



PROTECTION OF VICTIMS OF HUMAN TRAFFICKING IN CROATIAN LAW: CRIMINAL PROCEEDINGS, SUPRANATIONAL STANDARDS AND GRETA RECOMMENDATIONS*

Ante Novokmet, PhD, Full Professor

Josip Juraj Strossmayer University of Osijek, Faculty of Law Osijek
Stjepana Radića 13, 31000 Osijek, Croatia
ante.novokmet@pravos.hr

Ivan Vidaković, Master of Laws, Teaching Assistant

Josip Juraj Strossmayer University of Osijek, Faculty of Law Osijek
Stjepana Radića 13, 31000 Osijek, Croatia
ivan.vidakovic@pravos.hr

ABSTRACT

*This paper examines the protection of victims of human trafficking in Croatian criminal proceedings through the lens of supranational standards, selected case law of the European Court of Human Rights, relevant European Union law, and GRETA recommendations. The starting point of the analysis is the development of positive obligations under Article 4 of the European Convention on Human Rights, particularly the obligation of States to establish an effective legislative and administrative framework, take timely operational measures, and conduct an effective investigation whenever there are credible indications of human trafficking. Special attention is given to the case law of the European Court of Human Rights, including *Rantsev v. Cyprus and Russia*, *S.M. v. Croatia*, *Chowdury and Others v. Greece*, *Zoletić and Others v. Azerbaijan*, and more recent developments concerning proactive investigations, victim identification, and the avoidance of excessive reliance on victims' testimony.*

* This research was funded by the European union-NextGenerationEU: Implementation and Enforcement Challenges of the European Law on Selected Institutes in the Croatian Legal System(IPIE), ID: 581-UNIOS-88. However, the views and opinions expressed are solely those of the author(s) and do not necessarily reflect those of the European Union or the European Commission. Neither the European Union nor the European Commission can be held responsible for them.

The paper further analyses the Croatian legal framework, including the Criminal Procedure Code, Criminal Code, Social Welfare Act, Act on the Suppression of Undeclared Work, Aliens Act, and related legislation. It assesses recent legislative amendments aimed at strengthening victims' rights, access to support services, protection from secondary victimisation, and procedural participation. However, the analysis also identifies persistent shortcomings highlighted in GRETA's third and fourth evaluation reports, particularly concerning early identification of victims, access to compensation, the non-punishment principle, protection of migrant workers, labour exploitation, and insufficient operational mechanisms for effective assistance and protection.

The paper argues that Croatia has made significant progress in developing a formally comprehensive framework for combating trafficking in human beings, but that its practical effectiveness depends on clearer statutory mechanisms. In particular, the paper proposes a more precise procedural mechanism for the non-punishment of victims, improved access to compensation within criminal proceedings, stronger early identification procedures, and better coordination between criminal justice, labour, migration, social welfare, and victim-support systems.

Keywords: Article 4 ECHR, Effective investigation, Human trafficking, GRETA recommendations, Victims' rights

1. INTRODUCTORY REMARKS

Last 30 years in the European judicial area there has been a strong trend of strengthening the role and procedural position of victims of crime, the foundations of which are firmly established in the practice of the European Court of Human Rights (hereinafter: ECtHR) and the concept of procedural positive obligation of the state to conduct effective investigations where there is a credible suspicion that an individual's rights have been violated.¹ In the EU legal framework, the position of victims of crime was entrusted in general through Directive 2012/29/EU establishing minimum standards on the rights, support, and protection of victims of crime.² For certain groups of victims the EU adopted specific rules like Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography,³ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human

¹ A. Mowbray, *The Development of Positive Obligations under the European Convention on Human Rights by the European Court of Human Rights*, Bloomsbury Publishing, 2004, pp. 44-45.

² Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, [2012] OJ L 315/57.

³ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, Official Journal of the European Union, [2011] L 335/1.

beings and protecting its victims⁴ and Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.⁵

One of the most significant aspirations aimed at strengthening the position of victims of crime is realized through the active work of the Group of Experts on Action against Trafficking in Human Beings (hereinafter: GRETA), which is responsible for monitoring the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter: Convention).⁶ With its victim-oriented approach, GRETA has profiled itself as a true promoter of the rights of victims of criminal offenses that represent trafficking in human beings and therefore a violation of Art. 4 of the European Convention on Human Rights (hereinafter: ECHR). In four evaluation rounds, GRETA urged the Croatian authorities to take additional legislative and practical measures to ensure that suspected cases of trafficking in human beings are investigated and prosecuted effectively and lead to effective, proportionate, and dissuasive sanctions, and that the offence of trafficking in human beings is excluded from the plea-bargaining procedure.⁷

The Croatian legal framework is not one-dimensional, so a solution for the rights of the victims of human trafficking cannot be found under the stipulations of one code or act. Core solutions can be found as part of the Criminal Procedure Code and Criminal Code. More comprehensive approach subsumes other acts and codes like the Social Welfare Act, the Act on the Suppression of Undeclared Work, the Law on Foreigners, the Law on International and Temporary Protection, the regulations on the work of foreigners, the Labour Act, and many others. There are a lot of modalities for committing the crime of human trafficking, and

⁴ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, Official Journal of the European Union, [2011] L 101/1.

⁵ Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims [2024] OJ L 2024/1712.

⁶ Council of Europe Convention on Action against Trafficking in Human Beings, Council of Europe Treaty Series - No. 197, [2005] Available at: [<https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008371d>], Accessed 24 January 2026.

⁷ GRETA, *Evaluation Report Croatia, Third evaluation round*, Access to justice and effective remedies for victims of trafficking in human beings, 2020(10), p. 25. Available at: [<https://rm.coe.int/report-on-the-implementation-of-the-council-of-europe-convention-on-ac/1680a09509>], Accessed 24 January 2026.

there are different dimensions of this phenomenon. From criminal, economic, labour, political, and governance so, it is not surprising that there is a complex and intricate legal framework for effective protection of victims of human trafficking.⁸ That is why there are recommendations across all of these dimensions for the improvement of the national legal framework, which highlight the imperative of a holistic approach.

Taking into account the demands that GRETA communicated to the Republic of Croatia in its evaluation reports, as well as the recent judgments of the ECtHR, this paper examines the extent to which the Croatian legal system secures the right to an effective investigation in the context of trafficking in human beings, and whether the protection of the victims is in line with European positive legal standards. In this sense, the European standards for the protection of victims of trafficking in human beings established under the ECtHR and Directive 2011/36/EU on preventing and combating trafficking in human beings are analyzed, as well as Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU. A detailed analysis of the Croatian legal framework that includes provisions of the multiple *de lege lata* stipulations is provided as a core for the understanding of the Croatian approach to the problem of human trafficking. That approach is compared with the GRETA recommendations to identify the shortcomings of the existing practice of law enforcement and judicial authorities, as well as those of the normative framework. The observed shortcomings of the domestic legal framework are critically considered. Taking into consideration comparative legal solutions, recommendations are made for its improvement to harmonize national legislation with European standards.

The methodological starting point of this paper is the distinction between formal normative compliance and practical effectiveness of victim protection. The analysis does not merely describe the relevant supranational standards and domestic provisions, but examines whether the Croatian legal framework provides mechanisms capable of ensuring effective identification, protection, participation, and compensation of victims of trafficking in human beings. For that purpose, the paper combines doctrinal legal analysis, case-law analysis, and a limited comparative method. The comparative references are not used as models to be directly transplanted into Croatian law, but as analytical tools for assessing whether Croatian law should regulate certain issues through substantive criminal law, criminal procedure, migration law, labour law, or victim-support mechanisms. The central argument of the paper is that the Croatian framework has largely achieved formal

⁸ For more see: Turek, J. M., *Human Security and Development Issues in Human Trafficking* in: Burke, M. C. (ed.) *Human Trafficking : Interdisciplinary Perspective*, Routledge, 2013, pp. 73-88.

alignment with European standards, but that its practical effectiveness remains dependent on clearer statutory mechanisms, especially in relation to the non-punishment principle, compensation, early identification, and protection of migrant workers.

2. EUROPEAN POSITIVE LEGAL STANDARDS ON INVESTIGATIONS AND PROSECUTION OF TRAFFICKING IN HUMAN BEINGS

Considering the structure of Article 4 of ECHR, one might initially conclude that the issue of human trafficking does not fall within its scope and is not expressly regulated by the Convention. Consequently, the main interpretative challenges faced by the Court concern determining the material scope of Art. 4, particularly in relation to the concepts it outlines, namely slavery, servitude, and forced labor, as well as the positive obligations arising from them.⁹

Ranstsev v. Cyprus and Russia is one of the landmark cases in which the ECtHR, for the first time, brought human trafficking under the protection of Art. 4 of the ECHR. Relying on the existing definitions of human trafficking, the Court concluded that human trafficking, as defined in the Palermo Protocol and the CoE Trafficking Convention, falls within the protective scope of Art 4.¹⁰ The Palermo Protocol in Art. 3(a) and Art. 4(a) of the CoE Convention define trafficking in human beings as follows:

*“Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.*¹¹

⁹ Wendelin, A.-N., *Protection of Human Trafficking Victims: The Positive State Obligations under Article 4 of the European Convention on Human Rights*, Tectum, 2024, p. 30.

¹⁰ For basis of material scope of human trafficking see: Cvitanović, L. *et al.*, *Kazneno pravo – posebni dio*, Pravni fakultet Sveučilišta u Zagrebu, 2018, pp. 52-59.

¹¹ UN General Assembly, Protocol To Prevent, Suppress And Punish Trafficking In Persons, Especially Women And Children, Supplementing The United Nations Convention Against Transnational Organized Crime, 15 November 2000, Available at: [<https://www.refworld.org/legal/agreements/unga/2000/en/23886>], Accessed 12 November 2025; Council of Europe Convention on Action against Trafficking in Human Beings, Council of Europe Treaty Series - No. 197, [2005] Available at:

An examination of these definitions clearly reveals three core elements: (1) the act, which includes recruitment, transportation, transfer, harboring, and other forms of conduct; (2) the means, such as coercion, threats, abduction, fraud, or abuse of a position of vulnerability; and (3) the purpose, which encompasses various forms of exploitation, including the exploitation of prostitution, forced labor, slavery, or practices similar to slavery.

