

Social Fieldwork Research (FRANET)

Severe forms of Labour Exploitation

Supporting victims of severe forms of labour exploitation in having access to justice in EU Member States

Croatia, 2014

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Categories of interviewees:

Nine categories of experts working in the context of labour exploitation took part in the interviews and focus groups:

M – Monitoring bodies (such as labour inspectorates, health and safety bodies)

P – Police and law enforcement bodies

S – Victim support organisations

J – Judges and prosecutors

L – Lawyers

R – Recruitment and employment agencies

W – Workers' organisations, trade unions

E – Employers' organisations

N – National policy experts at Member State level.

FG – Focus Group

Throughout this report, references to these groups as 'M', 'P' etc. are to be understood as referring to the above-named 9 categories.

Where [M(X)] appears, this denotes the group from which the referenced interviewee came, in addition to the number of interviewees from that group referenced (for example, if a statement is supported by references to three interviewees from the M group, two from the S group and one from the J group, the reference will read '[M(3); S(2); J(1)]'. Likewise, if a statement is supported by statements from interviewees who participated in focus groups (in the following example, a lawyer), the reference will read '[FG(L)]'.

For data protection reasons, no names of interviewees have been mentioned.

1. Introduction, including short description of fieldwork

In Croatia, fieldwork within this project was terminated after only eight interviews had been conducted. This decision was reached by the FRA project team in consultation with the Croatian FRANET team, and based both on results of conducted interviews and on information obtained in contacts with other potential respondents. Specifically, it was determined that, apart from two interviewees involved in national efforts directed towards suppression of trafficking in human beings, no other selected respondents, i.e. the institutions they were representing, had any experience with severe forms of labour exploitation of migrant workers. In addition, preliminary contacts with other institutions we intended to include in the sample suggested that the same was the case with them.

A more detailed account of institutional practices professional experiences and attitudes of eight interviewed professionals will be presented in later sections of this report. Here, we will describe the initial sample design, some characteristics of the group of interviewees, as well as some reasons for non-inclusion of other contacted professionals.

It was envisioned for fieldwork in Croatia to encompass 20 individual interviews and one focus group. In addition, 5-6 case studies were going to be prepared, partially on the basis of information obtained through the interviewing process.

Two regions of Croatia were selected for fieldwork: the capital of Zagreb and the region of Slavonia. Zagreb was selected as by far the largest urban centre in Croatia and the site of the densest economic activity in some of the sectors with documented or suspected presence of migrant workers. Slavonia is the eastern region of Croatia, bordering, among other countries, with Bosnia and Herzegovina, reportedly a country of origin of the largest number of migrant workers working without a permit in Croatia.¹ In addition, it is an agricultural region, and agriculture has been identified as one of the sectors with lot of undocumented migrant workers (along with construction).

The planned sample was to include representatives of several professional groups, each performing a specialised function relevant for the suppression of severe forms of labour exploitation and for the protection of victims' rights. Five of these groups are represented in the interviews conducted, four of them by only one representative, and one group by four representatives. Representatives of the remaining groups had not been interviewed before the termination of fieldwork.

The final sample consists of four male and four female respondents. Two of them are over 50 years of age, while the remaining six are from 30-50 age group. Their mean duration of relevant professional experience is 11.4 years, ranging from six to 19.

One interview was shorter than 45 minutes, three were from 45 to 60 minutes long, two were 60 to 75 minutes, and two lasted longer than 75 minutes. The interviews were conducted from February 21 to April 23, 2014.

Overall, it can be concluded that our experience seems to suggest that – apart from the segment of trafficking in human beings for purpose of labour exploitation - institutional mandates to deal with the problem of severe forms of labour exploitation have not been

¹ As per information obtained by the Ministry of Interior in September 2014, from the Annual Report of the State Inspectorate for 2012 and from the survey of trade unions carried out in June 2013 by Helga Špadina.

established, nor have the institutional practices been developed. While not all relevant institutions had been interviewed, it was assessed that continuation of fieldwork would not likely result in a very different view.

As a consequence, the report on the results that follows is based solely on eight interviews. Equally importantly, most interviewees had no professional experience with severe forms of labour exploitation, and it was precisely such experience that had been envisaged to form a basis of their responses. The absence of such experience limits, in our view, the validity of some of the answers provided.

2. Legal framework

Slavery (Art. 22) is prohibited by the Constitution of Republic of Croatia, as is forced and compulsory labour (Art. 23).² It is also implicitly prohibited in Article 55 of the Constitution which stipulates that everyone shall have the right to work and the freedom of work and that everyone shall be free to choose his/her vocation and occupation, and shall have access to each workplace and post under equal conditions.

The current Criminal Code was enacted in 2011, and came into force on 1 January 2013.³ Several of its articles regulate criminal forms of labour exploitation.

Slavery is prohibited in Article 105 of the Criminal Code which criminalises the placing, buying, selling, delivering or intermediating in the acquisition, selling or delivery of a person in order to establish a situation of servitude or a similar relationship. Slavery against a child is considered to be an aggravated form of this criminal act.⁴

The term “servitude” is explicitly mentioned only in the context of trafficking in human beings (Art. 106 of the Criminal Code).⁵

Article 177 of the Criminal Code criminalises forced or excessive labour or labour that is not suitable for the age of a child, as well as begging or instigating any other behaviour which is detrimental to the child’s development or which severely abuses the child’s rights in any other way. An aggravated form consists of a criminal act that results in a child begging, child prostitution or other forms of socially unacceptable behaviour, or inflicting serious bodily injury.

Article 106 of the Criminal Code criminalises human trafficking for the purpose of labour exploitation through forced labour or servitude, the establishment of slavery or a similar relationship, exploitation for the purpose of prostitution or other forms of sexual exploitation including pornography or for the purposes of illegal or forced marriage, for the removal of organs or (the forced) involvement in armed forces or for the purpose of involvement in illegal activity (note: forced begging is considered an “illegal activity”), and where illegal adoption is a form of exploitation of children. An aggravated form of the offence is trafficking committed against a child, committed by a state official, against several persons or committed in a manner which jeopardises the life of one or several persons. The Criminal Code regulates the criminal

² Croatia, Constitution of the Republic of Croatia (*Ustav Republike Hrvatske*) (1990) Official Gazette (*Narodne novine*) Nos. 56/1990, 135/1997, 8/1998, 113/2000, 124/2000, 28/2001, 41/2001, 55/2001, 76/2010 and 85/2010 (consolidated text in Croatian, 6 July 2010). Unofficial translation available on the website of the Croatian Parliament: www.sabor.hr/fgs.axd?id=17074. All hyperlinks were accessed on 16 July 2014.

³ Croatia, Criminal Code (*Kazneni zakon*) (2011) Official Gazette (*Narodne novine*) Nos. 125/2011, 144/2012. Available at: http://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_125_2498.html and http://narodne-novine.nn.hr/clanci/sluzbeni/2012_12_144_3076.html.

⁴ Croatia, Criminal Code (*Kazneni zakon*) (2011) Official Gazette (*Narodne novine*) Nos. 125/2011, 144/2012. Available at: http://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_125_2498.html and http://narodne-novine.nn.hr/clanci/sluzbeni/2012_12_144_3076.html.

