

# Country Report: Croatia



2018  
Update

## Acknowledgements & Methodology

This report was written by Lana Tučkorić at the Croatian Law Centre, and was edited by ECRE.

This report draws on information gathered through the practice of the Croatian Law Centre, data and information provided by the Ministry of Interior, Administrative Courts, Croatian Employment Service UNHCR, UNICEF, attorneys at law and relevant organisations, including the Croatian Red Cross, the Centre for Peace Studies, the Jesuit Refugee Service, Rehabilitation centre for Stress and Trauma, Doctors of the World, Society for Psychological Assistance, Centre for Missing and Exploited Children, NGO "Mi" and the Legal Clinic of the Law Faculty of the University of Zagreb.

The information in this report is up-to-date as of 31 December 2018, unless otherwise stated.

## The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is coordinated by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information on asylum practice in 23 countries. This includes 20 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, SI, UK) and 3 non-EU countries (Serbia, Switzerland, Turkey) which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website [www.asylumineurope.org](http://www.asylumineurope.org). The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.



This report is part of the Asylum Information Database (AIDA), funded by the European Programme for Integration and Migration (EPIM), a collaborative initiative by the Network of European Foundations, and the European Union's Asylum, Migration and Integration Fund (AMIF). The contents of this report are the sole responsibility of ECRE and can in no way be taken to reflect the views of EPIM or the European Commission.



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## Glossary & List of Abbreviations

<b>Asylee</b>	Person granted refugee status
<b>Dismissal</b>	Rejection of an application as inadmissible
<b>Reception Centre for Foreigners</b>	Pre-removal detention centre
<b>ACESO</b>	Access to early protection and rehabilitation services right on arrival in the EU
<b>AMIF</b>	Asylum, Migration and Integration Fund
<b>CBA</b>	Croatian Baptist Aid
<b>CES</b>	Croatian Employment Service
<b>CJEU</b>	Court of Justice of the European Union
<b>EASO</b>	European Asylum Support Office
<b>ECHR</b>	European Convention on Human Rights
<b>ECtHR</b>	European Court of Human Rights
<b>EIB</b>	European Investment Bank
<b>FYROM</b>	Former Yugoslav Republic of Macedonia
<b>IFRC</b>	International Federation of the Red Cross
<b>IOM</b>	International Organisation for Migration
<b>JMBG</b>	Unique Identification Number   Jedinstveni matični broj građana
<b>JRS</b>	Jesuit Refugee Service
<b>LGBTI</b>	Lesbian, gay, bisexual, transsexual and intersex
<b>LITP</b>	Law on International and Temporary Protection
<b>MdM</b>	Doctors of the World   Médecins du Monde
<b>OIB</b>	Personal Identification Number   Osobni identifikacijski broj
<b>SGBV</b>	Sexual and gender-based violence
<b>SPA</b>	Society for Psychological Assistance
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children Fund
<b>UNVFVT</b>	United Nations Voluntary Fund for Victims of Torture

## Statistics

### Overview of statistical practice

Asylum statistics for 2018 can be found on the website of the Ministry of Interior.<sup>1</sup>

### Applications and granting of protection status at first instance: 2018

	Intentions to apply in 2018	Pending at end 2018	Refugee status	Subsidiary protection	Rejection	Refugee rate	Subs. Prot. rate	Rejection rate
<b>Total</b>	1,068	150	225	21	186	52.1%	4.9%	43%

Breakdown by 5 top countries of origin of the total numbers:

Afghanistan	236	28	5	1	18	20.8%	4.2%	75%
Syria	223	28	167	19	2	88.8%	10.1%	1.1%
Iran	149	38	6	0	18	25%	0%	75%
Iraq	91	24	29	0	11	72.5%	0%	17.5%
Algeria	82	10	0	0	42	0%	0%	100%

Source: Ministry of Interior. Out of 1,068 intentions to apply, only 916 persons lodged applications.

<sup>1</sup> Ministry of Interior, *Statistički pregled 2018*, available in Croatian at: <https://bit.ly/2HFjMhP>, 148-149.

### Gender/age breakdown of the total number of persons expressing the intention to seek asylum: 2018

	Number	Percentage
<b>Total number of intentions to seek asylum</b>	1,068	-
Men	537	50.3%
Women	172	16.1%
Children	295	27.6%
Unaccompanied children	64	6%

Source: Ministry of Interior

### Comparison between first instance and appeal decision rates: 2018

	First instance		Appeal		Onward appeal	
	Number	Percentage	Number	Percentage	Number	Percentage
<b>Total number of decisions</b>	432	-	190	-	34	-
Positive decisions	246	56.9%	29	15.3%	2	5.9%
• <i>Refugee status</i>	225	52.1%	:	-	:	-
• <i>Subsidiary protection</i>	21	4.8%	:	-	:	-
Negative decisions	186	43.1%	161	84.7%	32	94.1%

Source: Ministry of Interior; Administrative Courts; High Administrative Court. Only in-merit decisions are included.

## Overview of the legal framework

### Main legislative acts relevant to asylum procedures, reception conditions, detention and content of protection

Title (EN)	Original Title (HR)	Abbreviation	Web Link
Law on International and Temporary Protection Official Gazette 70/2015 <i>Amended: Official Gazette 127/2017</i>	Zakon o međunarodnoj i privremenoj zaštiti NN 70/2015, 127/2017	LITP	<a href="http://bit.ly/1hlaq3Q">http://bit.ly/1hlaq3Q</a> (HR) <a href="http://bit.ly/2ln4y6c">http://bit.ly/2ln4y6c</a> (EN) <a href="https://bit.ly/2pPntru">https://bit.ly/2pPntru</a> (HR)
Law on General Administrative Procedure Official Gazette 47/2009	Zakon o općem upravnom postupku NN 47/2009	Law on General Administrative Procedure	<a href="http://bit.ly/1J7BRAh">http://bit.ly/1J7BRAh</a> (HR)
Law on Administrative Disputes Official Gazette 20/2010  <i>Amended: Official Gazette 143/2012</i>  <i>Amended: Official Gazette 152/2014</i>  Decision of the Constitutional Court of the Republic of Croatia U-I-2753/2012 and others, September 27. 2016., Official Gazette 94/2016 <i>Amended: Official Gazette 29/2017</i>	Zakon o upravnim sporovima NN 20/2010, 143/2012, 152/2014, 94/2016, 29/2017	Law on Administrative Disputes	<a href="http://bit.ly/1Gm4uTj">http://bit.ly/1Gm4uTj</a> (HR)  <a href="http://bit.ly/1K1l8fv">http://bit.ly/1K1l8fv</a> (HR)  <a href="http://bit.ly/1Bs4ZiO">http://bit.ly/1Bs4ZiO</a> (HR)  <a href="https://bit.ly/2uyfHXR">https://bit.ly/2uyfHXR</a> (HR)  <a href="https://bit.ly/2pWu82v">https://bit.ly/2pWu82v</a> (HR)
Law on Foreigners Official Gazette 130/2011 <i>Amended: Official Gazette 74/2013</i> <i>Amended: Official Gazette 69/2017</i> <i>Amended: Official Gazette 46/2018</i>	Zakon o strancima NN 130/2011, 74/2013, 69/2017, 46/2018	Law on Foreigners	<a href="http://bit.ly/1Rf18Kg">http://bit.ly/1Rf18Kg</a> (HR)  <a href="http://bit.ly/1CgRDB8">http://bit.ly/1CgRDB8</a> (HR) <a href="https://bit.ly/2lj1ZKv">https://bit.ly/2lj1ZKv</a> (HR) <a href="https://bit.ly/2RSz49b">https://bit.ly/2RSz49b</a> (HR)
Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia Official Gazette 80/2013	Zakon o obveznom zdravstvenom osiguranju i zdravstvenoj zaštiti stranaca u Republici Hrvatskoj NN 80/2013, 15/2018	Law on Mandatory Health Insurance and Health Care	<a href="http://bit.ly/1Gm4KSp">http://bit.ly/1Gm4KSp</a> (HR) <a href="https://bit.ly/2uzuZLN">https://bit.ly/2uzuZLN</a> (HR)

Amended: Official Gazette 15/2018			
Law on Free Legal Aid Official Gazette 143/2013	Zakon o besplatnoj pravnoj pomoći NN 143/2013	Law on Free Legal Aid	<a href="http://bit.ly/1lojGRf">http://bit.ly/1lojGRf</a> (HR)

**Main implementing decrees and administrative guidelines and regulations relevant to asylum procedures, reception conditions, detention and content of protection**

Title (EN)	Original Title (HR)	Abbreviation	Web Link
Ordinance on the forms and data collection in the procedure for international and temporary protection Official Gazette 85/2016	Pravilnik o obrascima i zbirkama podataka u postupku odobrenja međunarodne i privremene zaštite NN 85/2016	Ordinance on Forms	<a href="http://bit.ly/2lndEjr">http://bit.ly/2lndEjr</a> (HR)
Decision on the amount of financial assistance provided to applicants for international protection Official Gazette 135/2015	Odluka o visini novčane pomoći tražiteljima međunarodne zaštite NN 135/2015	Decision on Financial Assistance	<a href="http://bit.ly/2lQKkmi">http://bit.ly/2lQKkmi</a> (HR)
Ordinance on the realisation of material reception conditions Official Gazette 135/2015	Pravilnik o ostvarivanju materijalnih uvjeta prihvata NN 135/2015	Ordinance on Material Reception Conditions	<a href="http://bit.ly/2lYZIsM">http://bit.ly/2lYZIsM</a> (HR)
Ordinance on the content of the medical examination of asylum seekers, asylees and foreigners under subsidiary protection Official Gazette 39/2008	Pravilnik o sadržaju zdravstvenog pregleda tražitelja azila, azilanata, stranaca pod privremenom zaštitom i stranaca pod supsidijarnom zaštitom NN 39/2008	Ordinance on Medical Examination	<a href="http://bit.ly/1K1I9zT">http://bit.ly/1K1I9zT</a> (HR)
Ordinance on the manner of implementing the programme and tests of knowledge of asylum seekers, asylees, foreigners under temporary protection and foreigners under subsidiary protection, for the purpose of joining the education system of the Republic of Croatia Official Gazette 89/2008	Pravilnik o načinu provođenja programa i provjeri znanja tražitelja azila, azilanata, stranaca pod privremenom zaštitom i stranaca pod supsidijarnom zaštitom, radi pristupa obrazovnom sustavu Republike Hrvatske NN 89/2008	Ordinance on Knowledge Tests	<a href="http://bit.ly/1Gm5yGG">http://bit.ly/1Gm5yGG</a> (HR)
Decision on the Programme of Croatian language, history and culture for asylum seekers and asylees Official Gazette 129/2009	Odluka o programu hrvatskog jezika, povijesti i kulture za tražitelje azila i azilante NN 129/2009	Decision on Croatian Language Programme	<a href="http://bit.ly/1SuZQLq">http://bit.ly/1SuZQLq</a> (HR)
Decision on the Programme of Croatian language, history and culture for asylees and foreigners under	Odluka o programu učenja hrvatskoga jezika, povijesti i kulture za azilante i strance pod supsidijarnom zaštitom radi uključivanja u hrvatsko društvo	Decision on Croatian Language, History and Culture	<a href="http://bit.ly/1FXstO8">http://bit.ly/1FXstO8</a> (HR)