However, despite relying on these definitions, the Court ultimately chose to focus on the characteristics of the phenomenon which can be described as the ECtHR characteristics approach, emphasizing the inherent features of human trafficking, treating individuals as commodities involving minimal or no payment, the continuous surveillance of victims, the use of violence and threats, and extremely poor living conditions.¹²

One of the fundamental requirements of the ECtHR regarding the investigation and prosecution of criminal offenses marked as trafficking in human beings is that the investigation must meet the standards of effective investigation. Namely, the ECtHR in *Rantsev v. Cyprus and Russia* pointed out that Art. 4 ECHR entails a procedural obligation to investigate situations of potential trafficking.¹³ The requirement to investigate does not depend on a complaint from the victim or next-of-kin, but rather that the authorities must act of their own motion once the matter has come to their attention. It further affirmed that for an investigation to be effective, it must be independent from those implicated in the events and that it must also be capable of leading to the identification and punishment of individuals responsible, an obligation not of result but of means. Moreover, a requirement of promptness and reasonable expedition is implicit in all cases, but where the possibility of removing the individual from the harmful situation is available, the investigation must be undertaken as a matter of urgency. Finally, the victim or the next-of-kin must be involved in the procedure to the extent necessary to safeguard their legitimate interests.¹⁴

[<https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008371d>], Accessed 24 January 2026.

¹² Judgment *Rantsev v Cyprus and Russia*, (2010) EHRR §281.

¹³ Judgment *Rantsev v Cyprus and Russia*, (2010) EHRR §288; See: R. Piotrowicz, *States' Obligations under Human Rights Law towards Victims of Trafficking in Human Beings: Positive Developments in Positive Obligations*, International Journal of Refugee Law, Vol. 24, No. 2, 2012, pp. 181-201.

¹⁴ Judgment *Rantsev v Cyprus and Russia*, (2010) EHRR §288; See also: European Court of Human Rights, Guide on Article 4 of the European Convention on Human Rights - Prohibition of slavery and forced labour, 2026, p. 19, Available at: [https://www.echr.coe.int/documents/guide_art_4_eng.pdf], Accessed 24 March 2026.

Following these standards, GRETA, in its second evaluation report, warned the Croatian authorities to take the necessary measures to ensure in the domestic legal system that the sentences imposed on perpetrators of trafficking in human beings are effective, proportionate, and dissuasive and to exclude the possibility of plea agreements for these offenses.¹⁵ The stronghold for such an attitude undoubtedly derives from the Convention itself. In Art. 27 para 1 of the Convention is proscribed requirement that Member States ensure that investigations and prosecution of trafficking in human beings are undertaken on their own initiative *ex parte* and *ex officio*, as well as that the criminal offenses of trafficking in human beings are punishable by effective, proportionate and dissuasive sanctions, which is stipulated in Art. 23 para. 1. of the Convention. It is therefore necessary to support GRETA's view that failure to convict traffickers and the absence of effective, proportionate and dissuasive sanctions, including such resulting from plea bargaining procedures, undermines efforts to combat trafficking in human beings and guarantee victims' access to justice.¹⁶

In its third evaluation report, GRETA primarily criticizes Croatia for the gap between the normatively established system of protection of victims of trafficking in human beings and its practical effectiveness.¹⁷ Victims are still not sufficiently informed early and systematically about their rights, especially about the recovery and reflection period. Legal aid is not always available from the earliest stage of the procedure, and access to compensation for damage remains almost exclusively a theoretical possibility, without truly effective mechanisms for its realization.¹⁸ The state's criminal law response is particularly problematic. GRETA warns that reports of possible trafficking in human beings are not always taken with the necessary seriousness, that cases are sometimes reclassified as minor criminal offenses, that investigations rely too much on the victim's testimony instead of special evidentiary actions, financial investigations and confiscation of property gains, and that Croatian law still does not have a clearly regulated provision on the non-punishment of victims for illegal acts to which they were forced.¹⁹ In terms of process, the biggest complaint is that the system does not yet provide sufficiently stable, specialized, and trauma-informed protection for victims, especially children, migrants, asylum seekers, male victims of labor exploitation, and unaccompanied

¹⁵ GRETA, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Croatia*, Second evaluation round, 2015(33), p. 33, Available at: [<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000001680630e7c>], Accessed 24 January 2026.

¹⁶ GRETA, 2020(10), *op. cit.* note 7, p. 28.

¹⁷ *Ibid.*, pp. 3-5.

¹⁸ *Ibid.*, pp. 14-18, 21-25.

¹⁹ *Ibid.*, pp. 4-5.

minors, which is why there is an increased risk of secondary victimization, failure to recognize victims and their return to situations of repeated exploitation.²⁰

Last round of GRETA evaluation was done in 2025.²¹ In their fourth evaluation report, at the level of criminal law and procedural response, GRETA once again warns of insufficiently effective victim identification, excessive dependence of the procedure on police assessment and the provability of the criminal offence, weak involvement of specialised civil society organisations, a low number of proceedings for trafficking in human beings for the purpose of labour exploitation, and the risk of reclassification into minor criminal offences.²² Two systematic complaints from the previous cycle are particularly repeated: victims of trafficking in human beings are still not provided with real access to compensation in practice, and Croatian law still does not have a clearly regulated principle of non-punishment of victims for unlawful acts committed under the coercion of an exploitative relationship.²³

3. SELECTED CASE LAW OF ECtHR ON THE RIGHT TO AN EFFECTIVE INVESTIGATION OF VICTIMS IN CASES OF HUMAN TRAFFICKING

Although the procedural position of victims may in certain contexts be examined under Article 6 of the ECHR, the Convention-based protection of victims has primarily developed through the positive obligations arising under Articles 2, 3, and, in the context of trafficking in human beings, Article 4 of the ECHR. These obligations can be grouped into three categories: first, the duty to criminalize certain forms of conduct; second, the duty to take preventive measures; and third, the duty to conduct an effective investigation to determine whether a violation has occurred.²⁴ The category of the victim's right to an effective investigation is the only one among the three that is conditioned on a criminal offence having already taken place, while the other two are directed toward prevention. For the holistic approach, all the categories will be analyzed subsequently.

²⁰ *Ibid.*

²¹ GRETA, *Evaluation Report Croatia: Fourth Evaluation Round – Measures to prevent and detect vulnerabilities to human trafficking*, 2025(06), pp. 4-5., Available at: [<https://rm.coe.int/greta-evaluation-report-on-the-implementation-of-the-council-of-europe/1680b66807>], Accessed 24 January 2026.

²² *Ibid.*, pp. 6-7.

²³ *Ibid.*, pp. 46-49.

²⁴ Bachmaier Winter, L., *Council of Europe Instruments and the Case Law of ECtHR on Victim's Rights: What Influence the EU Law?*, in: Burchet, J.; Weyembergh, A. (eds.), *Stronger Victims' Rights in EU Law: Assessment and Prospects*, Oxford, 2025, p. 126.

3.1. Legislative and Administrative Framework

As previously stated, *Rantsev v. Cyprus and Russia* is one of the landmark cases in which the ECtHR developed the positive obligation to establish an appropriate legislative and administrative framework for the prevention and suppression of trafficking in human beings. Concerning Cyprus, the first finding concerned the breach of the State's positive obligation to establish a legislative and administrative framework that effectively prohibits human trafficking. Such a framework must be practical and effective, not merely declaratory, in line with the principle that the rights guaranteed by the Convention must be *practical and effective, not theoretical and illusory*²⁵, a standard that applies equally to State obligations. This means that States must criminalize human trafficking, establish oversight mechanisms in sectors where the risk of exploitation is particularly high, conduct checks on employers and intermediaries, and ensure systems for victim identification and intervention whenever indicators of trafficking arise.²⁶

In relation to Cyprus, the Court found that although the State formally had a specific anti-trafficking law (Law 3(1)/2000), the entire *artiste visa* regime, visas routinely issued to women recruited to work in bars and nightclubs, operated in a manner that enabled exploitation rather than preventing it. Employers exercised almost complete control over the women, including control over their movement and personal documents. At the same time, the State lacked any system for monitoring working conditions, the legality of employment arrangements, or trafficking risks.²⁷ It was a deficient regime, widely known as a vehicle for prostitution, and as such, it failed to provide *practical and effective* protection against trafficking and exploitation.²⁸

It can be concluded that the Court in this case followed the reasoning from the case *Siliadin v. France*, in which the conclusion was that the positive obligation under Art. 4 of the ECHR implies the duty of the state to prescribe behavior as a criminal offense and to ensure the effective prosecution of any action aimed at maintaining such a state, whether it is servitude or forced labor. Now the same argumentation has been applied to the concept of human trafficking. Croatian scholarship has similarly emphasised that the prohibition of slavery and forced labour under Article 4 of the ECHR cannot be reduced to formal criminalisation, but requires an effective legislative, administrative and judicial framework capable of preventing

²⁵ Judgment *Airey v Ireland* (1979) EHRR §24.

²⁶ Judgment *Rantsev v Cyprus and Russia*, (2010) EHRR §267.

²⁷ Judgment *Rantsev v Cyprus and Russia*, (2010) EHRR §290-293.

²⁸ Harris, D.; O'Boyle, M.; Bates, E.; Buckley, C., *Law of the European Convention on Human Rights*, Oxford, 2023, p. 291.

exploitation, protecting victims and ensuring effective prosecution.²⁹ Similar judgment was made by the ECtHR in the case of *Choudury and others v. Greece*, where the Court found a positive obligation for States to address recruitment of people for the purposes of exploitation, and that implies forced labour as well. An imposed positive obligation is formed as a duty to address these issues through a regulatory framework and as a measure to prevent human trafficking, and that can be done through criminalisation of this behavior and effective prosecution.³⁰ This reasoning was continued in later Court jurisprudence in cases like *T.I. and Others v. Greece*, where the Court concluded that Greece didn't ensure an effective legislative and legal framework that led to the termination of the prosecution for two of the accused. The main reason for that was the fact that human trafficking for the purpose of sexual exploitation had not constituted a separate criminal offence, which led to a shorter limitation period for a lesser criminal offence.³¹ Victims' rights are still in focus in contemporary jurisprudence of the ECtHR, considering the conclusion that Moldova didn't fulfill its positive obligation because the State didn't provide practical and effective protection from trafficking and servitude. That is based on the fact that people with intellectual disabilities were deinstitutionalised and removed from state care, which resulted in her being subjected to forced labour by the family into whose care she had been placed.³²

Consideration of this first category clearly shows that the reach of positive obligations must be viewed in a broader context, primarily through all three aspects, and this implies the establishment of a legislative and administrative framework for the prohibition and punishment of human trafficking, measures to prevent human trafficking, and the protection of the victims themselves.³³ The last two elements will be the subject of analysis in the subsequent chapters of the paper.

