 of Pension Insurance Act. Those breaches relate to failure to conclude an employment contract in writing before starting work, as well as failure to submit a certificate of concluded employment contracts and failure to register within the legal deadlines for mandatory insurance with the Croatian Pension

	Insurance Institute and the Croatian Health Insurance Institute.
72. Does the Government envisage collecting data on forced or compulsory labour? [1.6.2]	

Measures taken or envisaged for systematic and coordinated action

64. Please describe the measures envisaged, the established objectives and the authorities responsible for the implementation, coordination and assessment of these measures. Please provide any relevant URL(s) [1.2]	The Republic of Croatia has an established legislative framework related to forced or compulsory labour and human trafficking. For this purpose, it has ratified the most important international documents as well as it has incorporated into normative framework all EU Directives in this area. The Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia coordinates the work of ministries, civil society organizations and other bodies that participate in the system of combating human trafficking within the framework of the National Committee for the Suppression of Human Trafficking and the Operational Team of the National Committee for the Suppression of Human Trafficking. In order to effectively build a system for the suppression of human trafficking, the Republic of Croatia has been systematically adopting and implementing national plans for the suppression of human trafficking since 2002, and the last National Plan for the Suppression of Human Trafficking was adopted and adopted for the period from 2018 to 2021. The aforementioned National Plan covers all areas of the previous national documents dealing with the topic of combating human trafficking, and the proposed measures and activities incorporate the work experience of all competent state administration bodies, civil society organizations, and international organizations. Also, the National Plan pays special attention to the further strengthening of cooperation in criminal proceedings in cases of human trafficking between the State Attorney's Office of the Republic of Croatia (hereinafter: the State Attorney's Office of the Republic of Croatia) and the Ministry of the Interior, improving methods of identifying victims of human trafficking and ensuring the best interests of victims of human trafficking. Also, undeclared work is, in accordance with Art. 3, paragraph 2, point 4 of the Act on Suppression of Undeclared Work contrary to the provisions of regulations regulating the conditions of entry, movement, residence and work of foreigners who are citizens of third countries. The aforementioned Act provides for inspection procedures, employer obligations, as well as misdemeanour provisions related to the suppression of undeclared work.
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Measures taken or envisaged to prevent forms of forced labour

66. Does the Government envisage adopting a national policy and/or plan of action in this regard? [1.4]	
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74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]	Yes
75. If so, please indicate the type of measures, [2.2]	a) Information, education and awareness raising targeting especially people in vulnerable situation and employers, b) Strengthening and broadening of the coverage of legislation, particularly labour law, c) Regulation and supervision of the labour recruitment and placement process, g) Education/vocational training, h) Capacity building for the competent authorities.
75.c. Please provide a description of measures taken or envisaged:	Regarding the supervision of the labour recruitment and placement process in the private sector, concrete supervision activities are conducted by the State Inspectorate's labour inspection. Most frequent misdemeanours found by labour inspectors are related to breach of article 14 paragraph 3 of Labour Act and Article 24 of Pension Insurance Act. Those breaches relate to failure to conclude an employment contract in writing before starting work.
75.c. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:	Population group benefiting from these measures are all workers in the Republic of Croatia, both, in private and public sector.

Measures taken or envisaged to protect victims of forced labour

76. Have measures been taken or are measures envisaged for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour? [3.1]	Yes
77. If so, please indicate the type of measures [3.2]	a) Training of relevant actors for identification of forced labour practices, b) Legal protection of victims, d) Medical and psychological assistance for victims, e) Measures for the rehabilitation and social and professional reintegration of victims, f) Protection of privacy and identity, g) Appropriate accommodation, h) Specific measures for children, i) Specific measures for migrants.
77.e. Please provide a description of measures taken or envisaged:	Measures for the rehabilitation and social and professional reintegration of victims are related to the activity such as: Encourage the inclusion of victims of human trafficking in the preparation procedures for employment, labour and social training, retraining, further training, and improvement in with the aim of improving their employability and employment itself.
77.e. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:	Group of people that are benefiting mentioned measures are all victims of human trafficking.