⁵ “Servitude” was incorrectly translated in the Croatian official translation of international conventions as “*ropstvu sličan odnos*” (“slavery-like relation”) and this term has been widely used in all national codes, including the new Criminal Code of 2011 (which entered into the force on 1 January 2013).

liability of clients of the victims of trafficking if they are aware of exploitation, prescribing the same sanctions as those imposed on perpetrators of human trafficking (Art. 106, para 4).⁶

In terms of provisions criminalising employers, the Criminal Code prescribes the prohibition of the employment of a person who illegally resides in the Republic of Croatia under exploitative working conditions or if the employer is aware that the person is a victim of human trafficking or is younger than 18 years, and prescribes the criminal liability of employers who repeatedly or for a longer period employ such persons or employ several of them.

Finally, Art. 132 of the Criminal Code criminalises the non-payment of salaries, unless this is caused by the inability of the employer to make use of his/her financial means or by the lack of financial means on the employer's account.

Arts 73 and 226 of the **Aliens Act**⁷ meet the requirements of the Employers' Sanction Directive. The **Aliens Act** prescribes in Art. 73 that the employer shall not employ or use the services of an alien who is illegally staying in the Republic of Croatia, while Art. 226 specifies the sanctions. In addition, the Aliens Act, Arts. 65-72, regulates the right to temporary residence on humanitarian grounds and assistance to aliens who become victims of human trafficking.

⁶ Croatia, Aliens Act (*Zakon o strancima*) (2011) Official Gazette (*Narodne novine*) 130/2011, 74/2013. Available at: http://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_130_2600.html and http://narodne-novine.nn.hr/clanci/sluzbeni/2013_06_74_1475.html.

⁷ Croatia, Aliens Act (*Zakon o strancima*) (2011) Official Gazette (*Narodne novine*) 130/2011, 74/2013. Available at: http://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_130_2600.html, http://narodne-novine.nn.hr/clanci/sluzbeni/2013_06_74_1475.html.

3. Labour exploitation and the institutional setting

3.1 Tasks of institutions involved in preventing labour exploitation and in enabling victims to access justice

- identify the institutional setting in place for carrying out inspections and monitoring employers' compliance with laws protecting the rights of workers;

The police have the authority to monitor compliance with the provisions of the Criminal Code aimed at preventing labour exploitation and trafficking in human beings including nationals and aliens. The police also have the authority to monitor compliance with the provisions of the Aliens Act in cases of labour or other exploitation of aliens. There is no specialised unit to deal with labour exploitation, nor is there any institutionalised support to victims, with the exception of victims of human trafficking (there is a remit to coordinate assistance to victims with other authorised institutions and the non-governmental sector, derived from Arts. 65–70 of the Aliens Act).⁸

The Labour Inspectorate has a remit to monitor the compliance of labour laws and regulations for national and foreign workers, with the exception of certain categories of state officials, educational entities and air traffic employees. The inspectorate also has a remit to monitor the compliance with health and safety regulations and has the authority to prohibit minors from working without its prior approval (Art. 19 para 6 of the Labour Act).⁹ The remit includes monitoring compliance with health and safety standards at the workplace and the protection of the health and safety of workers. It is organised in five field offices in Zagreb, Osijek, Rijeka, Split and Varaždin, with 252 labour inspectors in 39 branch offices.

Centres for Social Welfare. The Family Act (Arts. 108–116) provides the statutory basis for the mandate of Centres for Social Welfare (under the Ministry of Social Policy and Youth) to protect the rights and interests of children in cases of violation of rights, violence, abuse, neglect and any form of exploitation (including begging).¹⁰ Centres can also initiate court procedures for the deprivation of parental rights in cases of serious violation of children's rights which include exploitation through excessive work, or work which is not suitable for the age of

⁸ Croatia, Aliens Act (*Zakon o strancima*) (2011) Official Gazette (*Narodne novine*) 130/2011, 74/2013. Available at: http://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_130_2600.html, http://narodne-novine.nn.hr/clanci/sluzbeni/2013_06_74_1475.html.

⁹ Croatia, Labour Act (*Zakon o radu*) (2009) Official Gazette (*Narodne novine*) 149/2009, 61/2011, 82/2012 and 73/2013. http://narodne-novine.nn.hr/clanci/sluzbeni/2009_12_149_3635.html, http://narodne-novine.nn.hr/clanci/sluzbeni/2011_06_61_1353.html, http://narodne-novine.nn.hr/clanci/sluzbeni/2012_07_82_1909.html and http://narodne-novine.nn.hr/clanci/sluzbeni/2013_06_73_1455.html.

¹⁰ Croatia, Family Act (*Obiteljski zakon*) (2003) Official Gazette (*Narodne novine*) Nos. 116/2003, 17/2004, 136/2004, 107/2007, 57/2011, 61/2011, 25/2013; Available at: http://narodne-novine.nn.hr/clanci/sluzbeni/2003_07_116_1583.html, http://narodne-novine.nn.hr/clanci/sluzbeni/2004_02_17_484.html, http://narodne-novine.nn.hr/clanci/sluzbeni/2004_09_136_2403.html, http://narodne-novine.nn.hr/clanci/sluzbeni/2007_10_107_3144.html, http://narodne-novine.nn.hr/clanci/sluzbeni/2011_05_57_1260.htm, http://narodne-novine.nn.hr/clanci/sluzbeni/2011_06_61_1357.html and http://narodne-novine.nn.hr/clanci/sluzbeni/2013_02_25_405.html. Unofficial translation available on the website of the Department of family law of the Faculty of Law of the University of Zagreb: www.pravo.unizg.hr/download/repository/Croatian_family_act_-_unofficial_translation.doc.

the child (Art. 114 para 2 point 3 of the **Family Act**). The new Family Act was enacted and came into force in June 2014. The provisions corresponding to the ones described above are grouped under the Heading III Measures for the protection of the rights and welfare of the child.¹¹

The Office for Human Rights and the Rights of National Minorities of the Government of Republic of Croatia (ULJPPNM) has the mandate to promote and protect human rights, particularly the rights of national minorities. The Office, among other things, is in charge of drafting the National Plan for the Prevention of Human Trafficking (presently the plan covers the period 2012–2015),¹² has a mandate to follow up the implementation of the plan, and coordinates reporting on the implementation. The Office facilitates the work of the Coordinating Body for Combating Human Trafficking.

The Croatian Red Cross and civil society organisations. According to the National Plan for the Suppression of Trafficking in Human Beings 2012-2015 (*Nacionalni plan za suzbijanje trgovanja ljudima za razdoblje od 2012. do 2015. godine*)¹³, during 2014, the Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia (*Ured za ljudska prava i prava nacionalnih manjina Vlade RH*) is going to develop criteria for the selection of civil society organisations to be included into the National Anti-trafficking Committee (*Nacionalni odbor za suzbijanje trgovanja ljudima*) and the Committee's Operative Team. Croatian Red Cross and some civil society organisations are already active in these bodies. They are also represented in mobile teams established according to the Protocol for Identification, Assistance and Protection of Victims of Human Trafficking (*Protokol za identifikaciju, pomoć i zaštitu žrtava trgovanja ljudima*).¹⁴

Of the interviewees included in the sample with whom the interviews have been conducted, only the representatives of the group National policy experts at Member State level and the group Victim support organisations stated that they had specific tasks in the area of severe forms of labour exploitation. In both cases, their activities were in the area of trafficking in human beings. Apart from trafficking, no institutional mandates and no systematic activity have been identified in this research.

