**Response of the Croatian Authorities regarding the Human Rights Council Resolution 35/16 “Child, early and forced marriage in humanitarian settings”**

For the purposes of the preparation of the report for the Office of the UN High Commissioner for Human Rights in respect of the implementation of Resolution 35/16 on children, early and forced marriage, we would like to inform you that the issues listed are in the operational focus services for the prevention and repression of the General Police Directorate.

The conclusion of forced marriages and the related illegal conduct (forced labor and service, establishment of slavery, sexual exploitation, etc.) are processed in Croatia primarily through the modalities of the crime of trafficking in human beings, described in Article 106 of the Croatian Criminal Code (Official Gazette, 125/11, 144/12, 56/15, 61/15 and 101/17). In addition to said crime that is defined by related illegal cause and effect conduct, it is possible to commit other crimes, in particular offences related to the protection of children under criminal law, such as: facilitating the conclusion of an unlawful marriage (Article 168 of the Croatian Penal Code); coercion to enter into marriage (Article 169 of the Croatian Penal Code) and facilitating cohabitation with a child (Article 170 of the Croatian Penal Code). Also, the above mentioned hazards often include crimes from a wide range of sexual crimes - which are also provided for in the criminal legislation of the Republic of Croatia, such as: prostitution (Article 157 of the Croatian Penal Code); sexual abuse of children under fifteen years of age (Article 158 of the Croatian Penal Code); solicitation of children (Article 162 of the Croatian Penal Code); exploitation of children for pornography (Article 163 of the Croatian Penal Code) and often the elements of the crime violation of child's rights (Article 177 of the Croatian Penal Code) come into play too.

* ***Croatian Criminal Code stipulates:***

***Enabling the Contracting of a Prohibited Marriage in Article 168***

*An authorised person before whom marriages are contracted, who enables the contracting of a marriage where all statutory requirements for the existence and validity of a marriage have not been complied with, shall be punished by imprisonment not exceeding three years.*

***Forced Marriage in Article 169***

*(1) Whoever forces another person to contract a marriage, shall be punished by imprisonment from six months to five years.*

*(2) Whoever entices a person to a country in which that person does not have permanent residence in order to force him or her to contract a marriage there, shall be punished by imprisonment not exceeding three years.*

***Trafficking in Human Beings in Article 106***

*(1) Whoever, by the use of force or threat, of deception, of fraud, of abduction, of abuse of authority or of a situation of hardship or dependence, or of the giving or receiving of payments or other benefits to achieve the consent of a person having control over another person or by any other means recruits, transports, transfers, harbours or receives a person, or exchanges or transfers control over a person for the purpose of exploiting his or her labour by means of forced labour or services, slavery or a relationship similar thereto, or for the purpose of exploitation for prostitution of the person or of other forms of sexual exploitation, including pornography, or of contracting an illicit or forced marriage, or of taking parts of the person's body or of using the person in armed conflicts or of committing an unlawful act, shall be punished by imprisonment from one to ten years.*

*(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever recruits, transports, transfers, harbours or receives a child, or exchanges or transfers control over a child for the purpose of exploiting his or her labour by means of forced labour or services, slavery or a relationship similar thereto, or for the purpose of exploitation for prostitution of the child or of other forms of sexual exploitation, including pornography, or of contracting an illicit or forced marriage, or of illegal adoption, or of taking parts of a child's body, or of using the child in armed conflicts.*

*(3) If the criminal offence referred to in paragraph 1 of this Article was committed against a child or the criminal offence referred to in paragraphs 1 or 2 of this Article was committed by a public official in the performance of his or her duties, or the said offence was committed against a large number of persons or the life of one or more persons was consciously endangered, the perpetrator shall be punished by imprisonment from three to fifteen years.*

*(4) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, knowing that a person is a victim of trafficking in persons, uses the services of that person which are the result of one of the forms of exploitation set forth in paragraphs 1 and 2 of this Article.*

*(5) Whoever, with the aim of enabling the commission of offences set forth in paragraphs 1, 2 and 3 of this Article retains, seizes of possession, conceals, defaces or destroys another person's travel document or identification document, shall be punished by imprisonment not exceeding three years.*

*(6) The attempt of the criminal offence referred to in paragraph 5 of this Article shall be punishable.*

*(7) The consent of a victim of trafficking in human beings to the exploitation shall be irrelevant to the existence of this criminal offence.*

***Coercion in Article 138***

*(1) Whoever by the use of force or serious threat coerces another to do or omit to do something or to suffer shall be punished by imprisonment not exceeding three years.*

*(2) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted by private action, unless it was committed out of hatred, against a child, a disabled person or a family member.*

Despite research results from NGO's which indicate that the number of concluded juvenile marriages is on the rise, the data of the Croatian Ministry of the Interior indicate that over the last years there is no record of an increase in the number of detected and prosecuted crimes that factually match this form of illegal conducts of individuals. Namely, during the years 2015, 2016 and 2017 annually 1 (one) criminal offence of trafficking in human beings was discovered and prosecuted in Croatia that bore the mark of an illegal conduct that included "early conclusion of a forced marriage". The victims of these crimes were minor Roma females. The Croatian police and the corresponding services have provided to all victims assistance and protection. By comparison, during 2015 a total of 38 victims of human trafficking were identified in the territory of Croatia, during 2016 there were 30 victims of human trafficking while during 2017 29 victims of trafficking in human beings were identified and the threats to them were effected through other modalities of the specified offence (e.g. the labor exploitation, incitement to commit illegal acts, sexual abuse, etc.). However, operational police findings also suggest that, due to certain obstacles, the detection and proof of "forcibly concluded early marriages" exists to a significant part in a dark zone of crime because the victims themselves (exposed to multiple pressures) will not admit to the persecution authorities to have entered into an arranged marriage.