Measures taken or envisaged to facilitate access to remedies

78. Have measures been taken or are measures envisaged to provide victims of all forms of forced or compulsory labour with access to remedies? [4.1]	Yes
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79. If so, please indicate the type of measures, [4.2]	b) Free legal assistance, e) Access to remedies and compensation, f) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges.
79.e. Please provide a description of measures taken or envisaged:	The Government of Croatia reported its Act on Financial Compensation to Victims of Criminal Crimes (Official Gazette No. 80/08 and 27/11) provides compensation, i.e., monetary compensation from the Republic of Croatia for criminal offenses committed intentionally with the threat of force or violation of sexual integrity or a criminal offense endangering life and property by a generally dangerous action or means. A victim who is a citizen of the Republic of Croatia or has a residence in the Republic of Croatia or is a citizen of an EU member state or has a residence in an EU member state has the right to compensation due to the consequences of a criminal offense. In addition, the Croatian Bar Association has provided the list of lawyers specialized in providing free legal advice to victims of human trafficking in all proceedings. Some civil organizations also provide free legal assistance and representation in proceedings.
79.e. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:	Group of people that are benefiting mentioned measures are all victims of human trafficking.
80. Please indicate whether the measures aimed at providing access to justice and remedies apply to all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory. [4.3]	Yes
Non-prosecution of victims for unlawful acts that they would have been forced to carry out	
79.g. Please provide a description of measures taken or envisaged:	
79.g. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:	
Cooperation with other Member States, international / regional organizations or NGOs	
81. Does the Government cooperate with other member States, international and regional organizations, or non-governmental organizations to achieve the effective and sustained suppression of forced or compulsory labour? [5.1]	Yes
81.1. Please specify	a) Other member States, b) International and regional organizations, c) Non-governmental organizations.
82. Please briefly describe the modalities of this cooperation. [5.2]	Concrete cooperation measures are carried out with other member states, international and regional organizations or non-governmental organizations related to activities such as: a) Participation of representatives of state administration in

	bilateral cooperation on human trafficking, b) Participation of representatives of state administration bodies in the framework of international activities and regional organizations and initiatives in combating human trafficking and c) Informing representatives of civil society organizations about international and regional action of the Republic of Croatia on human trafficking. All of these actions are implemented continuously by different stakeholders. Concrete activities and their implementation are elaborated in detail in the 2022 Report on the National Plan for Combating Human Trafficking available at: https://judskaprava.gov.hr/UserDocsImages/dokumenti/Izvje%C5%A1%C4%87e%20o%20provedbi%20mjera%20iz%20NP%20za%20suzbijanje%20trgovanja%20judima%202018-2021,%20za%202021.pdf.
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Promotional activities

90. Please provide URL(s) to any new information on efforts made to respect, to promote and to realize the principle of effective and sustained suppression of forced or compulsory labour through prevention, victim protection and access to remedies. [14]

Special initiatives or Progress

85. Please describe any significant changes which have taken place since your last report (for example, changes in the legislative and institutional framework, launching of major programmes, new data, changes in the number of persons in forced labour who have been identified, released and protected, penalties imposed on perpetrators). [7]

Relevant changes since the last report relate to additional legislative formation on undeclared work as a certain type of a compulsory work. The Republic of Croatia adopted the National Program for Combating Undeclared Work 2021-2024 and the associated Action Plan. One of the most important undertaken measures is the adoption of the new Act on Suppression of Undeclared Work, which entered into force on 1 January 2023.

CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL

According to the social partners

Employers' organizations

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]

Workers' organizations

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]

According to the Government

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]

TECHNICAL COOPERATION NEEDS

Request

87. Does your Government think that it should establish technical cooperation activities with the ILO or pursue those that already exist for the prevention and effective suppression of forced or compulsory labour, victim protection and access to remedies? [9.1]

No

88. If so, please indicate the needs in this area by level of importance (not important, less important, important, most important) [9.2]

89. Please provide additional information on the top three needs that you have identified in the elimination of forced labour or compulsory labour. Please provide URL(s) to any other information you may deem necessary.