subsidiary protection for inclusion into Croatian Society Official Gazette 154/2014	NN 154/2014	Programme for Inclusion	
Decision on the programme of Croatian language for asylum seekers and asylees and aliens under subsidiary protection who are over 15 years of age for the purpose of joining the secondary-school education system and the adult education system Official Gazette 100/2012	Odluka o nastavnom planu i programu hrvatskoga jezika za tražitelje azila, azilante i strance pod supsidijarnom zaštitom starije od 15 godina radi pristupa srednjoškolskom obrazovnom sustavu i sustavu obrazovanja odraslih NN 100/2012	Decision on Croatian Language Programme above the Age of 15	<a href="http://bit.ly/1yuPG7Y">http://bit.ly/1yuPG7Y</a> (HR)
Decision on establishing the price of passport issued in accordance with the 1951 Convention relating to the Status of Refugees Official Gazette 98/2016  Corrigendum Official Gazette 102/2016	Rješenje o utvrđivanju cijene putovnice izdane sukladno Konvenciji o statusu izbjeglica od 28. srpnja 1951. godine NN 98/2016  Ispravak Rješenja o utvrđivanju cijene putovnice izdane sukladno Konvenciji o statusu izbjeglica od 28. srpnja 1951. godine NN 102/2016	Decision on the Price of Refugee Passports	<a href="http://bit.ly/2kOXEmP">http://bit.ly/2kOXEmP</a> (HR)  <a href="http://bit.ly/2kvoBjf">http://bit.ly/2kvoBjf</a> (HR)
Decision on the costs of accommodation in the Reception Centre for Asylum Seekers Official Gazette 47/2016	Odluka o troškovima smještaja u Prihvatilištu za tražitelje azila NN 47/2016	Decision on the Costs of Accommodation	<a href="http://bit.ly/2lTyx3i">http://bit.ly/2lTyx3i</a> (HR)
Ordinance on free legal aid in the procedure of granting international protection Official Gazette 140/2015	Pravilnik o besplatnoj pravnoj pomoći u postupku odobrenja međunarodne zaštite NN 140/2015	Ordinance on Free Legal Aid	<a href="http://bit.ly/2kXPLhy">http://bit.ly/2kXPLhy</a> (HR)
Decision on relocation and resettlement of third country nationals or stateless persons who meet the conditions for approval of international protection Official Gazette 78/2015	Odluka o premještanju i preseljenju državljana trećih zemalja ili osoba bez državljanstva koje ispunjavaju uvjete za odobrenje međunarodne zaštite NN 78/2015	Decision on Relocation and Resettlement	<a href="http://bit.ly/2kDTnBH">http://bit.ly/2kDTnBH</a> (HR)
Decision on the establishment of the Interdepartmental Working Group for the Implementation of the Decision on relocation and resettlement of third country nationals or stateless persons who meet the conditions for approval of international protection Official Gazette 78/2015	Odluka o osnivanju Međuresorne radne skupine za provedbu Odluke o premještanju i preseljenju državljana trećih zemalja ili osoba bez državljanstva koje ispunjavaju uvjete za odobrenje međunarodne zaštite NN 78/2015	Decision on the Relocation and Resettlement Working Group	<a href="http://bit.ly/2lQNEgT">http://bit.ly/2lQNEgT</a> (HR)

Decision on resettlement of third country nationals or stateless persons who meet the conditions for approval of international protection  Official Gazette 99/2017	Odluka o preseljenju državljana trećih zemalja ili osoba bez državljanstva koje ispunjavaju uvjete za odobrenje međunarodne zaštite NN 99/2017	Decision on Resettlement	<a href="https://bit.ly/2GVUWHW">https://bit.ly/2GVUWHW</a> (HR)
Decision on resettlement of third country nationals or stateless persons who meet the conditions for approval of international protection for 2019  Official Gazette 16/2019	Odluka o preseljenju državljana trećih zemalja ili osoba bez državljanstva koje ispunjavaju uvjete za odobrenje međunarodne zaštite za 2019. godinu NN 16/2019	Decision on Resettlement for 2019	<a href="https://bit.ly/2JdqcXL">https://bit.ly/2JdqcXL</a> (HR)
Ordinance on participation of asylees, foreigners under subsidiary protection and foreigners under temporary protection in the payment of accommodation costs  Official Gazette 59/2018	Pravilnik o sudjelovanju azilanata, stranaca pod supsidijarnom zaštitom i stranaca pod privremenom zaštitom u plaćanju troškova smještaja NN 59/2018	Ordinance on participation in the payment of accommodation costs	<a href="https://bit.ly/2Y115uv">https://bit.ly/2Y115uv</a> (HR)
Decision on determination of the price of residence permit for asylees and foreigners under subsidiary protection  Official Gazette 98/2016  Corrigendum Official Gazette 102/2016	Rješenje o utvrđivanju cijene dozvole boravka za azilanta i stranca pod supsidijarnom zaštitom NN 98/2016  Ispravak Rješenja o utvrđivanju cijene dozvole boravka za azilanta i stranca pod supsidijarnom zaštitom NN 102/2016	Decision on the Price of Residence Permits	<a href="http://bit.ly/2kvB0Un">http://bit.ly/2kvB0Un</a> (HR)  <a href="http://bit.ly/2kXSmb6">http://bit.ly/2kXSmb6</a> (HR)
Decision on the list of safe countries of origin in the procedure of granting International Protection	Odluka o listi sigurnih zemalja podrijetla u postupku odobrenja međunarodne zaštite NN 45/2016	Decision on the List of Safe Countries of Origin	<a href="http://bit.ly/2lcRePz">http://bit.ly/2lcRePz</a> (HR)
Ordinance on treatment of third country nationals Official Gazette 68/2018	Pravilnik o postupanju prema državljanima trećih zemalja NN 68/2018	Ordinance on treatment of third country nationals	<a href="https://bit.ly/2FUHyXc">https://bit.ly/2FUHyXc</a> (HR)
Ordinance on stay in the Reception Centre for Foreigners Official Gazette 101/2018	Pravilnik o boravku u Prihvatnom centru za strance NN 101/2018	Detention Centre Ordinance	<a href="https://bit.ly/2S7aCQQ">https://bit.ly/2S7aCQQ</a> (HR)

Action plan for the Integration of beneficiaries of international protection for the period 2017-2019	Akcijski plan za integraciju osoba kojima je odobrena međunarodna zaštita za razdoblje 2017. do 2019. godine	Action plan for Integration	<a href="https://bit.ly/2GMCKNL">https://bit.ly/2GMCKNL</a> (HR) <a href="https://bit.ly/2IHO40C">https://bit.ly/2IHO40C</a> (EN)
Protocol on the treatment of unaccompanied children	Protokol o postupanju prema djeci bez pratnje		<a href="https://bit.ly/2UnJmLc">https://bit.ly/2UnJmLc</a> (HR) <a href="https://bit.ly/2DEgBEu">https://bit.ly/2DEgBEu</a> (HR)

## Overview of the main changes since the previous update

The report was previously updated in **March 2018**.

- ❖ **Legislative reform:** Amendments to the LITP entered into force on 1 January 2018 and amendments of to the Law on Foreigners entered into force on 26 May 2018. A new Ordinance on participation of asylees, foreigners under subsidiary protection and foreigners under temporary protection in the payment of accommodation costs entered into force in 2018, as well as two ordinances on the treatment of third-country nationals and the stay in the Reception Centre for Foreigners. A new Decision on resettlement for 2019 entered into force. The decision prescribes that Croatia will accept up to 150 third-country nationals or stateless persons on the grounds of resettlement or would participate in other forms of solidarity with the EU Member States.

### *Asylum procedure*

- ❖ **Access to the territory:** Reports of *refoulement* or push backs at the border have continued in 2018. The Ombudswoman requested an investigation but was denied access to data and information. Non-governmental organisations Are you Syrious and the Centre for Peace Studies, as well as attorneys, accused the Ministry of Interior of putting pressure on human rights organisations and lawyers with the aim of diverting public attention from an investigation into the death of a six-year-old Afghan girl, Madina Hosseini, who died in 2017 after her family was pushed back to Serbia from Croatian territory.

The case *M.H. v. Croatia* was brought by the family of Madina Hosseini before the European Court of Human Rights (ECtHR) and was communicated on 11 May 2018.<sup>2</sup>

- ❖ **Non-refoulement:** The Supreme Court approved the extradition of a Turkish national of Kurdish origin to Turkey at the end of 2017.<sup>3</sup> The applicant filed a constitutional complaint against this decision stating that it violated his right to life, the prohibition of torture and the right to a fair trial, as Switzerland had granted him refugee status under the Geneva Convention. The Constitutional Court accepted the constitutional complaints,<sup>4</sup> quashed the ruling of the Supreme Court and the ruling of the County Court of Vukovar,<sup>5</sup> and returned the case to the County Court of Vukovar for the renewal of proceedings. In the summer of 2018, after one year in prison, the person was released, and the Swiss Embassy ensured his return to Switzerland.
- ❖ **Unaccompanied children:** A new Protocol on the treatment of unaccompanied children was adopted. The protocol establishes an Interdepartmental Commission for the protection of unaccompanied children.

### *Reception conditions*

- ❖ **Reception capacity:** In July 2018, the Ministry of Interior's Independent Sector for Schengen Coordination and EU Funds decided to allocate funding for the implementation of the project "Establishing Infrastructure and Capacity Building of the Reception Centre for Asylum Seekers in Mala Gorica within the Asylum, Migration and Integration Fund". In accordance with this decision, the Government of the Republic of Croatia plans to build a Reception Centre for asylum seekers near **Petrinja**, in the place of Mala Gorica.
- ❖ **Health care:** Access to health care remained a persistent issue for asylum seekers.

