

## CROATIA

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child		12 Oct 1992 d <sup>1</sup>	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	8 May 2002	13 May 2002	
Protocol to Prevent, Suppress and Punish Trafficking in Persons	12 Dec 2000	24 Jan 2003	
UN Optional Protocol on the Involvement of Children in Armed Conflict	8 May 2002	1 Nov 2002	
UN Convention for the Protection of All Persons from Enforced Disappearance	6 Feb 2007		
Hague Convention on International Child Abduction		23 Apr 1993 d <sup>2</sup>	1 Dec 1991

In Croatia, there are four laws that refer directly or indirectly to missing children:

1. Social Welfare Act of 1997, amended in 2016;
2. Criminal Code of 1997, amended in 2011;
3. Family Act of 2003, amended 2015; and
4. Act on the Ombudsman for Children of 2003.

### General Child Protection

In 2003, Croatia created the Act on the Ombudsman for Children that outlines the duties and responsibilities of the Ombudsman to protect children and implement the UN Convention on the Rights of the Child. The Family Act of 2003 (amended 2015) outlines general protections of the rights of the child and their well-being.<sup>3</sup> Article 65 of the Constitution of Croatia states that everyone has a duty to protect children.<sup>4</sup>

<sup>1</sup> See Convention on the Rights of the Child, U.N. Treaty Collection Status Chart, at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=en) (last visited Feb. 1, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>2</sup> See Convention of 25 October 1980 on the Civil Aspects of International Child Abduction: Status Table, at <https://www.hcch.net/en/instruments/conventions/status-table/?cid=24> (last visited Feb. 1, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>3</sup> Family Act of 22 September 2015, Article 87, at [http://ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=101656&p\\_country=HRV&p\\_count=620&p\\_classification=01.03&p\\_classcount=29](http://ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=101656&p_country=HRV&p_count=620&p_classification=01.03&p_classcount=29) (last visited Feb. 1, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>4</sup> Constitution of Croatia, Article 64, at <http://www.sabor.hr/fgs.axd?id=17074> (last visited Feb. 1, 2018).

### General Missing Child Issues

Croatia does provide services that are applicable should a child go missing. For example, the Croatian Red Cross has tracing services for those missing as a result of the regional events of the 1990s.<sup>5</sup> The tracing service also is used to trace persons missing due to other armed conflict, asylum seekers and other migrants, as well as human trafficking victims.<sup>6</sup>

### Definition of “Missing Child”

There is no definition of “missing child” in Croatian legislation. According to Croatian law, a child is defined as a person under the age of 14,<sup>7</sup> and a juvenile is defined as a person younger than 18 years of age.<sup>8</sup> However, while not codified in law, the National Register of Missing Persons (Nestali), a division of the Ministry of the Interior, describes a “missing person” as a person who has moved away from their usual environment against their will, or in accordance with their own will when it is outside of the persons usual behavior, style of living, social life, or occupation.<sup>9</sup>

### Abandonment

According to Article 176 of the Criminal Code, negligence or desertion of a child is a criminal offense. Whoever deserts a child with the aim of abandoning them forever shall be punished by imprisonment of up to three years.<sup>10</sup>

### Kidnapping and Abduction

Article 137 of the Criminal Code criminalizes the abduction of a child or juvenile; those convicted of kidnapping are punished by imprisonment of one to 10 years with additional time added if physical harm is caused to the victim during the offense.<sup>11</sup>

### Parental Abduction

Croatia is a signatory to the Hague Convention on International Child Abduction.<sup>12</sup> Implementing legislation is not necessary; according to Article 141 of the Constitution of Croatia, international treaties that have been ratified, published, and entered into force shall be part of domestic law and have primacy over domestic law.<sup>13</sup> According to Croatia’s response to a questionnaire sent to Central Authorities as part of a research study concerning all applications received by Central Authorities in 2015, implementing legislation regarding the Hague Abduction Convention was in progress as of the April 2017 response deadline.<sup>14</sup>

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<sup>5</sup> Croatian Red Cross, *Tracing Services – Introduction*, at <http://www2.hck.hr/en/category/-tracing-service-60> (last visited Feb. 26, 2018).

<sup>6</sup> *Id.*

<sup>7</sup> Criminal Code of the Republic of Croatia 2003, amended 2011, Article 7 – The application of criminal law to a young person, at <http://www.mvep.hr/files/file/dokumenti/prevodenje/zakoni/kazneni-zakon-nn-125-11-eng.pdf> (last visited Jan. 28, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>8</sup> Law on the Ombudsman for Children, Article 5 (on file with the International Centre for Missing & Exploited Children).

<sup>9</sup> Nestali, *Who are Missing Persons?*, at [www.nestali.hr/default.aspx?id=27](http://www.nestali.hr/default.aspx?id=27) (last visited Feb. 26, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>10</sup> Criminal Code of the Republic of Croatia, *supra* note 7, at Article 176 – Child Desertion.

<sup>11</sup> *Id.* at Article 137 (2) – Abduction.