3.2. Operational Measures

In addition to establishing an appropriate legislative framework, States have a duty under Art. 4 of the ECHR to take timely and proactive measures to protect an individual whenever there are facts indicating that the person may be a potential victim of human trafficking. In the context of *Rantseva*, the Court identified clear

²⁹ Herceg Pakšić, B.; Jukić, M., *Primjena konvencijskog prava u području zabrane ropstva i prisilnog rada: europski standardi i hrvatska postignuća*, Hrvatski ljetopis za kaznene znanosti i praksu, Vol. 23, No. 2, 2016, p. 302.

³⁰ Judgment *Choudury and others v. Greece* (2017) EHRR §87-89.

³¹ Judgment *T.I. v Greece* (2019) EHRR §143-146.

³² Judgment *I.C. v Republic of Moldova* (2025) EHRR §152-157.

³³ Batistić Kos, V., *Pozitivne obveze prema Europskoj konvenciji za zaštitu ljudskih prava i temeljnih sloboda*, Narodne novine, 2012, p. 66.

failures on the part of the Cypriot authorities. From the moment her employer brought her to the police station and stated that she *wanted to go home*, there were obvious indicators that she might be a trafficking victim, particularly given that she had been employed as an *artiste* in a sector well known for the systematic exploitation of foreign women.³⁴ The Court emphasized that the State does not need to know in advance that a serious violation will occur; it is sufficient that there are signs of a real and immediate risk. In Rantseva's case, these signs were more than evident: a young woman who had recently arrived, wished to escape, was brought to the police by her employer, worked in a high-risk sector, and had no genuine freedom of movement. All these circumstances, according to the Court, created a *credibility of suspicion* that triggered the duty to take protective measures.³⁵ The authorities' failure to remove Rantseva from her employer's control, to assess her situation, to provide protective measures, or to initiate victim-identification procedures constituted a violation of Art. 4 in its operational dimension.³⁶

In the case of *L.E. v. Greece*, the Court concluded that there was a violation of Art. 4, because more than nine months had passed between the applicant's claim that she was a victim of human trafficking and the formal recognition of her victim status.³⁷ The case is important because it shows that protective measures must be taken promptly. Although the applicant was referred to a specialised unit for victims of trafficking, the expulsion procedure was suspended, and she was eventually granted victim status, the authorities failed to justify the delay of more than nine months. Such delay may undermine the practical effectiveness of protection, especially where victim status is required for access to assistance, residence rights and other support measures.³⁸

The court also found a violation in the case of *F.M. and others against Russia*, given that the victim was in real and imminent danger of further exploitation and abuse by the shopkeepers, the Russian authorities had a duty under their positive obligations under Art. 4 of the ECHR to take operational measures to remove her from that risk or situation.³⁹ Despite being aware of the second applicant's increased vulnerability, due to her age, her family situation as an orphan and the fact that she was allegedly the victim of exploitation and violence over a period of more than three years, they did nothing more than interview her alleged trafficker, R.M.

³⁴ Judgment *Rantsev v Cyprus and Russia*, (2010) EHRR §296-298.

³⁵ Judgment *Rantsev v Cyprus and Russia*, (2010) EHRR §319-321.

³⁶ Judgment *Rantsev v Cyprus and Russia*, (2010) EHRR §297-298.

³⁷ Judgment *L.E. v Greece* (2016) EHRR §77.

³⁸ Judgment *L.E. v Greece* (2016) EHRR §78.

³⁹ Judgment *F.M. v Russia* (2025) EHRR §295-296.

Authorities were satisfied with his denial of any wrongdoing, which was supported by the statements of several individuals under his control, they decided not to open a criminal investigation.⁴⁰

Considering operational action as the basis for victim protection, one of the key elements is early identification and granting of status, and only subsequently a decision on possible criminal prosecution. The idea is that the decision of the competent authorities should be one of the factors that will influence further decision-making on all other decisions of the prosecutor. The essence of the court's argument is that such decisions must be made *in concreto* and the mere fact that a criminal offense was committed within the framework of human trafficking does not exculpate the victim *ex lege*, but rather it is necessary for the prosecutor to prove that such criminal prosecution makes sense because the criminal offense is not the result of force or coercion arising from the fact that the person is a victim of the criminal offense of human trafficking.

3.3. Effective Investigation

The Court held that Art. 4 of the ECHR contains an independent procedural obligation requiring the State to conduct an effective investigation as soon as there are credible indications of human trafficking.⁴¹ Human trafficking is a complex and often transnational phenomenon, and any investigation must therefore encompass the entire chain of events, from recruitment to exploitation, and include international cooperation. The Court further defined an *effective investigation* as one in which the authorities take genuine and concrete measures to protect victims or even potential victims of human trafficking, thereby establishing a legal standard according to which the authorities knew or ought to have known of the risk of trafficking.⁴² An investigation must be initiated independently of any complaint or initiative by the victim, meaning that the victim's passivity cannot justify the authorities' inaction; such inaction constitutes a failure on the part of the investigative bodies.⁴³

The authorities must act independently and impartially, focusing on the identification and punishment of those responsible, using all appropriate means but

⁴⁰ Judgment *F.M. v Russia* (2025) EHRR §297.

⁴¹ Judgment *Rantsev v Cyprus and Russia*, (2010) EHRR §284-286.

⁴² Brđanović, T.; Supančić, G., *Suzbijanje trgovanja ljudima – neki materijalnopravni i procesnopravni aspekti*, Hrvatski ljetopis za kaznene znanosti i praksu, Vol. 29, No. 2, 2022, Zagreb, pp. 553–554.

⁴³ European Court of Human Rights, Guide on Article 4 of the European Convention on Human Rights - Prohibition of slavery and forced labour, p. 19, Available at: https://www.echr.coe.int/documents/guide_art_4_eng.pdf, Accessed 24 March 2026.

without any strict obligation as to the result. Importantly, this implies that the investigation should not be limited only to the objective and subjective elements of the offence but should also address the broader context of the trafficking situation.⁴⁴ Moreover, investigative measures must be undertaken promptly and with due diligence, ensuring the victim's participation in the proceedings to safeguard her rights and interests. Where necessary, the authorities are also required to engage in close international judicial cooperation to uncover the full chain of events and actors involved in the trafficking network.⁴⁵

In Cyprus, the investigation into Rantseva's death was ineffective; the police ignored clear indicators of trafficking, prematurely concluded that the case involved an accident or suicide, and failed to investigate the employer's role in exercising control over her and returning her to the club. Although this shortcoming was not formally assessed under Art. 4, since the Court had already found a procedural violation of Art. 2, the reasoning makes clear that an investigation which disregards possible trafficking cannot satisfy the standard required by Art. 4.⁴⁶ With respect to Russia, the Court found a direct violation of Art. 4 because the authorities failed to conduct any investigation into how Rantseva had been recruited and did not respond to Cyprus's request for mutual legal assistance. The Court emphasized that Russia was the only State capable of examining the initial phase of the trafficking process and that the fact that exploitation occurred in another State does not absolve a State of its obligation to investigate when indications of recruitment originate on its own territory.⁴⁷

Today, when the cross-border element of human trafficking is even more present, effective investigation also depends on the cooperation of national authorities with other authorities in investigating human trafficking outside their territory. Although the standard was established in the *Rantseva v. Cyprus* decision, the same standard was reiterated in a more recent case of *Zoletic and Others v. Azerbaijan*.⁴⁸

The procedural obligation to investigate human trafficking, including forced prostitution, requires States to apply adequate criminal law mechanisms to prohibit and punish such conduct. The general principles governing effective investigations under Arts. 2 and 3 of the ECHR also apply to Art. 4.⁴⁹ For an investigation to be effective, it must be capable of establishing the facts and identifying, and possibly

⁴⁴ Brđanović; Supančić, *op. cit.*, note, 42, p. 554.

⁴⁵ Harris, O'Boyle, Bates, Buckle, *op. cit.*, note 28, pp. 293-294.

⁴⁶ Judgment *Rantsev v Cyprus and Russia*, (2010) EHRR §232-242.

⁴⁷ Judgment *Rantsev v Cyprus and Russia*, (2010) EHRR §307-309.

⁴⁸ Judgment *Zoletic and others v Azerbaijan* (2022) EHRR §191.

⁴⁹ Harris, O'Boyle, Bates, Buckle, *op. cit.*, note 28, p. 294.

punishing, those responsible. Authorities must act on their own initiative and cannot shift the burden of initiating proceedings to the victim. The duty is one of means, not of results; what matters is that reasonable steps are taken and that the investigation follows a logical and objective line of inquiry.⁵⁰

Applying these principles in the case of *S.M. v Croatia*, the Court found that while the applicant had been granted the status of a potential victim of trafficking, this did not amount to recognition that trafficking had occurred; that determination had to be made through the criminal process. Given the circumstances of the case, the Court concluded that the applicant had presented a credible claim, supported by *prima facie* evidence, that she had been a victim of treatment contrary to Art. 4.⁵¹ T.M.'s approach via Facebook offering employment, his provision of accommodation for sexual services, his admission of using force, financial control that could amount to debt bondage, and his abuse of a position of power over a vulnerable young woman all pointed to credible indicators of forced prostitution or trafficking, triggering the State's procedural obligation under Art. 4.⁵² Although the police and prosecution acted promptly, they failed to pursue obvious lines of inquiry that could have clarified the relationship between the applicant and T.M. They did not examine the parties' Facebook communication, question the applicant's parents, particularly her mother, who had prior contact with T.M., nor interview neighbors, the landlord, or others who helped her escape. Given these deficiencies, the Court found that the investigation was so inadequate that it prevented the domestic authorities from determining the true nature of the applicant's relationship with T.M. and whether she had been exploited. The shortcomings in the application of criminal law mechanisms, therefore, amounted to a procedural violation of Article 4 of the ECHR.⁵³ In line with GRETA's recommendations, the Court stressed that investigations into human trafficking must not depend excessively on the victim's testimony, as trauma often impedes victims' ability or willingness to cooperate.⁵⁴

In a more recent case, *T.V. v. Spain*, the Court held that the applicant had presented an arguable complaint of human trafficking and forced prostitution, supported by *prima facie* evidence sufficient to trigger the State's procedural obligations under Art. 4 of the Convention.⁵⁵ Despite this, the Spanish authorities failed

⁵⁰ Bachamier Winter, *op. cit.*, note 24, pp. 73-76.