- identify which elements are assessed by the monitoring institutions to identify labour exploitation cases;

The Labour Inspectors perform inspections at worksites to check the compliance with the provisions of the laws under their remit (primarily Labour Act, but also Aliens Act). These can either be scheduled inspections or responses to complaints. In reference to migrant workers,

¹¹ Croatia, Family Act (*Obiteljski zakon*) (2014) Official Gazette, (*Narodne novine*), No. 75/14. Available at: http://narodne-novine.nn.hr/clanci/sluzbeni/2014_06_75_1404.html.

¹² Croatia, The Office for Human Rights and the Rights of National Minorities of the Government of Republic of Croatia (*Ured za ljudska prava i prava nacionalnih manjina Vlade Republike Hrvatske*), National Plan for the Prevention of Human Trafficking 2012- 2015 (*Nacionalni plan za suzbijanje trgovanja ljudima 2012.-2015. godine*) (2012), available at: www.uljppnm.vlada.hr/images/nacionalni_plan_za_suzbijanje_trgovanja_ljudima.doc.

¹³ Croatia, Government of the Republic of Croatia (2012) National Plan for the Suppression of Trafficking in Human Beings 2012-2015 (*Nacionalni plan za suzbijanje trgovanja ljudima za razdoblje od 2012. do 2015. godine*). Available in Croatian at: www.uljppnm.vlada.hr/index.php?option=com_content&view=article&id=113&Itemid=83 Zagreb, 2012.

¹⁴ Available at: www.mup.hr/UserDocImages/nacionalni_programi/trgovanje_ljudima/2012/PROTOKOL%20-procisceni%20tekst.pdf. Note: Publisher and date of publication are not indicated; the web site is the official web site of the Ministry of the Interior.

the main focus of their inspection is the legality of employment, i.e. whether the worker has a regulated status in Croatia. Records are kept of each inspection. These investigations are carried out in close collaboration with the police. The police often notify the Inspectorate if they have suspicions about the irregular status of workers on a worksite, which as a rule results in joint visits. Also, if labour inspectors identify irregular workers at a site, they invite the police to collaborate, as only the police have the authority to carry out some of the mandated steps in those cases (e.g. taking the worker into the station for an interview). Overall, labour inspectors are not charged with monitoring labour exploitation cases, as they are classified as criminal offences. One respondent [M(1)] states that, should they suspect that a crime (i.e. labour exploitation) had been committed, they would inform the police, who have the mandate to act in such cases. However, the respondent also states that this would be done out of personal choice, not because of any official requirements. No checklists or guidelines exist that would help any of the officials and/or institutions in identifying and dealing with cases of labour exploitation.

One of the interviewees from the monitoring bodies group stated: “Naša je uloga uglavnom represivna” (HR); “Our role is mostly repressive” (EN).

3.2 Forms and frequency of incidents of labour exploitation encountered by experts in their work; economic areas affected

- breakdown of forms of labour exploitation encountered by professional group

Breakdown of form of labour exploitation by professional group:

| Code | 01 Slavery | 02 Forced labour | 03 Child labour | 04 Trafficking | 05 Other |
|--|---------------|------------------------|-----------------------|-------------------|-------------|
| Representative of monitoring bodies group (such as labour inspectorates, health and safety bodies) | | | | | x |
| Representative of monitoring bodies group (such as labour inspectorates, health and safety bodies) | | | | | x |
| Representative of monitoring bodies group (such as labour inspectorates, health and safety bodies) | | | x ¹⁵ | | x |
| Representative of monitoring bodies group (such as labour | | | x ¹⁶ | | x |

¹⁵ Two cases of employment of a minor (construction and bakery) in 11 years. The interviewee stated that children were just under legal age, and that cases were processed by the inspectorate.

¹⁶ Heard of one case from a colleague from the monitoring bodies group.

| | | | | | |
|---|---|---|---|---|---|
| inspectories, health and safety bodies) | | | | | |
| Representative of national policy experts at Member State level ¹⁷ | x | x | x | x | |
| Representative of employers' organisations ¹⁸ | | | | | |
| Representative of workers' organisations, trade unions | | | | | x |
| Representative of victim support organisations | | x | | x | |
| Total | 1 | 2 | 3 | 2 | 6 |

The results clearly indicate that the predominant form of labour exploitation encountered by all professional groups is the unregistered work, i.e. work by citizens of foreign countries without valid work permits. It should be mentioned that this is the only type of labour exploitation that the respondents do actively look for: this is the primary function of the labour inspectorate in relation to migrant (foreign) workers, which is carried out in close collaboration with the police. The existence of child labour and other forms of labour exploitation is reported, but with very low incidence. For instance, one respondent [M(1)] with 11 years of service has encountered only two cases of workers under 18, who were irregular workers. The response by another respondent [E(1)], who stated that in small crafts (family businesses) work of minors is traditional and permitted, and does not constitute child labour, may indicate that the number of cases may be higher, but that they are not recorded if not performed by unregistered workers. However, the present data do not allow for a more general conclusion on the issue. Two respondents who have encountered cases of trafficking in human beings [N(1)], [S(1)] state that the number of recognised cases of trafficking is very low (One representative [N(1)] mentions a total of a dozen cases per year for labour exploitation and all other purposes).

- 3 most frequent occupations of exploited migrant workers and 3 most frequent economic sectors

The most frequent occupation of migrant workers reported by the respondents is unskilled worker (7 respondents), followed closely by semi-skilled workers (5). The sector of industry in which they are most frequently employed is construction, as mentioned by 7 respondents. The population is reported to be overwhelmingly male. The second sector mentioned with some frequency is food preparation/catering, listed by 4 respondents, and encompassing the following codes: 67 (2, where bakers and night club personnel are mentioned), 60 (2, catering, hospitality industry, mostly of seasonal character and with small-sized employers). While bakers are reportedly almost exclusively male, the hospitality industry engages both male and female workers. No third sector was identified clearly, but code 20: food processing was mentioned by two respondents and agriculture by also two (04, shepherds specifically).

The nationalities of migrants mentioned by the respondents are: mostly Bosnia and Herzegovina; Albanians from Kosovo, Albania, Macedonia; and Romania.

¹⁷ Had all types reported to their institution, very low incidence of all.

¹⁸ Has not encountered any cases of labour exploitation. Is aware of the cases where children above the age of 15 may be working in small family businesses (such as bakeries), but this does not constitute child labour.