<sup>12</sup> Nigel Lowe and Victoria Stephens, *The Hague Conference on Private International Law, (2017) Part II – A statistical analysis of applications made in the 2015 under the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction – Regional report*, at <https://www.icmec.org/wp-content/uploads/2017/11/98710f97-92a2-4170-be71-3b3537ac37c9.pdf> (last visited Jan. 23, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>13</sup> Constitution of Croatia, *supra* note 4, at Article 141.

<sup>14</sup> Prel. Doc. No 11 A of September 2017 - Part I – A statistical analysis of applications made in 2015 under the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* – Global report (provisional version), at <https://assets.hcch.net/docs/511f0cb3-2163-4fd1-92ce-e3f16e304377.pdf> (last visited Feb. 21, 2018).

Article 46 of the Family Act explains the process through which Croatian courts decide a child's placement during divorce proceedings if the child's parents/guardians are not in agreement regarding custody of the child.<sup>15</sup>

In order for a child to receive a passport, the application must be submitted in person with legal documentation, and any child above age 12 must be present to sign the application and provide fingerprints to be stored on a biometric chip in the passport.<sup>16</sup>

### Reporting Mechanism

Parents and guardians can report a missing child to the nearest police station without having to wait for the passage of a set amount of time.<sup>17</sup> The report should be submitted in-person, but can also be submitted by calling 112 or 192 if the parents or guardians are unable to travel to a local police station.<sup>18</sup> Nestali, the national register of missing persons, gives family members extensive information on how to report a missing person or missing child, such as what the police will need when a report of a missing child or person is filed, and urges family members to report as soon as possible.<sup>19</sup>

The Europe-wide 116 000 hotline<sup>20</sup> has been operational in Croatia since March 2013; it receives calls on possible cases of missing children and provides family members with information and support.<sup>21</sup> The hotline is operated by the organization *Centar za nestalu i zlostavljanu djecu* (CNZD – Center for Missing and Exploited Children), which is a nonprofit organization based in Osijek, focused on protecting children from sexual exploitation and abuse.<sup>22</sup>

### Investigation of Missing Child Cases

While there is no legislation requiring the immediate investigation of missing children's cases, various organizations working on missing children's cases have policies in place that govern the investigation of cases of children missing specifically from conflict. The International Committee of the Red Cross (ICRC) manages Restoring Family Links, a movement dedicated to helping connect family members displaced by conflict.<sup>23</sup> Each of the countries in the region manage similar programs based on the Restoring Family Links Strategy. For instance, the Croatian Red Cross provides tracing services based on the ICRC strategy, as well as the Geneva Conventions, and other resolutions adopted by the ICRC. Through the Tracing Service, the Croatian Red Cross manages requests for tracing missing persons and facilitates restoring links between family members separated as a result of the regional conflicts of the 1990s; the organization has similar policies to help asylum-seekers and victims of human trafficking.<sup>24</sup> Similarly, Nestali advocates for the missing and provides family members information on how to find their missing loved one.<sup>25</sup>

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<sup>15</sup> The Family Act, *supra* note 3, Article 46.

<sup>16</sup> Croatian Embassy in the United States of America, *Applying for Croatian Passport*, at <http://us.mvep.hr/en/consular-information/croatian-passport/> (last visited Feb. 12, 2018).

<sup>17</sup> Nestali, *Report a disappearance*, at <http://www.nestali.hr/default.aspx?id=17> (last visited Feb. 26, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Nestala Djeca, at <http://www.nestaladjeca.hr/index.php/> (last visited Feb. 12, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>21</sup> European Commission, *State of implementation for 116 000*, at [http://ec.europa.eu/justice/fundamental-rights/rights-child/hotline/implementation/index\\_en.htm](http://ec.europa.eu/justice/fundamental-rights/rights-child/hotline/implementation/index_en.htm) (last visited Feb. 12, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>22</sup> Center for Missing and Exploited Children, *About us*, at <http://cnzd.org/o-nama> (last visited Feb. 13, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>23</sup> International Committee of the Red Cross, *Restoring Family Links*, at [www.familylinks.icrc.org/en/Pages/home.aspx](http://www.familylinks.icrc.org/en/Pages/home.aspx) (last visited Jan. 8, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>24</sup> Croatian Red Cross, *supra* note 5.

<sup>25</sup> Nestali, at [www.nestali.hr](http://www.nestali.hr) (last visited Feb. 26, 2018).

### National Database

While there is no centralized national database of missing and unidentified children, the International Commission on Missing Persons (ICMP) maintains a database of DNA collected in connection with the regional events of the 1990s.<sup>26</sup>

The Restoring Family Links program managed by the Croatian Red Cross also maintains a database of missing persons connected to natural disasters and conflicts.<sup>27</sup> Access to this database requires an official inquiry by a family member to obtain any information about a missing person.<sup>28</sup>

### Case Management System

A case management system aimed at consolidating information on missing persons, including missing children, is maintained by Nestali and is available on their website.<sup>29</sup> The system lists active missing persons cases in Croatia and links to reports of missing persons who are known to be deceased.<sup>30</sup> The website also links to the National Police website.

### Alert Mechanism

There is no mechanism currently in place to notify the public about cases of missing children in Croatia.