⁵¹ Judgment *S.M. v Croatia* (2020) EHRR §322-323.

⁵² Judgment *S.M. v Croatia* (2020) EHRR §326-332.

⁵³ Judgment *S.M. v Croatia* (2020) EHRR §347-348.

⁵⁴ Judgment *S.M. v Croatia* (2020) EHRR §344.

⁵⁵ Judgment *S.M. v Croatia* (2020) EHRR §92-94.

to act with the requisite diligence during the investigative phase, allowing long periods of inactivity and neglecting obvious lines of inquiry that should have been pursued given the seriousness and credibility of the allegations.⁵⁶ In particular, the Court criticized the superficial and insufficiently reasoned domestic decision to provisionally dismiss the case against the alleged traffickers, noting that the ruling focused narrowly on the applicant's age rather than on the broader trafficking indicators and the available corroborative evidence.⁵⁷ These shortcomings, according to the Court, revealed a blatant disregard for the obligation to investigate serious allegations of human trafficking, an offence recognized for its severe impact on victims.⁵⁸ The Court also acknowledged the third-party intervention by GRETA, which emphasized the need for proactive investigations using specialized investigative techniques, financial inquiries, and methods that avoid overreliance on victims' testimony. GRETA further stressed that age-assessment procedures must not be used to cast doubt on a person's claim of being a trafficking victim, a concern the Court noted when assessing Spain's handling of the applicant's case.⁵⁹ Overall, the Court concluded that Spain had applied essential criminal-law mechanisms in a defective manner, resulting in an ineffective investigation and a violation of its procedural obligations under Art. 4 of the Convention.⁶⁰

It can be seen that ECtHR often uses the argumentation and GRETA standards in its reasoning, so it is not justifiable to look at them as two separate systems rather than a complex and intertwined ones. The ones developed by CJEU are also no exception and will be analyzed.

3.4. CJEU

Through preliminary rulings and interpretations of European law, the CJEU has also contributed to the development of victims' rights in the context of the crime of trafficking in human beings. The consideration of the above issue through the

⁵⁶ Duncan Lewis Solicitors LLP, *ECtHR Rules Spanish Authorities' Ineffective Investigation into Trafficked Minor Violated Her Human Rights*, 2024, Available at: [https://www.duncanlewis.co.uk/publiclaw_news/CHR_Rules_Spanish_Authorities%E2%80%99Ineffective_Investigation_into_Trafficked_Minor_Violated_Her_Human_Rights_%2814_October_2024%29.html], Accessed 13 November 2025.

⁵⁷ Judgment *T.V. v Spain* (2024) EHRR §109-112.

⁵⁸ Judgment *T.V. v Spain* (2024) EHRR §109-116.

⁵⁹ Council of Europe, European Court of Human Rights reaffirms states' duties to investigate human trafficking in *T.V. v Spain* judgment, 2024, Available at: [<https://www.coe.int/en/web/anti-human-trafficking/-/european-court-of-human-rights-reaffirms-states-duties-to-investigate-human-trafficking-in-t.v.-v.-spain-judgment>], Accessed 13 November 2025.

⁶⁰ Judgment *T.V. v Spain* (2024) EHRR §188.

lens of the criteria for the content of rights developed through the decisions of the CJEU can be divided into general and procedural. The analysis of these cases implies broader principles of victims' rights, such as compensation, protection, and the definition of a victim, which are also applicable to victims of trafficking in human beings, as well as those related to it.

One of the fundamental issues is the compensation, where the CJEU has repeatedly emphasized that it is the obligation of Member States to ensure fair and adequate compensation for victims of all violent crimes committed intentionally, like in the case of *European Commission v Italian Republic*.⁶¹ This is important as a right because, in the aforementioned case, such compensation is emphasized not only as a necessary means of recovery but also as a potential means of cooperation from the victim in investigations, which can often be a key element in conducting an effective investigation. For this to be achieved, the CJEU, analyzing the concept of fair and applicable compensation, concluded that it must not be symbolic or manifestly insufficient.⁶² The same objective as previously stated applies to this interpretation. Third and Fourth GRETA report on Croatia emphasizes the problem of an inefficient legal framework for the compensation of the victims and its overconnection with states attorneys office.⁶³

In Case C-66/21, the Court directly interpreted Art. 6 of Directive 2004/81/EC, emphasising the right of third-country nationals who are potential victims of trafficking in human beings to a reflection period and a prohibition on the execution of an expulsion order, including a transfer under the Dublin III Regulation, during that period.⁶⁴ The Court clarified that a reflection period must be granted as soon as a Member State has reasonable grounds to believe that the person may be a victim, regardless of the final confirmation.⁶⁵ The Court reached a similar conclusion in the case in the context of the right to remain and the postponement of the transfer of third-country nationals who are victims of trafficking in human beings and who cooperate with the competent authorities. It was held that national legislation may provide for the postponement of the execution of a transfer decision, but that this must not entail a suspension of the transfer period provided for in the Dublin III Regulation.⁶⁶

⁶¹ Case C-601/14 *European Commission v Italian Republic* [2016] ECLI:EU:C:2016:759, §48-51.

⁶² Case C-129/19 *Prezidenza del Consiglio dei Ministri v BV* [2020] ECLI:EU:C:2020:566, §63.

⁶³ For more see: GRETA, 2020(10), *op. cit.*, note 7, pp. 14-18, 21-25; GRETA, 2025(6), *op. cit.*, note 21, pp. 46-49.

⁶⁴ Case C-66/21 *O.T.E. v Staatssecretaris van Justitie en Veiligheid* [2022] ECLI:EU:C:2022:809 §84.

⁶⁵ Case C-66/21 *O.T.E. v Staatssecretaris van Justitie en Veiligheid* [2022] ECLI:EU:C:2022:809 §49.

⁶⁶ Case C-338/21 *Staatssecretaris van Justitie en Veiligheid v S.S., N.Z., S.S.* [2023] ECLI:EU:C:2023:269 §75.

Although this is a different aspect of the issue of the rights of victims of human trafficking, the CJEU's practice has also highlighted what has been detected as a problem in the Republic of Croatia, which is the issue of compensation for victims, which is related to criminal proceedings, the state attorney's office, and formal conditions. The following chapters will analyze the current state of the Croatian legislative framework regarding the position of victims and the possibility of exercising the right to an effective investigation, along with an analysis of potential solutions for harmonization with European recommendations and standards.

4. SELECTED PARTS OF CROATIAN LEGAL FRAMEWORK ON VICTIMS OF HUMAN TRAFFICKING

The issue of human trafficking is a global and legal phenomenon that encompasses multiple dimensions, sociological, economic, criminal, political, and many others.⁶⁷ As a result, the state's approach must not be limited only to solutions within the framework of criminal legislation.⁶⁸ Therefore, the following chapter will analyze the adjustments of the criminal law framework, as well as other laws that complement the solutions in question, as the key to a comprehensive fight against human trafficking. Several recent amendments to the Criminal Procedure Code, Criminal Code, Social Welfare Act are aimed at meeting supranational standards established by the case law of the ECtHR and the CJEU, but also at meeting GRETA reports. Some new legislation like The Act on the Suppression of Undeclared Work was adopted in 2023 that expands the legal framework for the combating human trafficking or some of its modalities. In the following, we provide an analysis of the changes in legislation, as well as an overview of areas in which there is still room for improvement.

4.1. *De lege lata* Croatian Approach

Croatia made important progress with the 2024 amendments to the Criminal Procedure Code, which strengthened the procedural position of victims of criminal offences.⁶⁹ Although subsequent amendments were adopted in 2025 and 2026, the 2024 amendments are particularly relevant for the present analysis because

⁶⁷ See more, Musa, I., *Trgovina ljudima – Ropstvo 21. Stoljeća*, Hum: časopis Filozofskog fakulteta Sveučilišta u Mostaru, Vol. 12, No. 17-18, pp. 87-102.

⁶⁸ Zwaak, L., *Prohibition of Slavery and Forced Labour*, in: van Dijk, P.; van Hoof, F.; van Rijn, A., Zwaak, L., *Theory and Practice of the European Convention on Human Rights - Fifth edition*, Intersentia, 2017, pp. 427-429.

⁶⁹ Amendments to the Criminal Procedure Code, Official Gazette No. 36/2024 (hereinafter: Amendments).

they directly concern victims' access to support services, information, confidentiality and protection from secondary victimisation. This certainly contributes to the standard of effective victim participation, i.e., ensuring greater protection and cooperation, which is also one of the standards prescribed by the practice of the ECtHR. For this purpose, amendments and clarifications of the provisions regulating the general and special catalogues of victims' rights are proposed, in relation to those victims' rights where there are doubts regarding their implementation in practice.⁷⁰ Thus, the general catalogue of victims' rights in Art. 43. para. 1. point 1. expands the right of the victim in such a way that immediately after the commission of a criminal offense and for as long as necessary, the victim has the right to easily accessible, confidential, and free access to support services for victims of criminal offenses.⁷¹ This is one of the key aspects in the context of this criminal act, which enables the victim to receive support, and can also help with cooperation, given that support will be provided from the earliest stages. The earlier provision did not sufficiently specify the moment from which it is possible to obtain support or how long the support can last.

In the point 6. of the same article it is expressly stipulated that the victim has the right to be accompanied by a person of their choice, from the time the criminal offense is reported until the final conclusion of the criminal proceedings. A new general right of the victim to confidentiality of information whose disclosure could endanger their safety or the safety of the victim's close relatives is prescribed.⁷² This is also one of the key stipulations considering the endangerment of the victims and their fear. This is one of the key aspects in the context of this criminal act, which enables the victim to receive support, and can also help with cooperation, given that support will be provided from the earliest stages. The earlier provision did not sufficiently specify the moment from which it is possible to obtain support or how long the support can last.