<sup>2</sup> ECtHR, *M.H. and others v. Croatia*, Application No 15670/18, available at: <https://bit.ly/2Se4OF5>.

<sup>3</sup> Supreme Court, Decision I Kž 587/17-4, 12 December 2017.

<sup>4</sup> Constitutional Court, Decision U-III-208/2018, 10 July 2018, available in Croatian at: <https://bit.ly/2FYIcnl>.

<sup>5</sup> County Court of Vukovar, Decision Kv II-182/17-30 (Kir-397/17), 17 October 2017.

## *Detention of asylum seekers*

- ❖ **Detention of vulnerable applicants:** Detention of vulnerable persons, including children was observed in 2018.
- ❖ **Conditions in detention facilities:** The case of *Daraibou v. Croatia*, which was lodged on 19 December 2017, was communicated by the ECtHR on 23 October 2018.<sup>6</sup> The applicant complains under the substantive and procedural aspects of Articles 2 and 3 ECHR that Croatia is responsible for not preventing a life-threatening situation, a fire in a detention centre, owing to which he suffered grave bodily injuries and that no effective investigation has been carried out in that respect.

In the case of the Hosseini family, the Constitutional Court rejected the complaints relating to ill-treatment stemming from the conditions in Tovarnik, and to a violation of the right to life in its procedural aspect.<sup>7</sup>

- ❖ **Access to detention facilities:** Problems with access and communication with detained asylum seekers in the Reception Centre for Foreigners were reported by attorneys. The Centre for Peace Studies was not allowed to access the Reception Centre for Foreigners in Ježevo and the Transit Reception Centre in Tovarnik. Although Transit Reception Centres for Foreigners in Tovarnik and Trilj should be used for detention of irregular migrants for a short period, in 2018, a practice of long-term detention of applicants for international protection was observed. The newly adopted Ordinance of stay in the Reception Centre for Foreigners restricts visits to the Centre for non-governmental organisations, attorneys, and even representatives of institutions such as the Ombudsperson.

## *Content of international protection*

- ❖ **Racist violence:** As racist hate speech in public discourse is escalating in Croatia, the Council of Europe expressed its concerns over the rise of racism and nationalism in Croatia.<sup>8</sup> The European Commission against Racism and Intolerance (ECRI) report decries an inadequate response by Croatian authorities to such increasing intolerance, as criminal action is too often ruled out. Most cases of hate speech and hate-motivated violence are treated merely as misdemeanours.

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<sup>6</sup> ECtHR, *Daraibou v. Croatia*, Application No 84523/17, available at: <https://bit.ly/2RZ2uCl>.

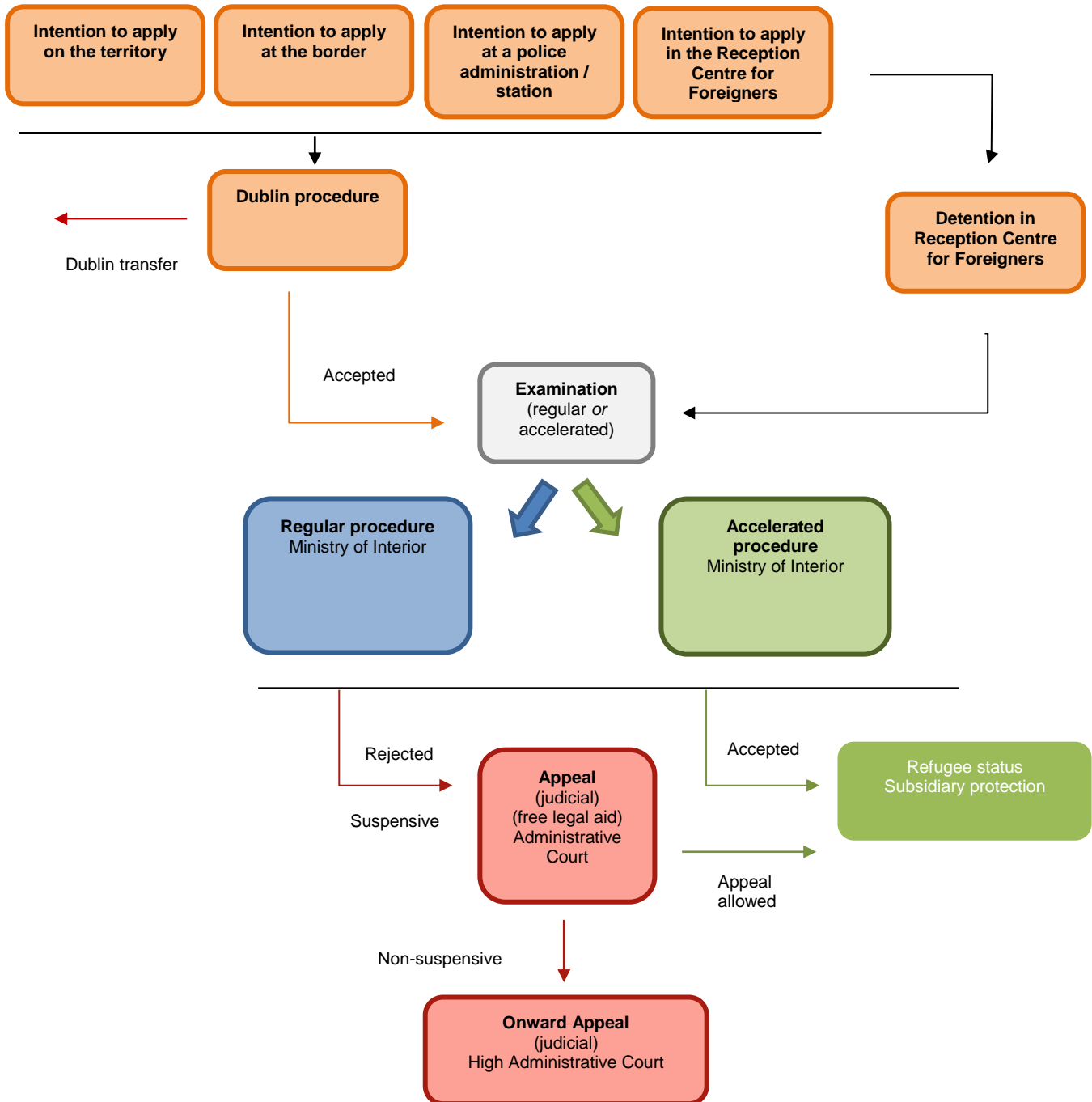
<sup>7</sup> Constitutional Court, Decision U-IIIBi-1385/2018, 18 December 2018, available in Croatian at: <https://bit.ly/2ua71E1>.

<sup>8</sup> ECRI, 'Croatia: Racist and hate speech against Serbs, LGBT persons and Roma escalating, says Council of Europe anti-racism Commission', 15 May 2018, available at: <https://bit.ly/2RuxXrq>.

# Asylum Procedure

## A. General

### 1. Flow chart



## 2. Types of procedures

### Indicators: Types of Procedures

Which types of procedures exist in your country?

- |   |   |  |
|---|---|--|
| ❖ Regular procedure:                    | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ▪ Prioritised examination: <sup>9</sup> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ▪ Fast-track processing: <sup>10</sup>  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| ❖ Dublin procedure:                     | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ❖ Admissibility procedure:              | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ❖ Border procedure:                     | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ❖ Accelerated procedure:                | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ❖ Other:                                |   |  |

Are any of the procedures that are foreseen in the law, not being applied in practice? ☒ Yes ☐ No

The border procedure foreseen by the Law on International and Temporary Protection (LITP) is not being applied in practice. According to the Ministry of Interior, no decision has been taken on the implementation of the border procedure or the procedure in transit zones,<sup>11</sup> so it is still unclear when the border procedure will be implemented.

## 3. List the authorities that intervene in each stage of the procedure

Stage of the procedure	Competent authority (EN)	Competent authority (HR)
Intention to apply		
❖ At the border	Border Police, Ministry of Interior	Granična policija
❖ On the territory	Police administration or Police station	Policijska uprava Policijska stanica
Registration of application	Reception Centre for Asylum Seekers' Administration, Ministry of Interior	Prihvatilište za tražitelje azila, Ministarstvo unutarnjih poslova
Dublin (responsibility assessment)	Asylum Department, Ministry of Interior	Odjel za azil, Ministarstvo unutarnjih poslova
Refugee status determination	Asylum Department, Ministry of Interior	Odjel za azil, Ministarstvo unutarnjih poslova
Appeal		
❖ First appeal	Administrative Court	Upravni sud
❖ Onward appeal	High Administrative Court	Visoki upravni sud
Subsequent application	Asylum Department, Ministry of Interior	Odjel za azil, Ministarstvo unutarnjih poslova

<sup>9</sup> For applications likely to be well-founded or made by vulnerable applicants. See Article 31(7) recast Asylum Procedures Directive.

<sup>10</sup> Accelerating the processing of specific caseloads as part of the regular procedure.

<sup>11</sup> Information provided by the Ministry of Interior, 28 January 2019.

#### 4. Number of staff and nature of the first instance authority

Name in English	Number of staff	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision making in individual cases by the first instance authority?
Asylum Department	30	Ministry of Interior	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Reception Centre for Asylum Seekers in Zagreb and Kutina	30	Ministry of Interior	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Source: Ministry of Interior, 28 January 2019.

Out of 30 officials in the Asylum Department, work related to the Dublin III and Eurodac Regulations is performed by 6 employees, while 12 officials work as decision-makers in the asylum procedure.

Of the 30 staff members active in the Reception Centres, 9 are support staff (catering, cleaning etc.)

#### 5. Short overview of the asylum procedure

The asylum procedure in Croatia is an administrative procedure regulated by the Law on International and Temporary Protection (LITP). Additionally, the Law on General Administrative Procedure is applied in the asylum procedure, unless otherwise provided by the LITP. The main body responsible for the implementation of asylum policy in Croatia is the Ministry of Interior, which is also the competent authority in the first instance procedures.<sup>12</sup> All asylum matters are under the responsibility of the Administrative and Inspection Affairs Directorate, within which is the Service for Aliens and Asylum. The Service for Aliens and Asylum, among other departments, includes the Asylum Department and the Reception Centre for Asylum Seekers.<sup>13</sup>

##### Registration

The procedure officially begins after the lodging of the application for international protection. Before this stage, a foreigner must express the intention to seek asylum. According to the LITP, police officers or officials from the Reception Centre for Asylum Seekers, immediately following the expression of the intention to apply for international protection, shall take the applicant's fingerprints and shall photograph him or her, establish his or her identity, how he or she entered the Republic of Croatia, the travel route from the country of origin to the Republic of Croatia, and personal circumstances of importance for assessing the special reception and procedural guarantees.<sup>14</sup>

Border officers, the police station, police administration or the Reception Centre for Asylum Seekers shall register the applicant in the records of the Ministry of Interior no later than 3 working days from the day the applicant expressed the intention to apply for international protection. If the intention was expressed before some other body, the Reception Centre shall register the applicant in the records of the Ministry within 6 working days from the day when he or she expressed his or her intention.<sup>15</sup> The authority which undertook registration shall issue a certificate of registration of the applicant in the records of the Ministry, and, as necessary, shall set a time limit in which the applicant must report to the Reception Centre for Applicants for International Protection to lodge an application.<sup>16</sup>

<sup>12</sup> Article 32(1) LITP.