### Awareness-Raising Initiatives

Nestali has partnered with the Ministry of Science, Education and Sports to promote prevention campaigns related to missing children.<sup>31</sup> In addition, CNZD has various campaigns focused on child exploitation, though not specifically on missing children.

The government organizes a robust awareness-raising program with multiple campaigns, including: programs to teach youth, particularly girls, asylum-seekers, and migrants, how to recognize potentially dangerous situations that may lead to trafficking; trafficking-prevention seminars facilitated by police in high schools and primary schools; a campaign educating the public that persons engaged in prostitution may be trafficking victims; and a program implemented by the Ministry of the Interior in cooperation with NGOs and the private sector, targeting outreach to students and those in the service sector that may come into contact with possible trafficking victims.<sup>32</sup>

### Trafficking

Croatia is a destination, source, and transit country for women and children subjected to sex trafficking.<sup>33</sup> Women and girls from the Balkans and Central Europe are subjected to sex trafficking in Croatia and elsewhere in Europe.<sup>34</sup> Traffickers frequently target girls who respond to false job offers online and who reside in state institutions.<sup>35</sup> In addition, economically marginalized children, particularly Romani, are at an increased risk for forced begging in Croatia and throughout Europe.<sup>36</sup>

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<sup>26</sup> The International Commission on Missing Persons, *Western Balkans Regional Meeting Launches Database of Active Missing Persons Cases From the Armed Conflicts in the Former Yugoslavia*, at <https://www.icmp.int/flash-news/western-balkans-regional-meeting-launches-database-of-active-missing-persons-cases-from-the-armed-conflicts-in-the-former-yugoslavia/> (last visited Feb. 26, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>27</sup> International Committee of the Red Cross, *Restoring Family Links in Croatia*, at <https://familylinks.icrc.org/en/Pages/Countries/Croatia.aspx> (last visited Feb. 26, 2018).

<sup>28</sup> *Id.*

<sup>29</sup> Nestali, *supra* note 24.

<sup>30</sup> *Id.*

<sup>31</sup> Nestali, *Partners*, at <http://www.nestali.hr/default.aspx?id=11> (last visited Feb. 13, 2018).

<sup>32</sup> U.S. Department of State, *2017 Trafficking in Persons Report – Croatia* 141-143, at <https://www.state.gov/documents/organization/271339.pdf> (last visited Feb. 26, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

Unaccompanied migrant children who arrive in Croatia as part of the migration flow through the Balkan Peninsula are also at increased risk for multiple forms of child trafficking.<sup>37</sup>

Croatia's Criminal Code prohibits all forms of trafficking and prescribes penalties of one to 15 years of imprisonment.<sup>38</sup> In Croatia, victims of human trafficking are provided with assistance including healthcare, psychological and social care, safe accommodations, translation and interpretation services, and legal assistance.<sup>39</sup>

In addition to legislative efforts, the Croatian government funds two NGO-run shelters to provide services to trafficking victims, one of which is specifically for minors.<sup>40</sup> Authorities deliver trafficking-specific training to police, border and traffic control officers, and other potential first responders.<sup>41</sup>

Croatian law enforcement and social service personnel follow a standard operating procedure for identifying and referring victims to services, which include instructions on activating the national referral mechanism when indicators of trafficking are present. Regional mobile teams consisting of social workers and NGO and Red Cross representatives travel to meet the victims in person and coordinate victim care and placement.<sup>42</sup> The Office for Human Rights and Rights of National Minorities (OHRRNM) and the Croatian Red Cross have organized two two-day regional seminars for relevant institutions involved with the national referral mechanism.<sup>43</sup>

In 2017, the government increased funding for prevention efforts, and the Ministry of the Interior created a specific unit, consisting of 80 prevention officers, and continued outreach programs for students and the service sector.<sup>44</sup> The government also has continued to implement an awareness building campaign targeting the Roma population.<sup>45</sup> The Ministry of Education certified the Croatian Red Cross to train teachers on indicators of trafficking.<sup>46</sup> OHRRNM continued a campaign sensitizing the public, including potential customers, to the reality that persons engaged in prostitution may be trafficking victims.<sup>47</sup>

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<sup>37</sup> U.S. Department of State, 2016 *Trafficking in Persons Report – Croatia* 144, at <http://www.state.gov/documents/organization/258878.pdf> (last visited Feb. 26, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>38</sup> Criminal Code of Croatia, *supra* note 7, at Article 264 – Trafficking in Human Beings.

<sup>39</sup> Partnership for Social Development – Zagreb, *Identification of and Compensation to Human Trafficking Victims: Republic of Croatia*, March 2014, at <http://www.astra.org.rs/eng/wp-content/uploads/2014/10/Identification-of-and-Compensation-to-Human-Trafficking-Victims-Republic-of-Croatia.pdf> (last visited Nov. 11, 2017) (on file with the International Centre for Missing & Exploited Children).

<sup>40</sup> U.S. Department of State, 2016 *Trafficking in Persons Report – Croatia*, *supra* note 37, at 145.

<sup>41</sup> U.S. Department of State, 2017 *Trafficking in Persons Report – Croatia*, *supra* note 32, at 141-143.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*