4. Risks and risk management

4.1 Identification of common risk factors for labour exploitation

- description of the views of the respondents on risk factors

Seven representatives [M(4); N(1); E(1); S(1)] cited the difficult economic situation as the biggest risk factor for the migrants. This is identified by three representatives [M(3)] as the most important driver of economic migration, due to the inability of people to find employment in the country of origin. Combined with other socio-economic factors, such as poor education and skill level, this makes the migrant population especially vulnerable. They are often apprehensive that reporting on violations regarding their working conditions and status would result in their expulsion from the country, and are consequently more likely to work in unacceptable and illegal circumstances. The overall situation of labour rights in Croatia has been mentioned specifically by one respondent [W(1)], where the likelihood that the wages would not be paid is identified as a risk factor. This problem is widespread in Croatia in sectors under stress and in small and micro enterprises¹⁹. One of the inspectors [M(1)] mentioned specifically that, in their experience, migrant workers do work in the same conditions as their Croatian counterparts:

EN: „There has been no case where such a worker /migrant worker working without a permit/ was isolated from other workers, those working legally. The first one gets a certain salary, and the second one also gets that same salary. The difference is that one gets it on his checking account and also gets health and retirement fund contributions, while the other one is paid in cash. Simply because the employer had a need for that type of labour force, and was not able to obtain it in a legal manner at that particular time.“

HR: „Ja ni u jednom tom slučaju nisam vidio da bi taj /migrant koji radi bez dozvole/ radnik bio izoliran od drugog radnika koji radi na zakonit način. OK: ovaj je dobio toliku plaću, a ovaj je isto dobio toliku plaću, samo što ovaj radi zakonito, a ovaj nezakonito. Ovaj dobije plaću na tekući račun i ima pripadajuća prava iz obveznog zdravstvenog i mirovinskog, a ovaj dobije plaću na ruke jer se poslodavcu pokazala potreba za takvom vrstom radne snage, a nije ga mogao u datom trenutku zaposliti na zakonit način. „[M(1)]

Describing the most frequent risks of labour exploitation, one respondent [E(1)] said:

¹⁹ On July 15, 2014, the Ministry of Labour and Pension System published the list of enterprises that have not paid wages and other benefits to their employees for at least three past months. The number of such companies is reported to be 7038 (5620 companies, 1418 micro enterprises and crafts), and the approximate number of workers is 55.000. The list was posted at the website of the Tax Authority the week of July 14, 2014. (www.porezna-uprava.hr/bi/Stranice/Neisplativijiplaca.aspx). Last check 16.07.2014.

EN: “Which ones do I encounter? See, professionally, nobody will come to me and say; I haven’t paid the workers, obviously. However, the official statistics show that many thousands of workers fail to receive their salaries.”²⁰

HR: “S kojim se ja susrećem? E sad vidite, profesionalno meni naravno nitko neće doći i reći: ja nisam platio plaću. Međutim, iz državnih podataka ne znam koliko tisuća radnika ne prima plaću.” [E(1)]

- report and critically discuss the breakdown of answers provided to questions 20, 21 and 22 (risks relating to the personal situation of the worker; to the legal and institutional framework; to the societal framework and public climate; to the situation at the work place; to specific employers’ actions), including comments provided on the categories there mentioned e.g. the role of corruption as a risk factor of labour exploitation and as an impediment to victims’ access to justice;

Question 20 – responses:

| Code | 01 | 02 | 03 | 04 | 05 | 06 | 07 |
|---|----|----|----|----|----|----|----|
| Representative of the monitoring bodies | x | | | | | x | |
| Representative of the monitoring bodies | x | x | x | | | | |
| Representative of the monitoring bodies | | | x | | | | |
| Representative of the monitoring bodies | | x | x | | | | |
| National policy experts at Member State level | x | x | x | | | | |
| Representative from employers’ organisations | | | x | | | | |
| Representative from workers’ organisations | x | x | x | | | | |

²⁰ The interviewee is referring to a phenomenon present in Croatia whereby many workers are not receiving pay regularly or have not been paid wages for a longer period of time. According to the data published by the Tax Administration of the Ministry of Finance, for the period from 1 January to 30 June 2014, a total of 7383 employers were not paying their employees some of their salaries or were late in paying them. Source: Croatia, Ministry of Finance (2014) List of Taxpayers/Employers who are, according to available data, not paying salaries regularly (*Popis poreznih obveznika/poslodavaca koji prema dostupnim podacima ne isplaćuju plaće*). Available at: [/www.porezna-uprava.hr/bi/Stranice/Neisplateljiplaca.aspx](http://www.porezna-uprava.hr/bi/Stranice/Neisplateljiplaca.aspx).

| | | | | | | | |
|--|---|---|---|--|--|---|--|
| Representative from victim support organisations | x | x | x | | | | |
| Total | 5 | 5 | 7 | | | 1 | |

There seems to be an agreement between the respondents on the principal risk factors for labour exploitation of migrants. The most cited is the absence of effective institutional setting. A representative [W(1)] stated that the reason for selecting this option is that the Labour Inspectorate is short-staffed. A representative [M(1)] indicates that other institutions may not be lined up to offer effective protection to migrant workers. The representative says that unregistered workers, when discovered, are expelled from the country expeditiously. In order to receive compensation or wage arrears, he/she has to seek judicial redress, which makes it very unlikely that he/she would pursue this course of action (poverty is cited as the most important driver of work migration, so the migrants are not likely to have resources to pursue it) and/or receive such compensation. Five respondents indicated the low likelihood of migrant workers' receiving compensation as a major risk. This seems to suggest both that there are gaps in the institutional setting designed to deal with the issues of migrant workers, and that these gaps may in fact cause underreporting, especially by workers themselves. Low risk that the perpetrators will be processed and punished, cited by five respondents, also supports this interpretation.

Indicative of the institutional setting, a labour inspector [M(1)] stated:

EN: "I would not say that there are no institutions, but there are definitely not enough people in the institutions... The Labour Inspectorate chronically lacks some 30% staff in order not to act only on complaints and reports, but to carry out preventive monitoring and supervision in the field, which would be much more effective than responding to complaints."

HR: "Pa ne bih rekao nedostatak institucija, ali nedostatak ljudi u tim institucijama, u svakom slučaju... u Inspektoratu rada kronično fali 30% ljudi tako da bi se moglo osim po prijavama raditi i preventivni nadzor na terenu, koji bi bio puno učinkovitiji nego kad radite po prijavama." [M(1)]

Talking about the operations of the Labour Inspectorate in dealing with irregular work, a representative [M(1)] stated:

EN: "When we reach the situation where we perform an inspection, there is a high risk that the perpetrator will be punished, there is no turning back from that point..."

HR: "Kada dođe do faze nadzora, visok je rizik da će počinitelj biti kažnjen, nema više natrag..." [M(1)]

However, illustrating the systematic absence of mandate and action on labour exploitation, one representative [M(1)] stated the following:

EN: "If the police have not participated with us in an action, we report to them the illegal (irregular) work. But, labour exploitation in itself, I frankly do not know who we would report it to."

HR: "Mi obavijestimo policiju, znači, ako ne sudjeluju s nama u akciji, o nezakonitom radu, ali o samom radnom iskorištavanju, iskreno ne znam koga bi obavijestili" [M(1)]

This is corroborated by another representative [S(1)], who stated:

EN: "The problem here is identification; it is not that such cases do not exist or that there are only as many as identified. Through a project a few years ago on labour exploitation, which involved state inspectors, Department for Foreigners of the Ministry of Interior, we have [organised training programs]. Through these trainings we could see that there were a lot of such people, but as they were unidentified they were let go as persons with illegal status and returned. So this is an area of dark numbers. The big problem is that the institutions which should recognise it and work in this area are probably not trained enough and do not know about it."