The victim's rights to information from the previous points 10 and 11 of Article 43 of the Criminal Procedure Code/08, which were previously prescribed as rights that the victim exercised *upon request*, were introduced by the 2024 Amendments in such a way that it is assumed that the victim wishes to receive the prescribed information, except in the case of the victim's waiver of the aforementioned right.⁷³

⁷⁰ Art. 43 Amendments to the Criminal Procedure Code.

⁷¹ Art., para. 1., point 1. 43 Amendments to the Criminal Procedure Code.

⁷² Art. 43., para. 1. point 6 of the Criminal Procedure Code, Official Gazette No. 152/08, 76/09, 80/11, 121/11 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19, 80/22, 36/24, 72/25, 13/26) (hereinafter: CPC).

⁷³ Cf. Art. 43., para. 1. point 10 and 11 of the Criminal Procedure Code, Official Gazette No. 152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19, 80/22.

The right to information on the release of the perpetrator, which previously referred to information on the termination of detention, pre-trial detention, escape, or release from serving a prison sentence, is being expanded to also prescribe the victim's right to information on the release of the arrested person.⁷⁴

The right to be questioned via audio-video devices is being introduced into the special catalogues of rights of victims of crimes against sexual freedom, victims of the crime of trafficking in human beings, and victims in respect of whom special protection needs have been determined, unless the victim herself requests to be present in the courtroom during the testimony.⁷⁵ The previous solution implied that the victim had the right to request, which, of course, placed an additional burden on the victim and their knowledge of their rights. Now, interrogation via an audio-visual device is mandatory unless they themselves request to be present. This increases the potential for cooperation and participation of the victim and reduces the degree of secondary victimization as much as possible. The examination as a witness of a victim of a criminal offence against sexual freedom, a criminal offence of trafficking in human beings, a criminal offence of violence against women, domestic violence and violence against close persons and a victim in respect of whom special protection needs have been established in accordance with Article 43a of this Act shall be conducted using audio-video devices operated by a professional person, without the presence of the judge and the parties in the room where the victim is. The examination shall be recorded using an audio-video recording device, and the recording shall be sealed and attached to the record. Such a witness may only exceptionally be re-examined if the court deems it necessary.⁷⁶ The examination shall not be conducted in this manner if the victim requests to be present in the courtroom during the testimony. The way of this measure is prescribed in an operational way to show the full potential of stopping the secondary victimization and help the victims to participate in criminal proceedings. However, the effectiveness of these special procedural rights depends on the quality and timing of the individual assessment of the victim. The formal availability of audio-video questioning, avoidance of contact with the accused, and other protective measures does not, by itself, guarantee effective protection unless the victim's vulnerability and special protection needs are identified at an early stage and reassessed throughout the proceedings.⁷⁷

⁷⁴ Art. 43. Para. 1. Point 11 of CPC.

⁷⁵ Art. 44. Para. 4. Point 5. of CPC.

⁷⁶ Art. 292. Para. 6. of CPC.

⁷⁷ Martinović, I.; Vučkov, D., *Pojedinačna procjena žrtve u kaznenom postupku: izazovi u tumačenju i reformski prijedlozi*, Zbornik Pravnog fakulteta Sveučilišta u Rijeci, Vol. 46, No. 2, 2025, pp. 368, 371, 379–380.

The second important area of changes has also occurred through the Criminal Code and its alignment with the Directive on the Amendments and Supplements to the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.⁷⁸ The amendments to the Criminal Code also affected limitation periods. For the qualified form of trafficking in human beings resulting in the death of a child, Croatian law now excludes both the limitation period for criminal prosecution and the limitation period for the enforcement of the sentence.⁷⁹ This legislative solution reflects the particular gravity of the offence and the heightened protection afforded to child victims. The description of the criminal offence has also been changed by adding a new modality of perpetration through exploitation for surrogacy. Art. 1 para. 6 of Directive (EU) 2024/1712, stipulates a positive obligation for Member States to establish measures that will empower competent authorities not to prosecute or impose penalties in relation to unlawful acts committed by victims of trafficking in human beings under the influence of force. An analysis of criminal substantive and procedural legislation already speaks in favour of their compliance with the requirements of Directive (EU) 2024/1712, which can be achieved through the general institute of last resort proscribed in Art. 22 of the Criminal Code⁸⁰ and through the principle of purposefulness (opportunity) of criminal prosecution⁸¹, which, as an exception to the principle of official prosecution, allows the state attorney to, under the conditions prescribed by law, in certain criminal offences (for which a penalty of up to five years of imprisonment is prohibited) not to initiate criminal prosecution in the public interest or to abandon it.⁸² In accordance with the latest GRETA report, it could be concluded that the more appropriate solution is to prescribe a specific basis for not initiating prosecution.

Another area that is part of the legal framework for the protection of the victims of human trafficking is the Social Welfare Act, whose amendments in 2022 enabled victims placed in shelters to exercise their right to minimum compensation.⁸³ Victims of domestic violence and victims of trafficking in human beings

⁷⁸ Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims [2024] OJ L 2024/1712.

⁷⁹ Art. 81. Para. 2. And Art 83. Of Criminal Code (Croatia), Official Gazette No. 125/11, 144/12, 56/15, 101/17, 118/18, 126/19, 84/21, 114/22, 114/23, 36/24, 136/25.

⁸⁰ See more: Novoselec, P., *Opći dio kaznenog prava*, Pravni fakultet Osijek, 2016, pp. 169-183.

⁸¹ See more: Ljubanović, V.; Novokmet, A.; Tomičić, Z., *Kazneno procesno pravo – Izabrana poglavlja*, Sveučilište Josipa Jurja Strossmayera u Osijeku, Pravni fakultet Osijek, 2020, pp. 41-44.

⁸² Krapac, D., *Kazneno procesno pravo – prva knjiga: Institucije*, Narodne novine, 2020, pp. 94-98.

⁸³ Art. 28. Para. 3. of Social Welfare Act, Official Gazette No. 18/22, 46/22, 119/22, 71/23, 156/23, 61/25.

who have been categorized for receiving accommodation services in crisis situations are granted right to guaranteed minimum compensation in the amount of 100% of the guaranteed minimum compensation referred to in Art. 28, para. 3 of this Social Welfare Act.⁸⁴ That is, if they meet the conditions prescribed by this Act. A very important service that can significantly affect the victim's willingness to participate in criminal proceedings. Question of the material means outside of the scope of human trafficking is necessary for the resocialization and as a potential incentive to effectively participate knowing that you will have enough income.

One of the newest additions is the Act on the Suppression of Undeclared Work that was adopted in 2023.⁸⁵ The Law on Suppression of Undeclared Work was adopted with the aim of a unified normative regulation of various forms of undeclared work, including completely undeclared work, false self-employment and partially undeclared work. The legislator's starting point was that such forms of work have multiple negative consequences, both for the state and the economy, and for the workers themselves. Undeclared work leads to avoidance of payment of public benefits and reduction of state budget revenues, while simultaneously depriving workers of social security, employment rights, appropriate working conditions and occupational safety.⁸⁶ In addition, it enables the abuse of the system of social benefits and other rights financed from public funds. One of the more important novelties of the law is the introduction of the joint and several liability of the contractor for the payment of wages to the workers of subcontractors who participate in the execution of the contracted work. In this way, efforts are being made to ensure more effective protection of workers and to encourage business entities to cooperate with employers who operate in accordance with the law.⁸⁷ Such a solution builds on the already existing model from the legislation on posted workers, but extends it to all activities and all categories of workers, with the aim of ensuring equal treatment and reducing the risk of labor exploitation.

In the context of human trafficking, it is particularly significant that undeclared work and non-transparent labor relations create a suitable environment for various forms of labor exploitation. People who work without a formal labor law status are often in an extremely vulnerable position due to dependence on the employer, lack of knowledge of rights, language barriers or uncertain migration status, which

⁸⁴ Art. 28. Para. 3. of Social Welfare Act, Official Gazette No. 18/22, 46/22, 119/22, 71/23, 156/23, 61/25.

⁸⁵ Law on the Suppression of Undeclared Work, Official Gazette, No. 151/22.

⁸⁶ Draft of the final proposal of the Law on Suppression of Undeclared work, Reasoning, P.Z.E. No. 395, 2022, pp. 12-14.

⁸⁷ *Ibid.*

can represent an important risk factor for human trafficking for the purpose of forced labor. This is precisely why the strengthening of supervision over the labor market and suppression of undeclared work is one of the important preventive mechanisms in the fight against human trafficking.

This is of great importance, if we take into account that human trafficking encompasses the *modus operandi* of forced and other types of labor.⁸⁸ Also, the fact that a great part of the workforce comes from third countries.⁸⁹ Nevertheless, there is a lot to cover considering standards that were analyzed before and the adaptations of the Croatian national legal framework to those standards. The gaps between the *de lege lata* legal framework and completely adopting the standards will be analyzed in the

4.2. *De Lege Ferenda* Croatia Approach – Between ECtHR Standards and GRETA Recommendations

The last two GRETA reports show that Croatia does not necessarily need to rebuild the system for combating trafficking in human beings, but rather that the existing system must be made legally clearer, more operational, and less dependent on the logic of police and criminal procedure.

The key change should be that victim identification, access to assistance, legal protection, compensation for damage, and impunity are not linked exclusively to the success of criminal prosecution, but to the existence of reasonable grounds that a person has been subjected to trafficking in human beings or a related form of exploitation. Such a solution already stems from the Council of Europe Convention on Action against Trafficking in Human Beings, which provides for the obligation to compensate victims, the possibility of not punishing victims for illegal activities to which they were forced, and the possibility of civil society organizations participating in supporting victims during the proceedings. In its third report, GRETA specifically criticizes Croatia for not providing information, legal aid, and lawyers early enough, especially for asylum seekers and persons in detention, before they decide whether to cooperate with the prosecuting authorities. This was one of the reasons for aforementioned changes which successfully give precision and

⁸⁸ Palumbo, L., *Taking Vulnerabilities to Labour Exploitation Seriously: A Critical Analysis of Legal and Policy Approaches and Instruments in Europe*, IMISCOE Research Series, Springer, 2024, p. 270.