<sup>13</sup> The Reception Centre for Asylum Seekers (Applicants for International Protection) is the name of one of the organisational units of the Ministry of Interior. It is also the name of the accommodation centre, the place where asylum applications are recorded and where interviews are conducted. There is no separate registration office.

<sup>14</sup> Article 33(8) LITP.

<sup>15</sup> Article 33(9) LITP.

<sup>16</sup> Article 33(10) LITP.

Applicants shall be permitted to lodge an application within the shortest possible time and no later than within 15 days from registration of their status in the records of the Ministry of Interior.<sup>17</sup>

### **First instance procedure**

After the application has been lodged, the Asylum Department of the Ministry of Interior shall, as soon as possible, arrange the personal interview with the applicant,<sup>18</sup> and shall issue a decision within 6 months of a duly completed application or a duly completed and admissible subsequent application.<sup>19</sup> The 6 month time limit may be extended for a further 9 months under certain circumstances and, exceptionally, the procedure may last up to 21 months. The Asylum Department is also responsible for examining the Dublin criteria and carrying out Dublin transfers to another Member State.

The asylum procedure in Croatia is a single procedure, given the fact that application for international protection cover both request for asylum and subsidiary protection, so Asylum Department determines *ex officio* the existence of conditions for granting subsidiary protection status where the conditions for granting refugee status are not met. An application may also be processed under an accelerated or border procedure.

### **Accelerated procedure**

According to the LITP the Ministry shall render a decision in an accelerated procedure no later than within 2 months from the day the application or an admissible subsequent application is lodged if, in conducting the entire procedure it is established that conditions for such procedure exists. There are ten grounds for applying the accelerated procedure. The deadline for lodging an appeal according to the LITP is 8 days from the day the decision is delivered, but the appeal has no suspensive effect.<sup>20</sup>

### **Border procedure**

Procedures at the border or in transit zones are regulated by the LITP. However, according to the Ministry of Interior they are not applied in practice.<sup>21</sup>

### **Appeal**

Negative decisions may be appealed before the Administrative Court within 30 days in the regular procedure, and 8 days in the case of Dublin decisions, inadmissibility decisions or the accelerated procedure. Appeals have automatic suspensive effect in the regular procedure, Dublin cases and some inadmissibility cases, but not in the accelerated procedure. As regards onward appeals, besides the possibility to lodge a non-suspensive appeal to High Administrative Court, there is also a possibility to lodge a complaint before the Constitutional Court in case the applicant claims a violation of a right guaranteed by the Croatian Constitution. In that case, a foreigner would have to regularise their stay in Croatia in accordance with the Law on Foreigners, as stay under the LITP is not foreseen once the administrative dispute is over. However, it is not feasible in practice for rejected asylum seekers to easily regularise their stay under the Law on Foreigners, as the majority of them would not meet the conditions prescribed by the Law on Foreigners to obtain a residence permit. This renders it very difficult in practice to appeal against a negative decision from the Administrative Court on constitutional grounds.

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<sup>17</sup> Article 34(2) LITP.

<sup>18</sup> Article 35(1) LITP.

<sup>19</sup> Article 40(1) LITP.

<sup>20</sup> Article 41(5) and 51(1)(1) LITP.

<sup>21</sup> Information provided by the Ministry of Interior, 28 January 2019.

## B. Access to the procedure and registration

### 1. Access to the territory and push backs

#### Indicators: Access to the Territory

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? ☒ Yes ☐ No

One of the key persistent issues in Croatia in 2018 was restricted access to asylum for people in need of international protection coming via Serbia or Bosnia and Herzegovina. The Centre for Peace Studies together with “Are You Syrious?” expressed concerns about violent push backs by the Croatian police from the beginning of 2017. In the course of 2018, the route Croatia has changed, now including transit through Bosnia and Herzegovina.<sup>22</sup> Authorities increased controls at Croatia’s border with Bosnia and Herzegovina as a result.<sup>23</sup> In June 2018, Bosnian border guards stopped almost 100 people from crossing into Croatia.<sup>24</sup>

Based on available data from the Ministry of Interior, a total of 7,388 irregular migrants were apprehended between January and November 2018, three times more than the 2,324 persons registered in the same period in 2017. Half of the overall apprehensions were registered in **Primorsko-Goranska** (28%) and **Vukovarsko Srijemska** (26%) counties. The former is located in the far east of the country bordering Serbian and Bosnian territory, while the latter is in the country’s north-west bordering Slovenia. An increase in apprehensions in Primorsko-Goranska county was observed in the past three months, together with an increase in irregular movements through Karlovačka county that encompasses the border areas between Croatia and Bosnia and Herzegovina and is in the vicinity of Una-Sana canton.<sup>25</sup>

According to the European Investment Bank (EIB),<sup>26</sup> the Croatian Government contributes 500,000 € for Bosnia and Herzegovina and other Western Balkan countries to tackle migration challenges and create jobs. EIB will receive a 500,000 € contribution for its Economic Resilience Initiative (ERI) from Croatia. The contribution will support ERI job creation and infrastructure investments in Bosnia and Herzegovina and/or other Western Balkan countries. ERI supports countries in the EU’s Southern Neighbourhood and Western Balkans to tackle migration and other challenges by stimulating investments in jobs creation and services like energy, transport, water, sanitation and education.

#### 1.1. Police violence and push backs

At the Croatian borders with Serbia and Bosnia and Herzegovina, reports of *refoulement* or push backs at the border have continued to increase in 2018.<sup>27</sup> The Ombudsperson, UNHCR,<sup>28</sup> the European Union

<sup>22</sup> Frontex, *Migratory routes: Western Balkan route*, available at: <https://bit.ly/2SdXUjb>.

<sup>23</sup> Info Migrants, ‘Croatia, alarm at the border over inflow of migrants’, 16 May 2018, available at: <https://bit.ly/2Tjb3ow>.

<sup>24</sup> Radio Free Europe, ‘Bosnia Border Police Stop Dozens Of Migrants From Entering Croatia’, 18 June 2018, available at: <https://bit.ly/2D25Cn9>.

<sup>25</sup> IOM, *Mixed Migration Flows in the Mediterranean: Compilation of available data and information*, November 2018, available at: <https://bit.ly/2MFhmju>.

<sup>26</sup> EIB, ‘Croatian Government contributes EUR 500,000 for Bosnia and Herzegovina and other Western Balkans countries to tackle migration challenges and create jobs’, 7 December 2018, available at: <https://bit.ly/2CPI2K5>.

<sup>27</sup> See e.g. Border Violence, *Violence reports*, available at: <https://bit.ly/2jMd1xS>; No Name Kitchen, ‘Families illegally and violently pushed back, daily, from the Croatian border’, available at: <https://bit.ly/2TI1ENc>; Index HR, ‘Migrant: Hrvatska policija tukla me dok sam u rukama držao kćer, ozlijeđena je’, 22 August 2018, available in Croatian at: <https://bit.ly/2DFK15f>; Balkan Insight, ‘Croatian Police Accused Again of Brutality to Migrants’, 2 August 2018, available at: <https://bit.ly/2DXqLCj>; Info Migrants, ‘Red Cross accuses Croatia of violence against refugees’, 23 July 2018, available at: <https://bit.ly/2LIAOe7>.

<sup>28</sup> UNHCR, *Desperate journeys: January-August 2018*, available at: <https://bit.ly/2CRI7ho>.

Agency for Fundamental Rights (FRA),<sup>29</sup> Human Rights Watch,<sup>30</sup> and stakeholders in Slovenia,<sup>31</sup> Serbia,<sup>32</sup> and Bosnia among others,<sup>33</sup> have reported on push backs.

Many of the reports in 2018 noted that the Croatian police continues to use force against migrants to push them back to neighbouring countries after they have crossed the Croatian border in an unauthorised manner.

According to UNHCR, the number of testimonies of collective expulsions into Serbia increased. A total of 6,567 persons were expelled from Croatia to Serbia from the beginning by the end of 2018:

Persons expelled to Serbia according to UNHCR: 2018												
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
189	213	235	487	595	384	442	674	1,078	1,240	660	370	6,567

Source: UNHCR Serbia, Snapshots: <https://bit.ly/2DEp9ez>.

In February 2018, civil society organisations Are You Syrious, No Name Kitchen, Centre for Peace Studies and Welcome Initiative presented the fourth report on violent and illegal push backs from the Republic of Croatia, resulting from several months of cooperation.<sup>34</sup> All four reports were published in the period from January 2017 until February 2018. The reports contain testimonies of persons who have been returned from Croatia to Serbia once or several times. The organisations warned of the practice of mass returns from Croatia to Serbia of persons caught while irregularly crossing the State border, either from the border or from within the territory, without the implementation of individual procedures in the presence of an interpreter provided for in the Law on Foreigners. Activists warned that foreigners were systematically and continuously prevented from having access to the territory of Croatia and the asylum procedure. The reports also contain statements made by the migrants concerning their treatment by Croatian police officers. These include: police officers overstepping their powers, various forms of verbal and physical violence, threats and mockery by police officers, forced signing of documents in Croatian or some other language which persons did not understand, seizing valuables and personal items, destruction of personal items, and expulsions despite explicit requests for asylum in Croatia. In the reports, attention was drawn to police officers' violent conduct toward unaccompanied children and other vulnerable groups such as families. Two reports were supplemented by photographs and medical documentation provided by the persons interviewed.

The Jesuit Refugee Service (JRS) published similar observations in a report based on interviews. Nearly all the 17 people JRS interviewed in Croatia and Serbia in 2017, including five children, reported stories of physical abuse by Croatian border guards and of immediate push backs to Serbia.<sup>35</sup>

These findings are corroborated by FRA reports, referring to push backs of adults and children on a daily basis, sometimes involving the use of excessive force, according to an interview with the NGOs, Welcome Initiative and media reports. Several children suffered injuries, including a 17-year-old boy from

<sup>29</sup> FRA, *Regular overviews of migration-related fundamental rights concerns – 2018*, available at: <https://bit.ly/2D1qf2P>.