HR: "Tu je problem identifikacija. Dakle nije da takvih slučajeva nema, ili da ih ima toliko koliko je zaista identificirano. Mi smo kroz jedan projekt prije par godina koji se baš bavio radnim iskorištavanjem, a bili su uključeni i državni inspektori i odjel za strance MUP-a /organizirali edukacije/. Dakle kroz te edukacije u biti se vidjelo da takvih ljudi ima dosta. Međutim, oni - kako nisu prepoznali da se tu može raditi o tome - oni su njih puštali kao osobe s nezakonitim statusom i povratak natrag. Tako da tu je dosta onako jedno područje koje je tamna brojka. Velik je problem zbog toga što institucije koje bi to trebale odraditi, prepoznati, nisu valjda istrenirane dovoljno i ne znaju za to." [S(1)]

Question 21 – responses:

| Code | 01 | 02 | 03 | 04 | 05 | 06 | 07 | 08 | 99 |
|---|----|----|----|----|----|----|----|----|----|
| Representative of the monitoring bodies | x | | x | | | | x | | |
| Representative of the monitoring bodies | x | | x | | | | x | | |
| Representative of the monitoring bodies | x | | | x | | | x | | |
| Representative of the monitoring bodies | x | | x | | | | x | | |
| National policy experts at Member State level | x | x | | | x | | | | |
| Representative from employers' organisations | x | | x | | | | x | | |

| | | | | | | | | | |
|--|---|---|---|---|---|--|---|--|--|
| Representative from workers' organisations | x | | x | | | | x | | |
| Representative from victim support organisations | x | | | | x | | x | | |
| Total | 8 | 1 | 5 | 1 | 2 | | 7 | | |

Regarding personal and socio-economic characteristics of migrant workers conducive to their labour exploitation, there also seems to be a significant level of agreement between the respondents. Low education/qualification level (8), and poverty in the country of origin (7) are once again identified by almost all respondents as factors that both drive labour migration, and constitute a risk for labour exploitation of workers. Five respondents identify the fact that the worker cannot be legally employed as another significant risk. Two respondents cited discrimination as a risk, with a particular reference to Roma [N(1)]. One respondent [M(1)] cited work at remote and isolated locations as a risk.

Speaking about the risks, a respondent [M(1)] stated:

EN: "The more difficult (socio-economic) position of an individual, the more willing he/she is to take on greater risks and work under less favourable conditions... These are the things we have mostly encountered – the people in question were poorly qualified, and came from underdeveloped areas of Bosnia and Herzegovina, Serbia, etc."

HR: "Što je čovjek u teškoj (socioekonomskoj) poziciji, spreman je izložiti se većim rizicima i raditi čak u nepovoljnijim uvjetima...S takvim stvarima smo se većinom i susretali - riječ je o nižekvalificiranim osobama koje su dolazile iz nerazvijenih područja Bosne i Hercegovine, Srbije i slično." [M(1)]

Question 22 – responses:

| Code | 01 | 02 | 03 | 04 | 05 | 06 | 07 | 08 | 99 |
|---|----|----|----|----|----|----|----|----|----|
| Representative of the monitoring bodies | x | x | | | | | x | | |
| Representative of the monitoring bodies | x | x | | | | | | | |
| Representative of the monitoring bodies | x | x | | | | | x | | |
| Representative of the monitoring bodies | x | x | | | | | x | | |
| National policy experts at | x | x | | x | | | | | |

| | | | | | | | | | |
|--|---|---|---|---|--|--|---|--|--|
| Member State level | | | | | | | | | |
| Representative from employers' organisations | x | | | x | | | x | | |
| Representative from workers' organisations | x | x | x | | | | | | |
| Representative from victim support organisations | x | | | x | | | x | | |
| Total | 8 | 6 | 1 | 3 | | | 5 | | |

In response to this question, there seems to be a significant agreement amongst the respondents again. All cite work in a sector especially prone to exploitation as the principal risk factor, with construction mentioned particularly. Six respondents identify work in a remote and isolated location as a significant risk (shepherds), while five cite seasonal nature of work as a risk (agricultural work, tourism and catering). Precarious work is identified as a risk by three respondents.

One representative [W(1)] speaking about the construction workers, said:

EN: "People are exploited through long, intense work. Sure these are my assumptions, but those people at construction sites live and work there. In fact, they are sent to the construction sites, and do not go home that often. And they are certainly more vulnerable to exploitation. Because they do have free time, but they are limited in terms of movement and everything, especially when they are at remote sites."

HR: "Iskorištavaju se ljudi s tim dugim, intenzivnim radom. Sad sigurno, to su moje pretpostavke, ali ti ljudi koji su na gradilištima, žive i rade tamo. Oni su zapravo upućeni na gradilišta i ne idu tako često kućama. I zasigurno su podložni većem iskorištavanju. Jer zapravo imaju to slobodno vrijeme, a ograničeni su u kretanju i svemu, pogotovo kada su na izdvojenim mjestima." [W(1)]

- Role of recruitment agencies

All the respondents refer to agencies for temporary employment, stating that they are a relatively new phenomenon in the country, and that their role is currently marginal. Only 0.2% of the workforce is employed through such agencies, Croatian workers exclusively according to one respondent [E(1)]. Ministry of Labour and Pension System, and the Labour Inspectorate have the mandate to supervise their work. Two respondents [M(2)] report that, to their knowledge, no significant aberrations from the regulation were reported on the basis of recent inspections of the agencies. The agencies send statistical reports to the Ministry. One respondent [M(1)] claims that they could have a role in replacing irregular employment, as they give the employers flexibility in finding temporary workforce.

4.2 Prevention measures aimed to reduce the risks of labour exploitation and the obligations of specific organisations in this area

- Which organisations carry out prevention measures?

No organisations represented in the sample carry out prevention measures related to labour exploitation generally and migrant workers specifically. No specific information materials are available. Most of the respondents indicate that their work contributes to the prevention indirectly. For instance, one respondent [W(1)] stated that branch-level collective bargaining, and standard setting in the construction industry in collaboration with the employers does benefit all workers there, regardless of their union membership. A representative [M(1)] claims that, while the Inspectorate has a primarily monitoring and enforcement role, it does serve as a deterrent, as does their inquiries and complaints facility. A respondent [N(1)] stated that there are occasional public awareness campaigns related to trafficking.

A labour inspector [M(1)] stated:

EN: "Our focus, possibly even 100% of our work, is on supervision"

HR: "Uglavnom smo fokusirani, ako ne čak i 100%, na obavljanje nadzora" [M(1)]

While a colleague [M(1)] said:

EN: "We are just like the police and in fact a repressive body in charge of implementing the law..."

HR: "Mi smo kao policija i zapravo represivni aparat koji provodi zakon..." [M(1)]

One respondent [N(1)], speaking about their institution, said:

EN: "Our preventive role can be seen in a wider context of protection and prevention of possible issues. So [we do not carry preventive measures out] particularly, but we work with various groups, like police officers, military personnel, health care workers, judges, state's attorneys, diplomatic and consular services, because of illegal migration, but also with Croatian Employment Institute."

HR: "Mi provodimo prevencije kao jedan širi kontekst zaštite i preveniranja mogućih problema. Dakle, ne posebno, uključujemo raznorazne skupine, kao što su policijski djelatnici, pripadnici oružanih snaga, sustava socijalne skrbi, zdravstveni djelatnici, suci, državni odvjetnici, diplomatsko-konzularno osoblje, zbog ilegalnih migracija. Ali i Hrvatskim zavodom za zapošljavanje." [N(1)]

- What kind of prevention measures are carried out (please try to identify measures that could be considered as 'promising practices' e.g. because of their comprehensive approach, their effectiveness, their sustainability etc. Please present any such potential promising practices in a box (see other FRA reports for examples of how promising practices are highlighted; e.g. 2012 annual report).