⁸⁹ According to official data from the Ministry of the Interior Affairs, 170,723 permits for foreign workers were issued in the Republic of Croatia in 2025, and the activities represented were those that could be considered risky for victims of human trafficking, Available at: [<https://mup.gov.hr/UserDocsImages/statistika/2026/1/Mjesecne%20statistike%20prosinac%202025.pdf>], Accessed 30 March 2026.

operational possibilities for the victims of human trafficking to access legal help from the earliest stages.

The first and most important legislative intervention concerns the non-punishment principle. It could be introduced into the Criminal Code as a substantive basis for excluding criminal liability or into the Criminal Procedure Code as a special basis for waiving prosecution, but the optimal solution would be to combine both approaches.⁹⁰ Such a solution should also be understood in the broader context of Croatian scholarship on conditional deferral and withdrawal of criminal prosecution, which shows that opportunity-based mechanisms may operate as legally structured exceptions to the principle of mandatory prosecution when they are expressly prescribed by law and narrowly defined.⁹¹ Comparatively, the British Modern Slavery Act 2015, section 45, provides for a special defence for victims of slavery or human trafficking who have committed a criminal offence in relation to their exploitative position, with the threshold of protection for children being lower than for adults.⁹² The German model, contained in § 154c StPO, provides for the procedural possibility for the public prosecutor to waive prosecution for a minor criminal offence that came to light because the victim reported coercion, extortion, or human trafficking.⁹³ The example of section 45 of the UK Modern Slavery Act 2015 is useful as an illustration of a victim-oriented approach, but it cannot be directly transposed into Croatian law because English criminal law does not operate with a general part of criminal law in the continental sense. Therefore, a special statutory defence in English law performs a function which, in Croatian law, must first be assessed through the existing institutes of the general part of criminal law, in particular necessity. For that reason, the more appropriate Croatian solution would be a layered model. First, where the statutory requirements are fulfilled, the victim's conduct should be assessed under the general institute of necessity. However, where the strict requirements of necessity are not met, but the unlawful act is nevertheless closely connected with the victim's exploitation, coercion, dependency, fear, abuse of vulnerability, or control exercised by the trafficker, the Criminal Procedure Code should provide a special procedural basis for

⁹⁰ Following the conclusion of Munivrana Vajda, M.; Dragičević Prtenjača, M.; Maršavelski, A., *Nekaznjavanje žrtava trgovanja ljudima u Hrvatskoj – pravni standard kao fikcija ili stvarnost*, Zbornik radova Pravnog fakulteta u Splitu, Vol. 53, No. 4, 2016, p. 1008.

⁹¹ Burić, Z.; Pleić, M.; Radić, I., *Conditional Deferral (and Withdrawal) of Criminal Prosecution from National and Comparative Legal Perspective*, Pravni vjesnik, Vol. 37, No. 1, 2021, pp. 84–85.

⁹² Modern Slavery Act, 2025, c. 45. Available at: [<https://www.legislation.gov.uk/ukpga/2015/30/section/45>], Accessed 11 March 2026.

⁹³ Art. 154c of Code of Criminal Procedure in the version published on 7 April 1987, Federal Law Gazette I, p. 1074, 1319, as last amended by Article 2 of the Act of 17 July 2025 (Federal Law Gazette 2025 I No. 163).

waiving prosecution or discontinuing proceedings. Such a solution would not interfere with the structure of the general part of substantive criminal law, but would broaden the application of the opportunity principle in a narrowly defined category of cases involving victims of trafficking in human beings. Accordingly, the Criminal Procedure Code should expressly provide that the State Attorney may refrain from initiating criminal prosecution or discontinue prosecution where there are reasonable grounds to believe that the suspect is a victim or presumed victim of trafficking in human beings and that the offence was committed as a direct consequence of the trafficking situation. The provision should also require the prosecutorial authority to assess this connection *ex officio* before initiating or continuing proceedings. Such a solution would respond to GRETA's repeated criticism that Croatian law still lacks a clear and operational non-punishment mechanism, while preserving the legality principle in substantive criminal law and introducing an explicit statutory exception within criminal procedure.⁹⁴ Current model gives a lot of discreditory powers considering that decision on the non prosecution depend exclusively on the practice of the state attorney's office and specific provisions provided by CPC, which introduces legal uncertainty and can have a demotivating effect on the victim, both for reporting the criminal offense and for effectively participating in the criminal proceedings.

The second key intervention concerns compensation for victims of trafficking in human beings. Croatia should amend the Act on Financial Compensation to Victims of Crime so that trafficking in human beings is explicitly included as an independent basis for state compensation, without excessive reliance on the criterion of serious bodily injury or serious impairment of health. GRETA explicitly states in its fourth report that in the reporting period, no victim of trafficking in human beings received compensation in criminal or civil proceedings, and again calls for state compensation to be made available to all victims when the crime was committed in Croatia, regardless of citizenship or residence status.⁹⁵ Comparatively relevant is the Dutch model, in which victims of violent crimes can receive compensation from a state fund, and the system also includes an advance payment mechanism when the perpetrator fails to pay the compensation awarded by the court.⁹⁶ The Croatian Criminal Procedure Code should stipulate that in

⁹⁴ GRETA, 2025(6), *op. cit.*, note 19, p. 49.

⁹⁵ *Ibid.*, p. 47-48.

⁹⁶ See: VOciare, National Report, Netherlands, Victims of Crime Implementation Analysis of Rights in Europe, pp. 51-54, Available at: [https://victim-support.eu/wp-content/files_mf/1564676869VOciare_National_Report_Netherlands_interactive.pdf], Accessed 11 March 2026.; see also: Schadefonds Geweldsmisdrijven, Are you a victim of a violent or sexual crime? 2025, Available at: [<https://schadefonds.nl/wp-content/uploads/2025/06/Folder-Engels.pdf>], Accessed 11 March 2026.

cases of trafficking in human beings, the collection of evidence of damage is part of the investigation itself, lost earnings, unpaid wages, medical and psychological costs, non-pecuniary damage, financial benefits of the perpetrator, and reintegration costs should be documented already in the criminal proceedings, so that the victim is not routinely referred to litigation. This argument is further supported by the recent decision of the Constitutional Court of the Republic of Croatia No. U-III-641/2021. Although the case did not formally concern a conviction for trafficking in human beings, it is directly relevant for victims of sexual exploitation and trafficking-related conduct because it addresses the practice of referring victims to civil litigation after criminal proceedings. The Constitutional Court emphasised that deciding on a civil claim within criminal proceedings serves not only procedural economy, but also the effective and prompt protection of the victim's rights. In cases involving serious violence, sexual exploitation, and long-term abuse, the routine referral of the victim to civil litigation may expose the victim to repeated testimony, renewed confrontation with the perpetrator, and secondary victimisation⁹⁷. For victims of trafficking in human beings, this reasoning is particularly important. If the criminal court has already established the factual basis of exploitation, coercion, abuse of vulnerability, or financial gain obtained by the perpetrator, the victim should not be referred to civil litigation by means of formulaic reasoning. Instead, the Criminal Procedure Code should be interpreted and, if necessary, amended in a way that requires criminal courts to decide on the victim's compensation claim whenever the case file provides a reliable basis for at least partial adjudication. In trafficking cases, the collection of evidence relevant to compensation should therefore form part of the investigation itself, including unpaid wages, lost earnings, non-pecuniary damage, medical and psychological costs, and the financial benefit obtained by the perpetrator.⁹⁸

The third group of amendments relates to early identification and the national referral mechanism. The Protocol on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings should be amended to formally recognize the status of a presumed victim, i.e., a person for whom there are reasonable grounds to suspect that he or she is a victim of trafficking in human beings. Such a person should have immediate access to information, an interpreter, legal aid, safe accommodation, and psychosocial support, regardless of whether there is sufficient evidence at that time for criminal prosecution. The revised Directive (EU) 2024/1712 further reinforces this direction by requiring Member States to

⁹⁷ Constitutional Court of the Republic of Croatia, Decision No. U-III-641/2021 of 12 November 2024, Official Gazette No. 13/2025, paras. 47–48, 58.

⁹⁸ Constitutional Court of the Republic of Croatia, Decision No. U-III-641/2021 of 12 November 2024, Official Gazette No. 13/2025, paras. 64–65.

establish mechanisms for early detection, identification, assistance, and support for identified and presumed victims, in cooperation with relevant support organisations.⁹⁹ This is particularly important because GRETA criticizes Croatia for the fact that identification in practice is too closely tied to the police and the ability to prove a criminal offense, with insufficient involvement of specialized civil society organizations.¹⁰⁰

The fourth intervention should cover the Aliens Act, the Law on International and Temporary Protection, and the regulations on the work of foreigners. For foreign workers, asylum seekers, and irregular migrants, mandatory screening for indicators of human trafficking should be introduced, in particular before forced removal, change of employer, loss of work permit, or detention.¹⁰¹ The Belgian model can serve as a useful comparative solution as it provides for a 45-day reflection period for foreign potential victims of human trafficking, access to social assistance during this period, and a special status for victims if the person decides to file a report or make a statement.¹⁰² The Italian model, in particular Article 18 of the Consolidated Immigration Law, is relevant because of the idea of a residence permit for social protection reasons and the inclusion of the victim in assistance and reintegration programmes, which is particularly useful for foreign workers who are afraid to report to their employer because their stay is related to employment.¹⁰³ Under the current Croatian framework, a third-country national identified as a victim of human trafficking may be granted temporary residence on humanitarian grounds if he or she accepts the assistance and protection programme. Such a victim has the right to secure accommodation, healthcare, social welfare services, education, and work, and a third-country national granted temporary residence on humanitarian grounds may work without a separate residence and work permit. Croatian law also provides for humanitarian temporary residence where a third-country national cooperates with the authorities and his or her participation is necessary in criminal proceedings against an employer who unlawfully employed him or her.¹⁰⁴ However, the current framework does not appear to

⁹⁹ Art. 9. Of Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims [2024] OJ L 2024/1712.

¹⁰⁰ GRETA, 2025(6), *op. cit.*, note 21, p. 33.

¹⁰¹ In alignment with CJEU case law, see *supra* chapter 3.4.