<sup>30</sup> See e.g. Human Rights Watch, 'Croatia: Migrants Pushed Back to Bosnia and Herzegovina', 11 December 2018, available at: <https://bit.ly/2QOJYeT>.

<sup>31</sup> Amnesty International Slovenia, 'Push-backs and denial of access to asylum in Slovenia', 19 July 2018, available at: <https://bit.ly/2sRd53w>; Legal-Informational Centre for NGOs, *Report on findings and observations on the implementation of return procedures in accordance with the principle of non-refoulement*, July 2018, available at: <https://bit.ly/2T7S6oR>.

<sup>32</sup> Asylum Protection Centre, Twitter post, 21 December 2018, available at: <https://bit.ly/2TfMA3k>.

<sup>33</sup> UNHCR, *Inter Agency Operational Update: Bosnia and Herzegovina*, October 2018, available at: <https://bit.ly/2sR0bT0>.

<sup>34</sup> Are You Syrious et al., *Četvrti Izvještaj o nezakonitim i nasilnim protjerivanjima izbjeglica iz Republike Hrvatske*, 28 February 2018, available in Croatian at: <https://bit.ly/2E6WkEw>.

<sup>35</sup> JRS, *Forgotten at the gates of Europe*, June 2018, available at: <https://bit.ly/2UwAu6n>.

Afghanistan who sustained a concussion and a broken arm.<sup>36</sup> FRA also reported that refugees who managed to cross the border arrived at the **Zagreb** reception centre in poor physical and mental condition and with psychosocial difficulties, while according to the Croatian Red Cross, many families were separated while crossing the border.<sup>37</sup>

In August, 2018, Are You Syrious released a testimony of 12 Pakistani asylum seekers, including three children, who stated that they had been beaten and insulted by seven Croatian police officers near Karlovac and then pushed back at the Croatian border to Bosnia and Herzegovina.<sup>38</sup> The Welcome Initiative reported numerous cases of police officers confiscating asylum seekers' money, destroying their documents and phones before pushing them back to Serbia, Slovenia or Bosnia and Herzegovina. Some police officers allegedly took photos of themselves while humiliating people seeking protection. In the Bosnian border towns of Velika Kladuša and Bihać, migrants looking to head to Croatia were beaten with sticks, taunted or attacked by dogs handled by the Croatian police.<sup>39</sup>

In November 2018, The Guardian released footage that shows asylum seekers beaten by Croatian police.<sup>40</sup>

Many cases involve women and children. No Name Kitchen reported in August 2018 about police violence against an Iranian woman. The woman alleged that she and her 14 year-old son were beaten up by the Croatian police while trying to reach Slovenia.<sup>41</sup> Most women interviewed by The Guardian in August 2018 said they had not been targeted, but had witnessed attacks on men in their groups, although a minority of women said they had been beaten or strip-searched. Many people had mobile phones with mangled charger sockets and cracked screens, damage caused by the Croatian police. Others said police had stolen their phones and large sums of money. In all cases, Croatian police drove people back to the border in the night and pushed them back to Bosnia.<sup>42</sup>

More than 200 migrants, including women and children, blocked the main road at the Croatian-Bosnian border of Maljevac in October 2018, hoping to be allowed entry into Croatia and several people were injured during an incident.<sup>43</sup> As noted by UNHCR, reportedly in response to rumours that the Croatian border would be opened, some 200-250 refugees-migrants (including families with small children) gathered in Maljevac on 23 October.<sup>44</sup> Protestors called for the opening of borders during their demonstration which lasted for about a week. The situation escalated on 24 October when some protestors managed to breach the first cordon of the Bosnian police in an attempt to reach Croatian territory, leading to a temporary shutdown of the border-crossing point. Several people were injured during the incident. The police re-opened the Maljevac border-crossing point on 30 October, after the Una-Sana Canton Police and Bosnian Border Police relocated the remaining people from the area. On that occasion, the Croatian Ministry of Interior stressed that no illegal border-crossing into Croatia would be allowed.<sup>45</sup>

Many incidents throughout 2018 have involved road accidents and shootings. For example, the Croatian police opened fire on a van carrying 29 migrants at the border, injuring nine, including two children, after

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<sup>36</sup> FRA, *Periodic data collection on the migration situation in the EU*, May 2018, available at: <https://bit.ly/2sQ9Rxe>.

<sup>37</sup> FRA, *Periodic data collection on the migration situation in the EU*, July 2018, available at: <https://bit.ly/2Dlibpf>.

<sup>38</sup> FRA, *Periodic data collection on the migration situation in the EU*, September 2018, available at: <https://bit.ly/2FT8JBH>.

<sup>39</sup> The Guardian, 'Refugees crossing from Bosnia "beaten and robbed by Croatian police"', 15 August 2018, available at: <https://bit.ly/2KZ4Rgj>.

<sup>40</sup> The Guardian, 'Footage shows asylum seekers allegedly beaten by Croatian police – video', 14 November 2018, available at: <https://bit.ly/2B9lI26>.

<sup>41</sup> No Name Kitchen, Facebook post, 7 August 2018, available at: <https://goo.gl/K9oA48>.

<sup>42</sup> The Guardian, 'Refugees crossing from Bosnia "beaten and robbed by Croatian police"', 15 August 2018, available at: <https://bit.ly/2KZ4Rgj>.

<sup>43</sup> Balkan Insight, 'Migrants, Refugees Block Bosnia-Croatia Border Crossing', 24 October 2018, available at: <https://bit.ly/2qmdgm1>; tportal, 'Djeca migranti s transparentima na prijelazu Maljevac: Molimo vas, otvorite granice!', 25 October 2018, available in Croatian at: <https://bit.ly/2G8XSTd>.

<sup>44</sup> UNHCR, *Europe Monthly Report*, October 2018, available at: <https://bit.ly/2HyT8Zs>.

<sup>45</sup> Ministry of Interior, 'Hrvatska policija neće dopustiti nezakonite prelaske granice', 23 November 2018, available at: <https://bit.ly/2NYxHPF>.

the vehicle tried to crash through a roadblock to enter the country from Bosnia.<sup>46</sup> Are You Syrious came into contact with the families of wounded children.<sup>47</sup> According to migrants' allegations people started to leave the van and the police started beating them. Parents of children stated they shouted "Ambulance! Ambulance!", wishing to tell the police that children needed urgent medical care, but one of the police officers took out the gun, pointed it to the parents and said "Shut up! Shut up!". 'Emergency health care assistance took children without parental accompaniment. Subsequently, the group was taken to prison, in which men and women were accommodated separately. No information was provided to them. They also said that they signed a paper that was not translated and which they did not understand. There was no interpreter present at any point.

This was not the only incident reported by media. At the end of 2018, the police tried to stop a van full of people but when the driver suddenly saw a police ambush, he jumped out of the van and began to flee. The vehicle, with 39 migrants from Iraq and Iran, including several pregnant women and children, hit a police vehicle. Some migrants, including a pregnant woman and child, were taken to the hospital.<sup>48</sup>

Media have also reported tragic incidents such as the drowning of two men trying to cross the river Kupa between Croatia and Slovenia.<sup>49</sup> Some 18 people are known to have died along land routes in the Balkans from January to June 2018, with most deaths the result of drowning, especially at the Slovenian-Croatian border.<sup>50</sup>

The accusations on use of violence by Croatian police have continued in 2019.<sup>51</sup>

Finally, crackdown on and criminalisation of persons offering humanitarian assistance has continued in the course of 2018 (see [Access to NGOs and UNHCR](#)).

## 1.2. The Madina Hosseini case

One of the tragic events which influenced the Croatian asylum system in 2018 was the case of a six-year-old girl from Afghanistan, Madina Hosseini. As reported in the previous AIDA update, in November 2017 an Afghan family tried to cross into Croatia from Serbia to apply for asylum.<sup>52</sup> They were denied access and were immediately pushed back to Serbia by the Croatian authorities. One of their children, Madina, was hit by a train on the border between Croatia and Serbia and died during the push back.<sup>53</sup> The horrible tragedy attracted wide media coverage. The Serbian Ministry of Interior stated that the Croatian border authorities had not acted in accordance with the readmission agreement and the Protocol between the two countries on the surrender and acceptance of persons whose residence was illegal.<sup>54</sup>

The mother of the girl accused Croatian police officers of not letting her express the intention to apply for asylum, and forcing her to proceed on foot along the railway to Serbia with six children.<sup>55</sup> In the its response, the Ministry of Interior stated that the conduct of the Croatian police did not contribute to the

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<sup>46</sup> Reuters, 'Croatian police fire on van filled with migrants at border; nine hurt', 31 May 2018, available at: <https://reut.rs/2RXXgam>; Index HR, 'Božinović priznao da policajci koji su pucali na kombi nisu koristili šiljke za gume, iako ih imaju', 1 June 2018, available in Croatian at: <https://bit.ly/2HGt5Qa>.

<sup>47</sup> Are You Syrious, Facebook post, 10 June 2018, available at: <https://bit.ly/2Bc4MUv>.

<sup>48</sup> Jutarnji Vijesti, 'Drama na cesti kraj Vrgorca: Zaustavili kombi pun migranata, vozač iskočio, a vozilo se zabilo u policijski auto; Trudnica i dijete prebačeni u bolnicu', 26 December 2018, available in Croatian at: <https://bit.ly/2RUNSnO>.

<sup>49</sup> N1, 'Migranti se udavili u pokušaju da se domognu Slovenije', 10 April 2018, available in Serbian at: <https://bit.ly/2HN35T4>.

<sup>50</sup> UNHCR, *Europe Monthly Report*, June 2018, available at: <https://bit.ly/2TkDaDP>.

<sup>51</sup> Novilist, 'Aktivistkinja: "Policajci su mi prebili dečka Sirijca. Četiri ga držala, peti udarao u lice"', 17 January 2019, available in Croatian at: <https://bit.ly/2MCU4Lc>.

<sup>52</sup> AIDA, Country Report Croatia, 2017 Update, March 2018, available at: <https://bit.ly/2Hb4hvE>, 19-20.

<sup>53</sup> The Guardian, "'They treated her like a dog': tragedy of the six-year-old killed at Croatian border", 8 December 2017, available at: <https://bit.ly/2iDQdQ3>.

<sup>54</sup> Nacional, 'MUP Srbije: "Hrvatski granični organi nisu postupili u skladu s pravilima"', 26 December 2017, available in Croatian at: <https://bit.ly/2sUDNYY>.