No prevention measures and consequently no promising practices have been identified

- Information on pre-departure information programmes

Only one respondent [S(1)] was aware of pre-departure programs. The interviewee stated that the Croatian Employment Service (note: public employment agency) operates a so-called 'migration centre', that deals with work within the EU. There, one can obtain verified information on conditions in different countries of interest. One of the goals of the centre is the prevention of labour exploitation and human trafficking. The interviewee was referring to the Migration Information Centres (*Migracijsko informacijski centri*), set up between 2008 and 2010 in Croatian Employment Service branch offices in Osijek, Rijeka, Split and Zagreb within the project Capacity Building, Information and Awareness Raising towards Promoting Orderly Migration in Western Balkans (*Izgradnja kapaciteta, informacije i podizanje svijesti u cilju promicanja zakonitih migracija na Zapadnom Balkanu*) funded by AENEAS 2006.²¹ When Croatia joined the EU, the Croatian Employment Service has joined EURES The European Jobs Network, a co-operation network between the European Commission and the Public Employment Services of the EEA Member States and Switzerland.²² Since then, Migration Information Centres do not exist anymore, and relevant information is provided by EURES advisors working in employment service branches.²³

- Information on mechanisms of standard-setting and accreditation at national and international level

The respondents were not familiar with voluntary mechanisms. One representative [W(1)] commented that self-regulation cannot be relied on in a transitional country, where strict supervision and regulation are required. On the other hand, a representative of the employers' organisation [E(1)], stated that, although unaware of any such mechanisms, they are as a rule preferable to regulation.

4.3 Protection against (repeat) victimisation: actions undertaken by the police to protect victims against the risk of repeated victimisation, including how the police conduct investigations

According to one respondent [N(1)], speaking from their experience related to human trafficking, the identification of victims of trafficking, and consequently of labour exploitation is completely in the remit of the police, and the police reports on potential cases represent the official basis for involvement of all other actors in the system. The responses of labour inspectors in the sample, from the monitoring group [M(4)], seem to indicate the same, as they reported that labour exploitation was outside their remit, and suggested that, as it was a criminal offence, the law enforcement professionals are the ones who were responsible for acting on it. The inspectors collaborate closely with the police in investigating irregular work by foreign nationals.

²¹ Additional information on the project available at: www.ilo.org/sapfl/Projects/WCMS_100976/lang-en/index.htm.

²² <https://ec.europa.eu/eures/page/index>.

²³ Information obtained through phone conversation with the Public Relations Office of the Croatian Employment Service in preparation of this report, 27 August 2014.

In the case of trafficking, the police report the incident to the State Attorney's Office and to the National Anti-trafficking Committee. The State Attorney's Office proceeds with processing the reported violations. The mobile teams, whose role is to verify the status of victims of trafficking and offer protection and assistance to them, are deployed to provide shelter, rehabilitation, support, medical care, and psychosocial assistance.

The role of the mobile teams is defined in the Protocol for Identification, Assistance and Protection of Victims of Human Trafficking (*Protokol za identifikaciju, pomoć i zaštitu žrtava trgovanja ljudima*).²⁴ When a victim of trafficking is identified by the Ministry of the Interior, mobile teams responsible for provision of immediate assistance and protection to victims get involved. In addition to providing immediate assistance, mobile teams conduct initial interviews with victims, informing them of the assistance and protection programme for victims of trafficking; organise transport and accommodation of victims in temporary shelters; and, if the victims accept the programme of assistance, transport them to the official safe accommodation. They are comprised of representatives of centres for social welfare, Croatian Red Cross and civil society organisations active in the field of human trafficking. Team members get the authorization only after they complete the training programme organised by the Office for Human Rights and Rights of National Minorities of the Government (*Ured za ljudska prava i prava nacionalnih manjina Vlade RH*). There are four regional teams in Croatia and together they cover the territory of Croatia.

Asked to assess the effectiveness of the referral of victims to victim support organisations, a respondent [N(1)] states:

EN: „That process is rather effective. In that respect, we are achieving significant positive results.“

HR: „To je dosta učinkovito. Tu imamo stvarno velikih pozitivnih rezultata.“ [N(1)]

Describing referrals by the police to shelters, the respondent [N(1)] additionally explains:

EN: „The very moment one is recognised /as a victim of trafficking/, he/she goes to a shelter. There is a whole system in place. I have to say that civil society organisations play a very active role here. They are organised into a network Petra, and there is also the Red Cross. So, they react immediately, the moment they learn about it. Victims are referred to shelters, and then a series of other teams takes care of them.“

HR: „Kad su prepoznati /kao žrtve trgovanja ljudima/ odmah idu u sklonište. Postoji taj cijeli sustav. Tu su vrlo aktivne –moram kazati- organizacije civilnog društva. One su uklopljene u mrežu Petra, a imamo isto i Hrvatski Crveni križ, tako da oni odmah djeluju, čim saznaju. Upućuje se u skloništa, i onda postoji cijeli niz drugih timova koji onda dalje vode brigu o tome.“ [N(1)]

In the case of irregular work by foreign nationals, under the Aliens Act, and according to labour inspectors, upon the investigation by the inspectors (on labour aspects of the case) and the police (checking the immigration status), action is taken immediately against the worker and the employer. The procedure at the misdemeanour court is an urgent one: the worker is taken

²⁴ Available at: www.mup.hr/UserDocImages/nacionalni_programi/trgovanje_ljudima/2012/PROTOKOL%20-procisceni%20tekst.pdf. Note: Publisher and date of publication are not indicated; the web site is the official web site of the Ministry of the Interior.

to the misdemeanour court by the police, and the proceedings are usually finalized within a day, resulting in deportation, which is carried out immediately, according to one respondent [M(1)]. Consequently, continued victimization is impossible, but no victim support or redress mechanisms are in place, apart from the possibility of private suit on the part of the victim to recover the payment owed by the employer. In the deportation process, the worker is asked to list those claims for the record, according to one representative [M(1)]. Explaining their view that the investigation and prosecution in cases of human trafficking are efficient and taken seriously, a respondent [S(1)] said:

EN: "In the segment of trafficking in human beings, they note: investigation and prosecution/ are definitively carried out and they are raising their efforts all the time. This is also because there is a lot of pressure to do so at the national level, as well as from GRETA and the TIP report. There is a lot of pressure to respect those because we are signatories of conventions and protocols, and we have to comply with them and do the work."

HR: "U ovom dijelu trgovanja ljudima se /istraga i progon/ provodi definitivno, a zaista mislim da se sve više i više trude oko toga. Ali, i zbog toga što postoji dosta pritiska na nacionalnoj razini, i od GRETE, postoji i TIP Report... Dosta je tu pritiska da se to poštuje, jer smo potpisnici konvencija i protokola, tako da mislim vis-a-vis toga se tu mora sve to odraditi."[S(1)]

5. Victim support and access to justice

5.1 Victim support, including available support services

Please provide an **overall assessment of effectiveness of system of support services**, by referring at least to the following:

- availability of support services free of charge,
- whether being formally recognised as a victim is a requirement;
- availability irrespective of legal status of the migrant
- names of organisations providing services and types of services provided (e.g. psychosocial care; legal advice; information; accompaniment during criminal proceedings etc.)