¹⁰² Art. 61/2 of Belgium, Law of 15 December 1980 on access to the territory, residence, settlement and removal of foreign nationals.

¹⁰³ Art. 18(1), (3-bis) and (5), Italy, *Legislative Decree No. 286 of 25 July 1998, Consolidated Act on Immigration and the Status of Foreign Nationals*, Art. 18(1), (3-bis) and (5).

¹⁰⁴ Arts. 79(1)(1), 79(1)(4), 80–82, 86, 103.a–103.d. of Aliens Act, Official Gazette No. 133/20, 114/22, 151/22, 40/25.

provide a broader temporary protective residence status for all persons for whom there are reasonable grounds to suspect human trafficking or labour exploitation, independent of formal identification, acceptance of the assistance programme, or cooperation in proceedings against the employer.

The fifth group of amendments concerns the exploitation of migrant workers and their protection. It is necessary to link the Labour Act, the Act on the Suppression of Undeclared Work, the Aliens Act, and the regulations on employment mediation. At a minimum, the following should be prescribed: the obligation to provide written and understandable information to foreign workers in a language they understand, the prohibition of charging intermediary fees to the worker, minimum accommodation standards, the obligation to have employment contracts available in an understandable language, a secure application channel without automatic loss of residence status, and specialized inspection protocols for risky sectors. In its fourth report, GRETA specifically warns of the vulnerability of foreign workers due to language barriers, dependence on the employer, insufficient supervision of employment agencies, and insufficient information about their rights. In this regard, the comparative solution should not be the adoption of a single national model, but a combination of: labour law screening, inspection indicators of human trafficking, the obligation of interpreters in inspection supervision, and the protection of workers who report exploitation from immigration consequences.

The sixth intervention concerns Information and communication technologies facilitated trafficking in human beings. Croatia should develop a special operational framework for online recruitment, digital surveillance of victims, exploitation via platforms, job advertisements, social networks, and messaging apps. General campaigns on online safety are not sufficient in this area; it is necessary to strengthen the capacities of the police and the state prosecution for proactive online investigations, the use of digital tools, faster preservation and acquisition of electronic evidence, and international cooperation. In its fourth report, GRETA explicitly recommends investing in capacities and digital tools for proactive investigations, as well as the ratification of the Second Additional Protocol to the Convention on Cybercrime on enhanced cooperation and discovery of electronic evidence.¹⁰⁵

Finally, all the above-mentioned changes should be linked to the strengthening of institutional oversight. Croatia still does not have an independent national rapporteur on trafficking in human beings, although GRETA reiterates that the establishment of such a body or the appointment of an existing mechanism that would independently monitor the effectiveness of state institutions should be

¹⁰⁵ GRETA, 2025(6), *op. cit.*, note 19, p. 51.

considered. This would move the reform away from fragmented amendments to individual laws towards a systematic model in which criminal, migration, labor, social, and children's law mechanisms are viewed as a single chain.

5. CONCLUSION

The practice of the ECtHR has shown that at the heart of the positive obligations of states in the fight against trafficking in human beings is the right of the victim to an effective investigation. An effective legislative framework goes beyond criminal law aspects, which, although still the dominant means, needs to be supplemented by a number of other regulations as previously outlined. Operational measures also implies the use of new techniques and technologies that should be aimed primarily at prevention, but also, in the event of unsuccessful prevention, at more effective identification and punishment of perpetrators, while respecting the vulnerability of the victim. Such a holistic approach is complemented by GRETA standards and recommendations that truly put the position of the victim at the forefront.

The Republic of Croatia has done a lot in recent years to create an effective legal framework for combating trafficking in human beings. This also applies to the victim's position. However, considering the most recent GRETA report from 2025, it is expected that legislative changes will take exactly that direction, implying the creation of an effective framework for implementing the non-punishment principle for victims and a more effective exercise of the right to compensation. Potential solutions are either a combination of existing criminal law institutions and the purposefulness (opportunity) of criminal prosecution, or through new provisions that would specify the category of victim of trafficking in human beings. Given that in the draft law the legislator stated that the existing institutions are sufficient to satisfy this GRETA recommendation¹⁰⁶, the non-punishment principle should not be regulated through internal prosecutorial instructions, but could be regulated through an explicit statutory provision in the Criminal Procedure Code. Such a provision would preserve the principle of legality, because any limitation of mandatory prosecution would be determined by the legislature itself and not by prosecutorial practice.

The second necessary step will be to revise the Crime Victims Compensation Act, which has not been changed since 2011.¹⁰⁷ In addition to the amounts being inadequate to the actual circumstances, there is also the potential for a more immedi-

¹⁰⁶ Draft of the final proposal of the Criminal Code, Reasoning, P.Z.E. No. 395, 186, 2025, p. 8.

¹⁰⁷ Crime Victims Compensation Act, Official Gazette No., 80/08, 27/11.

ate and easier realization of the right to compensation. One of the fundamental problems that has also emerged through the ECtHR standards in recent judgments is lost earnings. The Court established a positive obligation for the states to secure victims of human trafficking the possibility to make a claim against the perpetrators for the lost earnings.¹⁰⁸ In the *de lege lata* framework, a special category of victims of human trafficking should be created, as is the case with the realization of certain rights in the CPC, and in this way, conditions similar to those in the Netherlands should be created for the realization of the right to compensation. Since the fund already exists, a pre-trial system could be effectively implemented, thus facilitating the victim's participation in criminal proceedings, which is one of the fundamental tenets of the victim's right to an effective investigation.

Digital tools and artificial intelligence could be a new step, especially considering the GRETA report, which highlighted the problem of prevention and detection of victims of crime. The ECtHR standards also go in this direction, as they require effective and practical protection that includes both prevention and detection; this standard extends to operational measures, but also to effective investigation, if it comes to that. In the latter case, it is possible to imagine the situation of a real-time facial recognition, which is specifically designed to find victims of human trafficking.¹⁰⁹ In such narrowly defined exceptions, the potential of such technologies to help in such situations is clearly recognized, which means that in the future we will rely more on such technology, which has the potential for cross-border application. It is precisely the EU AI Act regulation, by ensuring unification, that creates a foundation that such evidence could be used in cross-border investigations. Another form of prevention, before the latter is activated, is the prediction of victims of crime, given that the issue of identification itself has been identified as one of the fundamental problems.¹¹⁰ Although current prediction systems have different characteristics, the identification of certain risk factors in both individuals and certain groups may be a future solution.¹¹¹ This is extremely important for a country like the Republic of Croatia, which is not only on the external borders of the Schengen area but also represents one of the sections of the so-called Balkan

¹⁰⁸ E.g. Judgment *Krachunova v Bulgaria* (2024) EHRR §177-178.

¹⁰⁹ Simmler, M.; Canova, G., *Facial recognition technology in law enforcement: Regulating data analysis of another kind*, Computer Law & Security Review: The International Journal of Technology Law and Practice, Vol. 56, 2025, p. 8.

¹¹⁰ Lannier, S., *Using US Artificial Intelligence to Fight Human Trafficking in Europe*, Eucrim, Vol. 18, No. 1., 2023, pp. 67–69.

¹¹¹ See more: Tiwari, A.; Smart Solutions to Dark Crimes: Exploring AI's Potential in Preventing Human Trafficking, Indian Journal of Integrated Research in Law, Vol. 5., No. 2, pp. 1816, 1818, 1820.

route of migration.¹¹² These are new solutions that, together with the previously mentioned legislative proposals, can represent an appropriate and effective step in accordance with the GRETA recommendations and European standards of operational conduct within the framework of the victim's right to an effective investigation.

REFERENCES

BOOKS AND ARTICLES

1. Bachmaier Winter, L., *Council of Europe Instruments and the Case Law of ECtHR on Victim's Rights: What Influence the EU Law?*, in: Burchet, J.; Weyembergh, A. (eds.), *Stronger Victims' Rights in EU Law: Assessment and Prospects*, Oxford, 2025
2. Batistić Kos, V., *Pozitivne obveze prema Europskoj konvenciji za zaštitu ljudskih prava i temeljnih sloboda*, Narodne novine, 2012
3. Brđanović, T.; Supančić, G., *Suzbijanje trgovanja ljudima – neki materijalno-pravni i procesno-pravni aspekti*, Hrvatski ljetopis za kaznene znanosti i praksu, Vol. 29, No. 2, 2022, Zagreb, pp. 533–563
4. Burić, Z.; Pleić, M.; Radić, I., *Conditional Deferral (and Withdrawal) of Criminal Prosecution from National and Comparative Legal Perspective*, Pravni vjesnik, Vol. 37, No. 1, 2021, pp. 83–104
5. Cvitanović, L.; Derenčinović, D.; Turković, K.; Munivrana Vajda, M.; Dragičević Prtenjača, M.; Maršavelski, A.; Roksandić Vidlička, S., *Kazneno pravo – posebni dio*, Pravni fakultet Sveučilišta u Zagrebu, 2018
6. Harris, D.; O'Boyle, M.; Bates, E.; Buckley, C., *Law of the European Convention on Human Rights*, Oxford, 2023
7. Herceg Pakšić, B.; Jukić, M., *Primjena konvencijskog prava u području zabrane ropstva i prisilnog rada: europski standardi i hrvatska postignuća*, Hrvatski ljetopis za kaznene znanosti i praksu, Vol. 23, No. 2, 2016, pp. 281–310
8. Krapac, D., *Kazneno procesno pravo – prva knjiga: Institucije*, Narodne novine, 2020
9. J. M., *Human Security and Development Issues in Human Trafficking* in: Burke, M. C. (ed.) *Human Trafficking: Interdisciplinary Perspective*, Routledge, 2013
10. Lannier, S., *Using US Artificial Intelligence to Fight Human Trafficking in Europe*, Eucrim, Vol. 18, No. 1., 2023, pp. 67–72
11. Ljubanović, V.; Novokmet, A.; Tomičić, Z., *Kazneno procesno pravo – Izabrana poglavlja*, Sveučilište Josipa Jurja Strossmayera u Osijeku, Pravni fakultet Osijek, 2020

¹¹² Global Initiative Against Transnational Organized Crime, Global Organized Crime Index 2021: Croatia Profile, 2021, Available at: [https://ocindex.net/assets/downloads/2021/english/ocindex_profile_croatia_2021.pdf], Accessed 12 May 2026.