<sup>55</sup> N1, 'Hrvatska policija nas je pendrecima otjerala u noć', 14 December 2017, available in Croatian at: <https://bit.ly/2FWYAUj>.

accident in any way.<sup>56</sup> After several unsuccessful attempts and push backs, the family managed to enter Croatia and apply for asylum in Croatia at the end of March 2018. They were immediately placed in detention in Transit Reception Centre in **Tovarnik**.

In the meantime, at the end of January 2018, the Croatian Ombudswoman submitted a letter to the State Attorney General with all the relevant information that she had collected on the death of the girl.<sup>57</sup> According to the Ombudswoman, information about the tragic event given by the girl's mother and by the Ministry of Interior were contradictory. At the same time, the police claimed that there were no preserved thermos-vision camera shots documenting the incident. The Ombudswoman stressed in the same letter that there are many indications regarding police conduct towards irregular migrants that raise concern over whether relevant Croatian legislation has been properly applied. In addition, data presented by the Ministry of Interior to the Ombudsman's office was inconsistent and contradictory. This information was presented to the office of the State Attorney General in order for them to conduct an effective criminal investigation. After the media reported that a decision was made to dismiss the criminal charges, the Ombudsperson asked the State General attorney for the decision, but it was never delivered to her.<sup>58</sup>

In addition, Are you Syrious and the Centre for Peace Studies, as well as the family's attorneys, accused the Ministry of Interior of putting pressure on human rights organisations and lawyers with the aim of diverting the public attention from an investigation into the death of Madina.<sup>59</sup> The attorney that represented the Hosseini family, including in criminal proceedings against the Croatian Ministry of Interior, reported that police was refusing her access to her clients, claiming that she is not authorised to represent them, despite the family giving her power of attorney in the presence of numerous witnesses and an interpreter. Furthermore, the National Police Office for the Suppression of Corruption and Organised Crime visited the lawyer's office to investigate the validity of the power of attorney for the Afghan family, claiming that the signatures of Madina's parents on the powers of attorney were not authentic.

On 17 April 2018, the Centre for Peace Studies and Are you Syrious announced a press conference for 18 April, where they intended to share publicly the methods being used to cover up the truth about Madina's death. Yet, that evening, the police went to the houses of the activists scheduled to attend the press conference and requested that they attend informational talks at the police station, scheduled the next day, 18 April, at the exact time of the press conference.<sup>60</sup> For this reason, Platform 112, a network of NGOs coordinated by Human Rights House Zagreb, expressed their support for the protection of the human rights of refugees in Croatia. They called on Croatian Prime Minister Plenković and Minister of the Interior Božinović to immediately cease the intimidation of human rights activists and lawyers, and warned that these actions violate some of the fundamental rights not only of refugees, but also of citizens of Croatia.<sup>61</sup>

In the meantime, the family's attorney brought the case before European Court for Human Rights (ECtHR) in April, 2018,<sup>62</sup> and the case was communicated on 11 May 2018. On 8 October, 2018 the Hungarian Helsinki Committee submitted a third party intervention.<sup>63</sup> The applicants complained *inter alia* that their repeated removals from Croatian territory amounted to collective expulsions in the meaning of Article 4 Protocol 4 ECHR.

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<sup>56</sup> Ministry of Interior, 'Reagiranje MUP-a povodom objavljenog članka The Guardian', 8 December 2017, available in Croatian at: <https://bit.ly/2uK14AW>.

<sup>57</sup> Ombudsperson, 'Pravobraniteljica dostavila DORH-u sve informacije o okolnostima pogibije Madine Hosseini', 5 February 2018, available in Croatian at: <https://bit.ly/2seyeY3>.

<sup>58</sup> Ombudsperson, 'Migracije: pritužbe na policijsko nasilje i dalje nisu istražene', 18 October 2018, available in Croatian at: <https://bit.ly/2B9qTLf>.

<sup>59</sup> N1, 'Police pressure to divert attention from Afghan girl death', 18 April 2018, available at: <https://bit.ly/2BbuKaV>.

<sup>60</sup> Human Rights House, 'Croatia: Police pressuring human rights defenders and lawyers protecting refugees', 26 April 2018, available at: <https://bit.ly/2WttCZ7>.

<sup>61</sup> Članica Human Rights House Network, 'Podrška Centru za mirovne studije i Are You Syrious?', 18 April 2018, available in Croatian at: <https://bit.ly/2CXzf98>.

<sup>62</sup> ECtHR, *M.H. and others v. Croatia*, Application No 15670/18, available at: <https://bit.ly/2RsVIFL>.

<sup>63</sup> Hungarian Helsinki Committee, *Third party intervention in M.H. v. Croatia*, 8 October 2018, available at: <https://bit.ly/2BamffX>.

### 1.3. Criticism and accountability

In March 2018, the Domestic Policy and National Security Committee of the Croatian Parliament held a thematic discussion on international protection in Croatia. The Committee organised this thematic session in response to numerous media reports, a report from the Ombudswoman's Office, and on the initiative of NGOs denouncing the problems related to access to the territory and the asylum system.

The Committee on Human Rights and Rights of National Minorities of the Croatian Parliament held a thematic session on migrations on 18 October 2018.<sup>64</sup>

The Ombudswoman informed the Committee that on the basis of complaints from migrants, civil society organisations and international organisations, as well as on her own initiative, has opened several cases investigating allegations of abusive police treatment and violence against migrants and of denial of access to the asylum procedure.<sup>65</sup> However, the Ministry of the Interior has repeatedly denied the Ombudswoman access to information regarding police treatment,<sup>66</sup> although the Ombudsperson is entitled thereto under the Law on Data Protection, the Law on the Ombudsperson and the Law on the National Preventive Mechanism. This denial amounts to clear breaches of the regulations that provide the Ombudsperson with access to information and has prevented her from conducting in her work.<sup>67</sup>

The Ministry of Interior has rebuffed accusations about denial of access to information, as well as allegations that police officers used coercion against migrants.<sup>68</sup>

In addition to UNHCR and other stakeholders mentioned above, the Council of Europe Commissioner for Human Rights<sup>69</sup> and Members of the European Parliament<sup>70</sup> have called on Croatia to investigate allegations of collective expulsions of migrants and of excessive use of force by law enforcement officers, which have been witnessed for more than two years.

The Government has denied allegations and questioned the sources of the information.<sup>71</sup>

### 1.4. Border monitoring

During 2018, a so-called border monitoring project was implemented by UNHCR and the Croatian Law Centre in cooperation with the Ministry of Interior.<sup>72</sup> At the end of 2017, all three parties signed a protocol related to the implementation of the project. The project included 13 border monitoring visits in the course of 2018 with the possibility to access case files of irregular migrants and potential applicants for international protection in selected police administrations defined by the Protocol. Monitoring visits were carried out by Croatian Law Centre lawyers and UNHCR staff. The project has not included insight into the actions taken by the Croatian police on the green border.

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<sup>64</sup> Parliament, 'U Saboru održana tematska sjednica o stanju migracija i međunarodnoj zaštiti migranata u Hrvatskoj', 18 October 2018, available in Croatian at: <https://bit.ly/2DlajnW>.

<sup>65</sup> Ombudsperson, 'Migracije: pritužbe na policijsko nasilje i dalje nisu istražene', 18 November 2018, available in Croatian at: <https://bit.ly/2B9qTLf>.

<sup>66</sup> Telegram, 'Sjeli smo s pučkom pravobraniteljicom; pričala je o uznemirujućim stvarima – imamo ozbiljan problem s policijom', 5 November 2018, available in Croatian at: <https://bit.ly/2QfB1aJ>.

<sup>67</sup> Ombudsperson, 'Migracije: pritužbe na policijsko nasilje i dalje nisu istražene', 18 November 2018, available in Croatian at: <https://bit.ly/2B9qTLf>.

<sup>68</sup> Ministry of Interior, 'MUP ne uskraćuje informacije, niti policijski službenici prema migrantima primjenjuju sredstva prisile', 18 October 2018, available in Croatian at: <https://bit.ly/2S8lnkM>.

<sup>69</sup> Council of Europe, 'Commissioner calls on Croatia to investigate allegations of collective expulsions of migrants and of violence by law enforcement officers', 5 October 2018, available at: <https://bit.ly/2Pb03rb>.

<sup>70</sup> European Parliament, Written question: Dramatic situation in Bosnia and Herzegovina, E-004570-18, 7 September 2018, available at: <https://bit.ly/2TtyjQw>.

<sup>71</sup> Ministry of Interior, Letter to the Council of Europe Commissioner for Human Rights, 3 October 2018, available at: <https://bit.ly/2RGATCr>; 'Navode provjeravamo i oni nisu potvrđeni', 11 October 2018, available in Croatian at: <https://bit.ly/2HAciy6>.

<sup>72</sup> The project is entitled "Monitoring the conduct of police officers of the Ministry of the Interior in the field of illegal migration and asylum in 2018", and is financed by UNHCR.

During 2018, within the mentioned project the Croatian Law Centre in cooperation with the Ministry of Interior and UNHCR organised and held four workshops for border officials (two for land border police officers at the Police Academy, one for border police officers in the Transit Reception Centre in **Trilj**, and one for border police officers in the Transit Reception Centre in **Tovarnik**). A training curriculum was prepared by UNHCR and the Croatian Law Centre and lecturers were representatives of UNHCR, the Ministry of Interior and the Croatian Law Centre. The topics included: access to the international protection system as human right; identification of applicants in need of special procedural and reception guarantees and the restriction of movement; police officers' procedures towards applicants for international protection – Standard Operational Procedures; Law on International and Temporary Protection and by-laws – practical instructions; practical workshop – access to the international protection system.

At the end of 2018, the European Commission awarded €6.8m to Croatia to reinforce its border management system by covering the costs of operation of ten police stations. The Commission announced that “[a] monitoring mechanism will be put in place to ensure that all measures applied at the EU external borders are proportionate and are in full compliance with fundamental rights and EU asylum laws.”<sup>73</sup>

## 2. Registration of the asylum application

### Indicators: Registration

1. Are specific time limits laid down in law for asylum seekers to lodge their application? ☒ Yes ☐ No
2. If so, what is the time limit for lodging an application? 15 days

### 2.1. Making and registering the application

Although no time limit is specified in the LITP, a foreigner is in practice expected to seek international protection (i.e. express the intention to lodge an application) at a police administration, a police station, at border crossing points, in Reception Centre for Foreigners or in the Reception Centre for Asylum Seekers (i.e. Applicants for International Protection) within a reasonable time after entering the country.