As explained above, in the case of trafficking, a full range of free support services is available to suspected victims: shelter, rehabilitation, support, medical care, psycho-social assistance, and legal aid. All this is free of charge. According to both respondents involved in anti-trafficking efforts [N(1); S(1)], this is deployed effectively, through multi-disciplinary mobile teams, as soon as police report of suspected trafficking case is filed. The suspected victim has to accept this assistance.

The case with unregistered workers is different. They are entitled to free legal aid, but do not often benefit from it, as they are deported immediately upon discovery.

One respondent [M(1)], on the issue of legal aid, states:

EN: "In accordance with the Aliens Act, such persons [migrant workers] have the right to free legal aid; they should also be somehow advised in reference to their right to receive salary, salary reimbursement, and all the things related to their claims towards the employer. However, such situations are rare, and in practice when they are found to be here illegally, they are deported."

HR: "Prema Zakonu o strancima te osobe [radnici migranti] imaju pravo na besplatnu pravnu pomoć, njih bi trebalo na neki način savjetovati vezano za njihovo ostvarivanje prava na plaću, naknadu plaće i sav taj dio koji se odnosi na njihova potraživanja prema poslodavcu. Međutim, takve situacije su rijetke i oni u praksi, kada ih se zatekne u nezakonitom boravku, budu protjerane." [M(1)]

The respondents recognized no services dedicated to victims of labour exploitation specifically. One respondent [S(1)] mentioned that some civil society organisations provide victim support and free legal aid in general, but stated also that this cannot be construed as systematic support, as it usually covers only specific groups (e.g. female victims of violence).

5.2 Access to Justice and other mechanisms to empower victims

There are only three respondents in this section, all of whom expressed lack of familiarity with the issue, apart from general information.

As listed above, both the trafficking victims and the irregular migrant workers are eligible for free legal aid. However, in case of the latter, one respondent [N(1)] claims to have never heard of a case where a migrant victim of labour exploitation has utilised this system to receive compensation. This corresponds to the view of the labour inspector from the monitoring group, cited above.

6. Attitudes

Including the following:

- Do experts believe that interventions into situations of labour exploitation, generally speaking, serve the interests of the migrant workers concerned?

Again, the responses cover two specific cases: human trafficking for labour exploitation, and irregular work. The responses differ accordingly.

In the case of human trafficking, two respondents [N(1); S(1)] state that interventions are in the interest of the victim, as they remove him/her from a difficult situation.

In the case of irregular workers, who are primarily motivated by economic hardship at home, the intervention, according to representatives from the monitoring bodies, worker organisation and employer's organisations groups [M(4)], [W(1)], [E(1)] is not viewed by them as in their best interest, except if they are working in very difficult conditions (according to respondents from the monitoring bodies [M(1)] and worker organisation [W(1)]). One respondent [W(1)] mentions that these workers are deported following the intervention, and often lose the opportunity to be paid in full for their work.

One respondent [W(1)], speaking of the best interest of the worker and trade union behaviour, stated the following:

EN: "...if a foreigner is working in Croatia legally, that is certainly in his/her interest. But, if you have an illegal foreigner being exploited, and you react, you are really doing a double-edged thing; both good and bad for him, so to say. Because it will be discovered that he/she is here illegally. This will have some consequences for him/her personally. He/she will not be able to remain here under the same conditions, etc. This is very complex."

HR: "...ako stranac legalno radi u Hrvatskoj, onda mu je sigurno u interesu. Ali, ako imate nelegalno stranca koji je tako eksploatiran, i ako vi reagirate, onda zapravo radite dvostruku stvar, i dobru i lošu za njega, pod navodnicima. Jer će se otkriti da je bespravno tu. Tu će biti nekakve konzekvence za njega osobno. Znači ne može pod tim uvjetima ostati, itd. To je vrlo složeno."[W(1)]

Referring to the differences in the approach to victims of trafficking in this context, one respondent [S(1)] stated:

EN: "The area of trafficking in human beings is much better thought out and developed in this context in relation to these other categories. When the people who come into contact with the victims were educated, the emphasis was always on the victim and on the aspect of removing the people from this situation, of providing them with help and protection. Of course, also on processing the perpetrator as well, but the focus was on helping."

HR: "Mislim tu stvarno trgovanje ljudima u ovom kontekstu cijelom puno, više je recimo razrađeno u odnosu na ove ostale kategorije. Tako da tu, i kad se educiralo te ljude koji će eventualno doći u dodir sa žrtvama, uvijek se isticalo to da je centar žrtva. I taj aspekt da se te ljude makne iz toga, da im se pruži pomoć i zaštita. Naravno, i da se počinitelja procesuiraju, ali je dosta baš rađeno da fokus bude na pomoći."[S(1)]

- According to experts, why do more migrant workers who are victims of labour exploitation not come forward and seek a way out of their situation?

Apart from one respondent [S(1)], who identifies the fear of physical violence as a deterrent for the victims of trafficking, the remaining respondents agree that, given the economic motivation of migrant workers, they are not likely to jeopardize their chance of earning money by reporting the violations on the part of the employer. This particularly stands for irregular migrant workers, who are aware of the fact that they cannot work legally in the country, and that they would be deported if identified. The respondent from the workers' organisation [W(1)] mentions other factors as well: low level of information on their rights, low educational level, fear, poverty and difficult economic circumstances at home that make even the sub-standard conditions in Croatia more favourable than the ones in their country of origin.

- breakdown and discussion of the most relevant factors that significantly account for the fact that not many migrant workers who have been exploited severely come forward, seek support or report to the police

| Code ²⁵ | 01 | 02 | 03 | 04 | 05 | 06 | 07 | 08 | 09 | 10 | 11 | 99 |
|---|----|----|----|----|----|----|----|----|----|----|----|----|
| Representative of the monitoring bodies | | | | | | | | x | x | x | | |
| Representative of the monitoring bodies | | | | x | | | | x | | x | | |
| Representative of the monitoring bodies | | | x | | | | | x | | x | | |
| Representative of the monitoring bodies | | | | | | x | | x | | x | | |
| National policy experts at Member State level | | | x | x | | | | x | | | | |
| Representative from employers' organisations | | | x | x | | | | | x | | | |
| Representative from workers' organisations | | | x | x | x | | | | | | | |
| Total | | | 4 | 4 | 1 | 1 | | 5 | 2 | 4 | | |

Five out of seven respondents claim that the victims are afraid that they would have to leave the country if discovered. The practice of the labour inspectorate and the police, as described by the respondents, clearly substantiates this fear for irregular workers, if not for victims of

²⁵ The respondent from the Employers' organisations replied 'N/A' for questions 43 and 44.

trafficking. The second three factors identified more frequently by the respondents (by 4 out of 7) are: (a) the workers are not aware of their rights and the support available to them; (b) the workers are afraid of retaliation on the part of the perpetrator; and (c) the workers believe that working in exploitative conditions is preferable to not having any work.

It should be noted that the responses by labour inspectors on one side, and other respondents on the other, seem to cluster around different sets of answers. While the inspectors favour the responses 08 and 10 (fear of deportation, willingness to work in difficult conditions), the remaining respondents favour responses 3 and 4 (no awareness of rights, fear of retaliation). This seems to suggest that, in their responses, they refer to different categories of migrant workers and/or different circumstances in which they may find themselves, as was observable in their responses to other questions. Namely, while the inspectors referred consistently to irregular workers throughout the interview, the remainder of the respondents referred either to victims of trafficking, or labour exploitation per se.