Observations on the territory of Croatia that were made so far have shown that the problems related to forced and early marriages are tied to the Roma national minority. Namely, this issue is especially represented in Roma communities where under the pretense of traditional customs marriages are "arranged" among families that go hand in hand with financial indemnifications to the family of the bride. Girls and boys are forced into this form of behavior and the same goes for the states surrounding Croatia, since more often than not "brides" are brought into Croatia from neighboring countries. Furthermore, based on police experience, we come to the conclusion that the stated issue largely manifests itself through cohabitation of victims who ultimately accept the decision of their parents. Early marriages of children (and minors) of Roma nationality, primarily of little girls, are obstacles to their further development since the kids leave the education system and are potential victims of domestic or partner violence while the ending epilogue of such relationships is a severe form of poverty.

Specific crisis events in the wider environment (war conflicts, economic crises, natural cataclysms, etc.) will also encourage illegal conduct in terms of the emergence of early and forced marriages which as such requires additional police attention. In terms of the above, the Croatian police are still faced with the challenges still presented by the current, now an already three-year old migrant crisis where Croatia and the neighboring countries found themselves on the migrant land route towards the countries of Western Europe. This challenge is primarily associated with the fact of arrival and the passage of migrants from different areas, cultures and traditions (Middle East, North Africa, Asian countries) which implies the need to continuously acquaint/educate all interventional services (and the police as well) with the specifics of various nations, their cultures, religions, customs and mentality; this imposes the future imperative obligation of additional professional empowerment of interventional resources. One should add here also the necessity of continuous linking of international police services.

In addition, effective identification and resolution of problems can contribute to a common and systematic action of the police with local government authorities, health and school facilities, social care services as well as cooperation with NGO's and associations that specialize in assistance in this area that encompasses human dignity.

Along with repressive measures, an important part in the fight against early and forced marriages is the preventive work of the police. In this area the Croatian police have created and are implementing a series of targeted prevention activities. When it comes to the risks associated with earlier mentioned Roma population, in accordance with the National strategy for Roma inclusion, the police carry out, in cooperation with partners, preventive activities aimed at the promotion of integration and improvements to the living conditions of members of the Roma national minority. In this sense, during the year 2017 and in cooperation the Police District of the County Osijek-Baranja and women's associations of Roma women "Roma heart" and the financial support of the EU, an educational and documentary film "Marry when you're ready," was produced; the film deals with the problem or marriages of Roma girls between 9 and 15 years of age. Preventive police activities are especially focused on the area of the Međimurje County with a significant representation of the Roma population. Along with the above activities, one should also highlight the project "I have a choice," in which prevention of all forms of antisocial behavior is carried out with intent to sensitize all stakeholders.

In conclusion, the suppression of the above mentioned issues is assisted with the consistent implementation of regulations contributing to and implementing of the National Plan for Suppression of Trafficking of Human Beings for the Period 2018 - 2021 as a strategic document passed by the Croatian Government in July 2018. The new National Plan covers all areas of national documents that so far deal with the topic of combat against human trafficking; the proposed measures and activities incorporate the previous work experience from all competent public bodies of administration, civil society organizations and international organizations.

Namely, after many years of combating trafficking in human beings in Croatia (since 2002) a comprehensive system has been established that includes activities from the point of identification of victims of trafficking in human beings up to their full integration into society. Within the system of combating trafficking in human beings cooperation has been established between the competent bodies of the public administration and civil society organizations.

However, as it has been pointed out previously, it is highly important to constantly upgrade the already established system and customize it to the new trends of the phenomenon of trafficking in human beings where early and forced marriage is one of them. In the previous three-year period of application of the National Plan for the Suppression of Trafficking in Human Beings for the period 2012 - 2015, it has been noticed that Croatia is increasingly becoming a country of origin and destination for victims of trafficking in human beings, especially for victims from countries in the region.

Areas encompassed by National Plan for the Suppression of Trafficking in Human Beings for the period 2018 - 2021 are:

1. Normative framework

2. Identification of victims of trafficking in human beings

3. Monitoring of procedures of detection, processing and sanctioning of crimes related to trafficking in human beings

4. Assistance and protection of victims of trafficking in human beings

5. Prevention

6. Education

7. International and regional education

8. Coordination of Activities

The above mentioned strategic document places special attention to a continued strengthening of cooperation in criminal procedures in cases of trafficking in human beings between the Croatian State Attorney's Office and the Ministry of the Interior as regards the improvement of methods of identification of victims of trafficking in human beings and the provision of best interests for such victims.