The Directorate for Administrative and Inspection Affairs reported that the Standard Operating Procedures (SOP) on the treatment of asylum seekers were updated with the aim to improve cooperation between police officers of the Border Directorate, police stations, police administrations and the employees of the Directorate for Administrative and Inspection Affairs, but also with a view to raising the quality of the asylum procedure.<sup>74</sup>

As soon as a foreigner expresses the intention to seek protection during a border control at a border crossing point,<sup>75</sup> competent officials will refer him or her to the Reception Centre for Asylum Seekers<sup>76</sup> and if necessary determine the time period within which he or she must report to the Reception Centre to lodge the application. Despite the obligation prescribed under Article 8 of the recast Asylum Procedures Directive, the Directorate for Administrative and Inspection Affairs reported that an obligation to inform migrants about the possibility to seek international protection is not provided in national or international legislation.<sup>77</sup> Furthermore, the Directorate for Administrative and Inspection Affairs reported that police officers are obliged to allow migrants to make a statement during procedure and in that sense are obliged to identify those who need international protection and to receive their intention if they want to apply for international protection.<sup>78</sup> The Directorate also stated that they are aware that this is a demanding and

<sup>73</sup> European Commission, 'Migration and borders: Commission awards additional €305 million to Member States under pressure', IP/18/6884, 20 December 2018, available at: <https://bit.ly/2R8JvnY>.

<sup>74</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>75</sup> Article 33(1) LITP.

<sup>76</sup> The Reception Centre is also the place where asylum seekers have to report themselves after expressing their intention to lodge an asylum claim and where interviews are conducted.

<sup>77</sup> Information provided by the Ministry of Interior, 10 August 2018.

<sup>78</sup> Information provided by the Ministry of Interior, 28 January 2019.

responsible task, especially in the circumstances of the inability to provide interpretation which according to their letter, is the problem faced by all EU member states.

In practice, a person may express such an intention even after having been found irregularly crossing the state border or at a later stage, during further proceedings related to irregular border crossing. After the foreigner has been apprehended and transferred to a police administration or station, the police officer makes a report and hands the person over to officers in charge of irregular migration for further proceedings. These police officers will conduct an interview with the foreigner in the police station to determine the person's identity, perform a security check and conduct an informative interview. If the foreigner expresses the intention to seek international protection at any stage of this procedure, the procedure will be suspended and the person will have the right to stay in Croatia until a final decision is taken on the application for international protection. However, many problems have been reported in the course of 2017 and 2018 in that regard (see [Access to the Territory](#)).

Border officers, the police station / police administration or the Reception Centre for Asylum Seekers shall register the applicant in the records of the Ministry of Interior no later than 3 working days from the day the applicant expressed the intention to apply for international protection. If the intention was expressed before some other body, the Reception Centre shall register the applicant in the records of the Ministry within 6 working days from the day when he or she expressed his or her intention.<sup>79</sup> The authority which undertook registration shall issue a certificate of registration of the applicant in the records of the Ministry.

The Border Directorate reported that according to SOP for police in relation to the asylum procedure, developed by the General Police Directorate and the Directorate for Administrative and Inspection Affairs, police officers are not competent for assessing the reasons why international protection is sought.<sup>80</sup> In addition, in an official note which is sent to the Service for Aliens and Asylum of the Directorate for Administrative and Inspection Affairs, the police transmits information on the circumstances of irregular migration as well as personal data referred to in Article 15 LITP which are essential for assessing if there is a need for special reception and procedural guarantees e.g. for pregnant women, elderly, disabled persons, unaccompanied children.

After having expressed the intention to seek international protection, the applicant is given a registration certificate (*potvrda o registraciji*) which contains the following details: authority issuing the certificate; date of issuance; name; date, place and country of birth; nationality; sex; place, address and time the person is required to report to the Reception Centre for Asylum Seekers to lodge the application; signature of the official; and stamp.<sup>81</sup>

The certificate proves that the person is registered in the information system of the Ministry of the Interior as the applicant for international protection. The certificate shall be issued by the competent police administration or police station and the Reception Centre for Foreigners if they registered a person as an applicant in the information system. Exceptionally, the certificate may be issued by the Reception Centre for Asylum Seekers if they conducted registration.<sup>82</sup>

## 2.2. Lodging the application

After reporting to the Reception Centre for Asylum Seekers, an applicant shall be enabled to formally lodge an application as soon as possible and no later than 15 days from the registration of his or her status in the records of the Ministry of Interior.<sup>83</sup> The authority conducting registration indicates in the registration certificate the time and place where the applicant has to report.

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<sup>79</sup> Article 33(9) LITP.

<sup>80</sup> Information provided by the Border Directorate, 17 August 2018.

<sup>81</sup> Article 3(2) Ordinance on the forms and data collection in the procedure for international and temporary protection.

<sup>82</sup> Article 3(3)-(5) Ordinance on the forms and data collection in the procedure for international and temporary protection.

<sup>83</sup> Article 34(2) LITP.

According to the Directorate for Administrative and Inspection Affairs, in certain cases, involving vulnerable persons or for other humanitarian reasons, applicants will be accompanied by police officers to the Reception Centre for Asylum Seekers.<sup>84</sup>

If, after having expressed the intention to apply for international protection, a foreigner does not report to the Reception Centre for Asylum Seekers without a justified reason, the Ministry of Interior will *ex officio* discontinue the procedure;<sup>85</sup> according to LITP it shall be deemed that the applicant has withdrawn the application if he or she does not appear at the Reception Centre or avoids lodging an application and fails to justify this within 2 days of the time limit set for appearing at the Reception Centre, or for lodging an application.<sup>86</sup> According to the Ministry of Interior, out of the 1,068 expressed intentions to seek asylum in 2018, 916 persons lodged applications to apply for international protection.<sup>87</sup>

Once the deadline for an appeal passes and if the person is caught in an irregular situation, the provisions of the Law on Foreigners will apply. In particular, this means that people will be considered to be an irregular migrant and will be detained for the purposes of removal.

The Reception Centre for Asylum Seekers (which is both an organisational unit of the Ministry of Interior within the Service for Aliens and Asylum as well as an accommodation centre for applicants for international protection)<sup>88</sup> is the competent authority for conducting interviews for the purpose of receiving applications for international protection. The application is usually lodged at the Reception Centre for Asylum Seekers, and only exceptionally outside the Reception Centre within an appropriate period, depending on personal circumstances of the applicant,<sup>89</sup> for example where he or she is detained in the Reception Centre for Foreigners (pre-removal detention centre), the Transit Reception Centre for Foreigners or in prison. In the past, migrants in the Reception Centre for Foreigners sometimes faced difficulties in having their letters declaring the intention to seek protection delivered to the asylum authority or orally expressed intentions accepted. This type of problem has been again observed in 2018..

The asylum procedure is initiated by lodging the application.<sup>90</sup> In practice this means that the application is submitted orally by the person seeking protection in front of the Reception Centre for Asylum Seekers' administration, which drafts minutes of the interview. The civil servants of the Reception Centre for Asylum Seekers administration conduct a short interview to collect the following information: personal data of the asylum seeker, information on military service, family and other relations, information on the journey from country of origin (type of transportation and route) and the reasons (in short) why they fled their country of origin. All documents, including the minutes of the first interview, are then sent to the Asylum Department within the Ministry of Interior, which is responsible for conducting a further substantive interview and examining the application.

Besides that, civil servants in the Reception Centre for Asylum Seekers take fingerprints and photos of the applicants, provide them with information on the procedures, their rights and obligations, and issue the applicants' identity card.

The Ministry of Interior has informed the Croatian Law Centre that delays in the organisation of interviews for the purpose of lodging asylum applications have occurred in 2018, in situations where guardians were not appointed to unaccompanied children on time. According to the Ministry, the most common cases where delays occurred were those where the competence of the Social Welfare Centre had changed.<sup>91</sup> Although problems with delays in relation to interpretation were not reported by the Ministry of Interior in 2018, problems still exist and the Ministry reported that there is the lack of interpreters for certain

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<sup>84</sup> Information provided by the Ministry of Interior, 10 August 2018.

<sup>85</sup> Information provided by the Ministry of Interior, 13 February 2018.

<sup>86</sup> Article 39(2)(1) LITP.

<sup>87</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>88</sup> At the time of writing, the official name of the organisational unit is still the Reception Centre for Asylum Seekers.

<sup>89</sup> Article 34(3) LITP.

<sup>90</sup> Article 34(1) LITP.

<sup>91</sup> Information provided by the Ministry of Interior, 28 January 2019.

languages (Pashto and Tamil). In addition, in 2018, during legal counselling applicants reported to the lawyers of the Croatian Law Centre that they had problems with interpreters who were not translating properly during the procedure for submitting the applications for international protection and during interviews. It seems that many interpreters who currently provide their services to the Ministry of Interior lack proper knowledge of the Croatian language but also of the asylum procedure and the rules and standards for interpretation during asylum procedure. To date, it is not clear how the Ministry of Interior will resolve this and potential similar situations in the future.

After the asylum application has been lodged, the applicant receives an international protection applicant card (*iskaznica tražitelja*). The card shall be issued within three days from the lodging of the application and confirms the right of residence in the Republic of Croatia until the completion of the procedure. An applicant's card does not constitute proof of identity.<sup>92</sup> The card is not issued if the person applies at the border.<sup>93</sup>

## C. Procedures

### 1. Regular procedure

#### 1.1. General (scope, time limits)

##### Indicators: Regular Procedure: General

- |  |   |
|--|---|
| 1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance:                   | 6 months  |
| 2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? <sup>94</sup> | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Backlog of pending cases at first instance as of 31 December 2018:  | 150   |

The Asylum Department of the Ministry of Interior is an administrative authority specialised in decision-making in procedure for international protection. Croatia has a single asylum procedure: the Asylum Department examines whether the applicant fulfils the eligibility criteria for refugee status and, failing that, subsequently examines whether the applicant is eligible for subsidiary protection. The civil servants working in the Asylum Department conduct interviews with applicants for international procedure and, on the basis of all the relevant facts and circumstances arising from the application, the applicant's position and personal circumstances (including sex and age) based on the testimony presented during the interview, the evidence submitted and available country of origin information, as well as the activities of the asylum seeker after leaving the country of origin to assess whether these activities might expose the asylum seeker to persecution or serious harm if they are returned to that country, issue a decision on the asylum application. The existence of an internal protection alternative in the country of origin, and the possibility for the asylum seeker to obtain the protection of his or her alleged country of nationality, are also considered when taking a decision.<sup>95</sup>

When deciding on the credibility of the asylum seeker's statements, the person conducting the procedure should abide by the principle of the benefit of the doubt.<sup>96</sup>

The first instance decision can be a decision by which the Ministry of Interior:

- Grants asylum;
- Grants subsidiary protection;
- Rejects the application if the applicant does not meet the conditions for asylum and subsidiary protection;

<sup>92</sup> Article 62(1) LITP.