One respondent [M(1)] stated:

EN: "I think that the victims themselves are aware of the lack of tangible instruments that would enable them to exercise their rights, and that we once again go back to the fact that they are forced to live illegally because of poverty and social conditions, because there is simply no other way out for them."

HR: "Mislim da oni i sami znaju da nema nekih opipljivih instrumenata da bi mogli svoja prava iskoristiti, a onda se opet vracamo na ono da su zbog neimaštine i socijalnih uvjeta primorani biti u ilegali jer drugog izlaza za njih jednostavno nema." [M(1)]

- Breakdown and discussion of the three most important factors to migrant workers who are victims

| Code | 01 | 02 | 03 | 04 | 05 | 06 | 07 | 08 | 09 | 99 |
|---|----|----|----|----|----|----|----|----|----|----|
| Representative of the monitoring bodies | | | x | | | | x | x | | |
| Representative of the monitoring bodies | | | x | | | x | x | | | |
| Representative of the monitoring bodies | | | x | x | x | | | | | |
| Representative of the monitoring bodies | | | x | | | x | | x | | |
| National policy experts at Member State level | x | x | x | | | | | | | |
| Representative from | x | | | | x | | x | | | |

| | | | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|--|--|--|
| employers' organisations | | | | | | | | | | | |
| Representative from workers' organisations | x | x | | | | | | x | | | |
| Total | 3 | 2 | 5 | 1 | 2 | 2 | 3 | 3 | | | |

Most of the respondents (5 out of 7) believe that the principal factor of importance for migrant workers victims of labour exploitation is for them to be able to remain and work in an EU member state. The other three factors mentioned relatively frequently (3 out of 7) are (a) safety and protection from further victimization; (b) payment of compensation and arrears; and (c) ability to return home safely. All responses have been selected by the interviewees. This may indicate that there is little specific experience and/or information on this issue among the interviewees, apart from the idea that the workers wish to remain in an EU country. The smallness of the sample and the lack of follow-up prevent us from drawing firmer conclusions.

- Do experts believe that enough is being done in the country to address severe forms of labour exploitation?

None of the experts interviewed believe that enough is being done in this area. One respondent [E(1)], self-declared as on top of every initiative in the area of labour and industrial relations, has never heard of an initiative of this sort, which testifies to the significant gap. The labour inspectors from the monitoring group [M(4)] believe that additional resources to the Inspectorate would be required, both in terms of personnel and training. One respondent [M(1)] also calls for a better regulatory framework, stating that the laws are up to the scratch when it comes to enumerating the rights, but implementation arrangements are often not in place. One respondent [W(1)] states that not enough is being done, and calls for more supervision and monitoring, also citing the identification of victims as one of the significant issues. The representatives from the national policy experts group and the victim support agencies join with this opinion. One respondent [N(1)] believes that the Labour Inspectorate should be involved in the identification of victims of labour exploitation, both domestic and migrant. One respondent [S(1)] claims that almost nothing is in fact being done, and identifies the gaps in terms of awareness raising, prevention, risk monitoring, organisation of services, and improvements in both legislation and enforcement.

One respondent [M(1)] stated in this context, speaking about the Inspectorate:

EN: "There is plenty of room for improvement. For this, resources are primarily needed, people and regulatory framework...More people, trainings, and more energy and care directed at this new area that people are not familiar with."

HR: "Ima dosta prostora za napredak, za to primarno trebaju materijalna sredstva, ljudi i zakonodavni okvir...Više ljudi, seminari i više energije i pažnje usmjerenih na ovu novu tematiku koja je ljudima nepoznata." [M(1)]

- Breakdown and discussion of the three measures which would most improve the way labour exploitation is addressed in the country

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|--|---|---|---|---|---|---|---|---|---|---|---|--|--|
| Representative of the monitoring bodies | | | x | | | | x | x | | | | | |
| Representative of the monitoring bodies | x | | | | | x | | | | | x | | |
| Representative of the monitoring bodies | | | | | | x | | | | x | x | | |
| Representative of the monitoring bodies | | | | x | | x | | x | | | | | |
| National policy experts at Member State level | | | x | x | | x | | | | | | | |
| Representative from employers' organisations | | | x | | x | x | | | | | | | |
| Representative from workers' organisations | | | x | | | x | | x | | | | | |
| Representative from victim support organisations | | x | | | | | | x | x | | | | |
| Total | 1 | 1 | 4 | 2 | 1 | 6 | 1 | 4 | 1 | 1 | 2 | | |

The interviewees (6 out of 8) cite better collaboration between the police, Labour inspectorate and other public bodies, including victim support organisations, and criminal justice as the most important measure that would help in dealing with labour exploitation of migrants. In explaining the reasons, the respondents cite the following: (a) collaboration between line ministries needs to be improved, especially so that the regulation may be brought into coherence (according to 3 representatives from the employers' organisation, monitoring bodies and workers organisations groups); (b) information exchange between the public bodies needs to be made more efficient and effective to address the issue successfully, especially at industry level (monitoring body representative); (c) in addition to the already good collaboration between the police and the Inspectorate, collaboration with other stakeholders needs to be improved; and (d) the system needs to be more responsive and less bureaucratic [N(1)].

Two other measures have been picked with some frequency (4 out of 8): (a) better monitoring in industries especially prone to labour exploitation; and (b) legalisation of the status of certain groups of migrants who are currently irregular. In terms of better monitoring of individual industries, the respondents mentioned the following: (a) the Labour Inspectorate should have a much more prominent role in the identification, as they have both the expertise and the opportunities for identifying potential victims [N(1)], training and standardization of practice of

labour inspectors are needed (employers' organisation); and (b) legislation is good on the whole, but the enforcement is lacking (workers' organisation). When it comes to legalisation of the status of certain groups of migrant workers, the respondents noted the following: (a) more migrants should be allowed to work legally, contrary to the current restrictive policy due to large unemployment – as the skill sets of the unemployed do not correspond to what the market requires, migrant workers should be allowed to cover this need (employers' organisation); (b) correspondingly, given the fact that some people cannot work legally in the country, they resort to unregistered work (monitoring body); and (c) vulnerability of a group and individuals should be taken into account in this (victim support organisation).

7. Conclusion and any other observations, including contentious issues from interviews/focus groups

According to the results obtained from our limited sample, there seems to be a structured and adequate approach to trafficking in human beings for the purpose of labour exploitation. Our evidence indicates that the response to these cases is particularly adequate once the potential victims have been identified, in terms of victim support, access to justice, and prevention of repeated victimisation. The evidence also suggests that the mechanisms used for identification may be insufficient. Namely, the total number of trafficking cases is extremely low, and there is no systematic effort at identification.

The results indicate that, apart from trafficking, there is no institution with the remit in the area of severe forms of labour exploitation of migrants or of nationals. In terms of identification of victims, the Labour Inspectorate has the mandate to establish the unlawful employment/unregistered work. In this, the Inspectorate collaborates closely with the police, but with the unit in charge of illegal migration. This collaboration is reported to result in expedited deportation of unregistered workers and the sanctions to the employer. The mechanism for free legal aid, incorporated in the relevant legislation, does not seem to be operational in these cases. No other form of support is, according to the respondents, available to the victims: the trade unions do not consider offering support to this group as part of their mandate, and there are no civil society organisations specialised in this.

Generally, we may conclude that this problem is invisible in Croatia, and there are no mechanisms to address it.