12. Martinović, I.; Vučkov, D., *Pojedinačna procjena žrtve u kaznenom postupku: izazovi u tumačenju i reformski prijedlozi*, Zbornik Pravnog fakulteta Sveučilišta u Rijeci, Vol. 46, No. 2, 2025, pp. 363–385
13. Mowbray, A., *The Development of Positive Obligations under the European Convention on Human Rights by the European Court of Human Rights*, Bloomsbury Publishing, 2004
14. Munivrana Vajda, M.; Dragičević Prtenjača, M.; Maršavelski, A., *Nekažnjavanje žrtava trgovanja ljudima u Hrvatskoj – pravni standard kao fikcija ili stvarnost*, Zbornik radova Pravnog fakulteta u Splitu, Vol. 53, No. 4, 2016, pp. 991-1009
15. Musa, I., *Trgovina ljudima – Ropstvo 21. stoljeća*, Hum: časopis Filozofskog fakulteta Sveučilišta u Mostaru, Vol. 12, No. 17–18, pp. 88–112
16. Novoselec, P., *Opći dio kaznenog prava*, Pravni fakultet Osijek, 2016, pp. 169–183
17. Palumbo, L., *Taking Vulnerabilities to Labour Exploitation Seriously: A Critical Analysis of Legal and Policy Approaches and Instruments in Europe*, IMISCOE Research Series, Springer, 2024, p. 270
18. Piotrowicz, R., *States' Obligations under Human Rights Law towards Victims of Trafficking in Human Beings: Positive Developments in Positive Obligations*, International Journal of Refugee Law, Vol. 24, No. 2, 2012, pp. 181–201
19. Simmler, M.; Canova, G., *Facial recognition technology in law enforcement: Regulating data analysis of another kind*, Computer Law & Security Review: The International Journal of Technology Law and Practice, Vol. 56, 2025, p. 1-10
20. Tiwari, A.; Smart Solutions to Dark Crimes: Exploring AI's Potential in Preventing Human Trafficking, Indian Journal of Integrated Research in Law, Vol. 5., No. 2, pp. 1815-1825
21. Wendelin, A.-N., *Protection of Human Trafficking Victims: The Positive State Obligations under Article 4 of the European Convention on Human Rights*, Tectum, 2024, p. 30
22. Zwaak, L., *Prohibition of Slavery and Forced Labour*, in: van Dijk, P.; van Hoof, F.; van Rijn, A.; Zwaak, L. (eds.), *Theory and Practice of the European Convention on Human Rights*, Fifth edition, Intersentia, 2017

COURT OF JUSTICE OF THE EUROPEAN UNION

1. Case C-601/14 *European Commission v Italian Republic* [2016] ECLI:EU:C:2016:759
2. Case C-129/19 *Presidenza del Consiglio dei Ministri v BV* [2020] ECLI:EU:C:2020:566
3. Case C-66/21 *O.T.E. v Staatssecretaris van Justitie en Veiligheid* [2022] ECLI:EU:C:2022:809
4. Case C-338/21 *Staatssecretaris van Justitie en Veiligheid v S.S., N.Z., S.S.* [2023] ECLI:EU:C:2023:269

ECHR

1. European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, 4 November 1950, ETS 5
2. *Airey v Ireland* (1979) EHRR
3. *Choudhury and Others v Greece* (2017) EHRR
4. *F.M. v Russia* (2025) EHRR

5. *Krachunova v Bulgaria* (2024) EHRR
6. *I.C. v Republic of Moldova* (2025) EHRR
7. *L.E. v Greece* (2016) EHRR
8. *Rantsev v Cyprus and Russia* (2010) EHRR
9. *S.M. v Croatia* (2020) EHRR
10. *T.I. v Greece* (2019) EHRR
11. *T.V. v Spain* (2024) EHRR
12. *Zoletic and Others v Azerbaijan* (2022) EHRR

EU LAW

1. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA [2011] OJ L101/1
2. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA [2011] OJ L335/1
3. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA [2012] OJ L315/57
4. Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims [2024] OJ L2024/1712

LIST OF NATIONAL REGULATIONS, ACTS AND COURT DECISIONS

1. Act on the Suppression of Undeclared Work, Official Gazette No. 151/2022
2. Aliens Act, Official Gazette No. 133/2020, 114/2022, 151/2022, 40/2025
3. Amendments to the Criminal Procedure Code, Official Gazette No. 36/2024
4. Crime Victims Compensation Act, Official Gazette No., 80/08, 27/11
5. Code of Criminal Procedure, Germany, version published on 7 April 1987, Federal Law Gazette I, p. 1074, 1319, as last amended by Article 2 of the Act of 17 July 2025, Federal Law Gazette 2025 I No. 163
6. Constitutional Court of the Republic of Croatia, Decision No. U-III-641/2021 of 12 November 2024, Official Gazette No. 13/2025
7. Criminal Code, Official Gazette No. 125/11, 144/12, 56/15, 101/17, 118/18, 126/19, 84/21, 114/22, 114/23, 36/24, 136/25
8. Criminal Procedure Code, Official Gazette No. 152/2008, 76/2009, 80/2011, 121/2011, 91/2012, 143/2012, 56/2013, 145/2013, 152/2014, 70/2017, 126/2019, 126/2019, 80/2022, 36/2024, 72/2025, 13/2026
9. Draft of the final proposal of the Criminal Code, Reasoning, P.Z.E. No. 186, 186, 2025

10. Draft of the final proposal of the Law on Suppression of Undeclared work, Reasoning, P.Z.E. No. 395
11. Law of 15 December 1980 on access to the territory, residence, settlement, and removal of foreign nationals, Belgium
12. Legislative Decree No. 286 of 25 July 1998, Consolidated Act on Immigration and the Status of Foreign Nationals, Italy
13. Modern Slavery Act 2015, Available at: [\[https://www.legislation.gov.uk/ukpga/2015/30/section/45\]](https://www.legislation.gov.uk/ukpga/2015/30/section/45), Accessed 11 March 2026.
14. Social Welfare Act, Official Gazette No. 18/2022, 46/2022, 119/2022, 71/2023, 156/2023, 61/2025

WEBSITE REFERENCES

1. Council of Europe Convention on Action against Trafficking in Human Beings, Council of Europe Treaty Series - No. 197, 2005, Available at: [\[https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008371d\]](https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008371d), Accessed 24 January 2026
2. Council of Europe, European Court of Human Rights reaffirms states' duties to investigate human trafficking in T.V. v Spain judgment, 2024, Available at: [\[https://www.coe.int/en/web/anti-human-trafficking/-/european-court-of-human-rights-reaffirms-states-duties-to-investigate-human-trafficking-in-t.v.-v.-spain-judgment\]](https://www.coe.int/en/web/anti-human-trafficking/-/european-court-of-human-rights-reaffirms-states-duties-to-investigate-human-trafficking-in-t.v.-v.-spain-judgment), Accessed 13 November 2025
3. Duncan Lewis Solicitors LLP, ECHR Rules Spanish Authorities' Ineffective Investigation into Trafficked Minor Violated Her Human Rights, 2024, Available at: [\[https://www.duncanlewis.co.uk/publiclaw_news/CHR_Rules_Spanish_Authorities%E2%80%99Ineffective_Investigation_into_Trafficked_Minor_Violated_Her_Human_Rights_%2814_October_2024%29.html\]](https://www.duncanlewis.co.uk/publiclaw_news/CHR_Rules_Spanish_Authorities%E2%80%99Ineffective_Investigation_into_Trafficked_Minor_Violated_Her_Human_Rights_%2814_October_2024%29.html), Accessed 13 November 2025
4. European Court of Human Rights, Guide on Article 4 of the European Convention on Human Rights - Prohibition of slavery and forced labour, 2026, Available at: [\[https://www.echr.coe.int/documents/guide_art_4_eng.pdf\]](https://www.echr.coe.int/documents/guide_art_4_eng.pdf), Accessed 24 March 2026
5. GRETA, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Croatia, Second evaluation round, 2015(33), Available at: [\[https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680630e7c\]](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680630e7c), Accessed 24 January 2026
6. GRETA, Evaluation Report Croatia, Third evaluation round, Access to justice and effective remedies for victims of trafficking in human beings, 2020(10), Available at: [\[https://rm.coe.int/report-on-the-implementation-of-the-council-of-europe-convention-on-ac/1680a09509\]](https://rm.coe.int/report-on-the-implementation-of-the-council-of-europe-convention-on-ac/1680a09509), Accessed 24 January 2026
7. GRETA, Evaluation Report Croatia: Fourth Evaluation Round – Measures to prevent and detect vulnerabilities to human trafficking, 2025(06), Available at: [\[https://rm.coe.int/greta-evaluation-report-on-the-implementation-of-the-council-of-europe/1680b66807\]](https://rm.coe.int/greta-evaluation-report-on-the-implementation-of-the-council-of-europe/1680b66807), Accessed 24 January 2026.

8. Global Initiative Against Transnational Organized Crime, Global Organized Crime Index 2021: Croatia Profile, 2021, Available at:
[https://ocindex.net/assets/downloads/2021/english/ocindex_profile_croatia_2021.pdf], Accessed 12 May 2026.
9. Ministry of the Interior of the Republic of Croatia, Monthly statistics, December 2025, Available at:
[<https://mup.gov.hr/UserDocsImages/statistika/2026/1/Mjesecne%20statistike%20pros-inac%202025.pdf>], Accessed 30 March 2026
10. Schadefonds Geweldsmisdrijven, Are you a victim of a violent or sexual crime?, 2025, Available at:
[<https://schadefonds.nl/wp-content/uploads/2025/06/Folder-Engels.pdf>], Accessed 11 March 2026
11. UN General Assembly, Protocol To Prevent, Suppress And Punish Trafficking In Persons, Especially Women And Children, Supplementing The United Nations Convention Against Transnational Organized Crime, 15 November 2000, Available at:
[<https://www.refworld.org/legal/agreements/unga/2000/en/23886>], Accessed 12 November 2025
12. VOCIARE, National Report, Netherlands, Victims of Crime Implementation Analysis of Rights in Europe, Available at:
[https://victim-support.eu/wp-content/files_mf/1564676869VOCIARE_National_Report_Netherlands_interactive.pdf], Accessed 11 March 2026