<sup>93</sup> Article 62(2) LITP.

<sup>94</sup> With the exception of exclusion cases.

<sup>95</sup> Articles 27 and 28 LITP.

<sup>96</sup> Article 29 LITP.

- Rejects the application if the conditions are met for exclusion;
- Rejects the application as manifestly unfounded;
- Dismisses an asylum application as inadmissible; or
- Suspends the procedure.

The Ministry of Interior's Asylum Department has the obligation to take a decision on the application for asylum within 6 months from its lodging. If no decision can be rendered within 6 months, the applicant shall be informed of this in writing and at his or her request shall be provided with information about the reasons for the failure to respect the time limit and about the time needed before which he or she may expect a decision. The 6 month time limit exceptionally may be prolonged for additional 9 plus 3 months. It may be extended for a further 9 months if:

- (a) The application includes complex facts and/or legal issues;
- (b) A large number of third-country nationals or stateless persons are requesting international protection at the same time; or
- (c) The applicant, through his or her actions, contrary to his or her obligations as applicant, causes the time limit to be extended.

However, this time limit may be extended for a further 3 months exclusively in order to ensure the complete consideration of the application.<sup>97</sup>

The Ministry of Interior informed the Croatian Law Centre that they do not have exact data on the duration of the first instance procedure as the Ministry does not keep such records according, but stressed that most of the cases are processed within the prescribed deadlines, which according to the LITP vary from 6 to 21 months. The Ministry also indicated that they do notify applicants when the decision can be expected.<sup>98</sup>

The trend of prolonged procedures, exceeding the 6-month period, observed by the Croatian Law Centre in 2016 and 2017, has continued also in 2018. Applicants informed Croatian Law Centre lawyers that their procedures last more than 6 months, in some cases more than a year or even two, while at the same time many asylum seekers reported that they do not receive written notice of when they can expect a decision in accordance with the LITP even in cases when they approached the Ministry to request an answer. In addition, those who did receive written notice, informed the Croatian Law Centre that the notice was delivered without the presence of an interpreter. The problems of prolonged procedures were observed by other NGOs and reported by the Rehabilitation centre for Stress and Trauma,<sup>99</sup> Are You Syrious,<sup>100</sup> and the Croatian Red Cross,<sup>101</sup> amongst others.

Médecins du Monde (MdM) have reported that long waiting times for the decision have a negative effect on asylum seekers' mental health and that there was at least one suicide attempt per month in one of the two reception centres.<sup>102</sup> The Centre for Missing and Exploited Children highlighted the length of the procedure for children as a particular problem.<sup>103</sup>

To the knowledge of the Croatian Law Centre, there were cases in 2018 where asylum procedures for vulnerable groups lasted for more than a year and a half. According to FRA, despite the low number of asylum applications, the asylum procedure continued to last more than two years.<sup>104</sup>

If it is justifiably to be expected that no decision will be rendered on the application within the time limits referred above on account of the temporary unsafe situation in the country of origin, the Ministry shall

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<sup>97</sup> Article 40 LITP.

<sup>98</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>99</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 21 January 2019.

<sup>100</sup> Information provided by Are You Syrious, 10 January 2019.

<sup>101</sup> Information provided by the Croatian Red Cross, 16 February 2018.

<sup>102</sup> FRA, *Periodic data collection on the migration situation in the EU*, March 2018, available at: <https://bit.ly/2UocZvZ>.

<sup>103</sup> Information provided by Centre for Missing and Exploited Children, 14 February 2019.

<sup>104</sup> FRA, *Periodic data collection on the migration situation in the EU*, November 2018, available at: <https://bit.ly/2To4Ql2>.

periodically verify the situation in the country of origin and inform the applicant and the European Commission within a reasonable time of the reasons for failure to render a decision. In that case, a decision must be rendered no later than within 21 months from the day the application is lodged.<sup>105</sup>

## 1.2. Prioritised examination and fast-track processing

Applications by unaccompanied children are prioritised as specified by the LITP.<sup>106</sup> However it seems that delays in the organisation of interviews for the purpose of lodging asylum applications have occurred in 2018, as guardians were not appointed in time to unaccompanied children.<sup>107</sup>

According to the Ministry of Interior the cases of unaccompanied children, those who need special procedural or reception guarantees, cases of persons resettled from Turkey should have priority in decision making.<sup>108</sup> The Ministry also reported that procedures in cases where asylum seekers were detained in Transit Reception Centre in **Tovarnik** also had priority in 2018.

Additionally, an application which may be approved on the basis of the established facts also has priority in decision-making.<sup>109</sup> According to the Ministry of Interior, special attention is also given to cases of applicants who need special procedural or reception guarantees however, to the Croatian Law Centre's knowledge, problems arise in the identification and recognition of special procedural or reception guarantees. The problem of identification of special needs was also observed by other NGOs.

## 1.3. Personal interview

### Indicators: Regular Procedure: Personal Interview

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the regular procedure?  
❖ If so, are interpreters available in practice, for interviews?  
☒ Yes ☐ No  
☒ Yes ☐ No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision?  
☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

After a short initial interview conducted by the officials from the Reception Centre for Asylum Seekers for the purpose of lodging an application, a substantive interview is conducted by the Asylum Department of the Ministry of Interior. According to the LITP, when the application has been lodged, the Ministry of Interior shall, as soon as possible, interview the applicant. However, in 2018, many applicants have complained to the Croatian Law Centre's lawyers that they have to wait too long for the interview. During the interview, the asylum seeker is obliged to present all circumstances relevant to the asylum application, truthfully answer all questions, and submit all available evidence to support the application, i.e. give credible and convincing explanations of all the reasons behind the application for asylum.<sup>110</sup>

The interview may be omitted:

- When a positive decision on application may be taken on the basis of the available evidence;
- In cases when an applicant is unfit or unable to be interviewed, owing to enduring circumstances beyond his or her control; or
- When the admissibility of a subsequent application is being assessed.<sup>111</sup>

<sup>105</sup> Article 40 LITP.

<sup>106</sup> Article 17(9) LITP.

<sup>107</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>108</sup> *Ibid.*

<sup>109</sup> Article 38(2) LITP.

<sup>110</sup> Article 35(2) LITP.

<sup>111</sup> Article 35(8) LITP.

The Ministry of Interior reported that they do not keep records on cases in which a decision was taken without an interview.<sup>112</sup>

The LITP provides that the applicant shall give reasons if he or she refuses to cooperate with the official conducting the interview. The Ministry shall consider the reasons and shall inform the applicant orally for the record of its decision.<sup>113</sup>

All interviews are conducted by the civil servants of the Asylum Department within the Ministry of Interior, who are also responsible for taking decisions on the application.

## **Interpretation**

Most applicants are interviewed in practice. According to the LITP, the presence of an interpreter during the personal interview is required in case an asylum seeker does not understand the language in which the procedure is conducted.<sup>114</sup> In practice this means that the interpreter is present in all cases, with the only exception of those in which the asylum seeker understands Croatian (for example asylum seekers who are nationals of a neighbouring country such as Bosnia and Herzegovina).

During 2018 some asylum seekers have complained to the Croatian Law Centre about the quality of translation. There is no specific code of conduct for interpreters in the context of asylum procedures, nor were standards prescribed in the past with regard to the qualifications of interpreters in the procedure for international protection. The LITP prescribes conditions that have to be fulfilled in order for a contract to be signed between the Ministry of Interior and an interpreter.<sup>115</sup> The Ministry shall conclude an agreement with a translator/interpreter if:

- (a) It is assessed that he or she has good knowledge of the Croatian language in writing and speech;
- (b) It is assessed that he or she has good knowledge of the language for which he or she is being engaged;
- (c) It is established that no circumstances exist that could represent a hindrance to employment in the civil service pursuant to the regulations on employment in the civil service;
- (d) It is established that no security hindrances exist after the conducting of a basic security check pursuant to the regulations on security checks.

In addition, the interpreter must be reliable, impartial and must interpret truthfully and accurately. He or she is obliged to act pursuant to the regulations governing the protection of personal data, and especially may not disclose the data such as personal and other information collected during the procedure.

If for objective reasons it is not possible to provide an interpreter for a specific language, the Ministry of Interior shall request assistance from another Member State of the European Economic Area. According to the knowledge of the Croatian Law Centre, this possibility has not been used in 2018 either.

Up to now, interpreters were not professionally trained and interpretation is not done by accredited interpreters in the majority of cases. Many of them are native speakers, however they are not fluent in the Croatian language. Usually, persons who simply possess the requested language skills are contracted by the Ministry of Interior. Nevertheless, there is a lack of interpreters, especially for some specific languages (such as Kurumanji, Tamil and Pashto). In addition, asylum seekers from African countries are often interviewed in English or French, languages they are considered as being able to understand. Asylum seekers are asked at the beginning of the interview if they understand the interpreter.

In the past there was also a possibility for the interview to be conducted through video conferencing (through the GDISC Interpreters Pool Project and later also in cooperation with the Dutch Immigration

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<sup>112</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>113</sup> Article 35(6) LITP.

<sup>114</sup> Article 14(2) LITP.

<sup>115</sup> Article 13 LITP.

and Naturalisation Service). However, such a possibility is not available at the moment.<sup>116</sup> The LITP prescribes that interpretation can be provided by means of electronic telecommunications or audio-visual equipment.

## Transcript

During the interview, verbatim minutes of the interview are drafted. Once the interview is finished, the interpreter translates the minutes to the applicant who then has a possibility to make corrections, interventions, as well as to add information if needed. Generally, in practice, the quality of the minutes is not considered problematic, although there were cases in which minutes were not considered to be of sufficient quality by the applicants. It also depends on the interpreter whether he or she summarises the answers (which they should not do), or translates each sentence of the applicant (which is how they should translate). By signing the minutes, the applicant agrees with the content of the transcript.

### 1.4. Appeal

#### Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure?
 

❖ If yes, is it	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ If yes, is it suspensive	<input checked="" type="checkbox"/> Judicial	<input type="checkbox"/> Administrative
	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2. Average processing time for the appeal body to make a decision: Depends on court

#### 1.4.1. Appeal before the Administrative Court

Decisions of the Ministry of Interior may be challenged before the Administrative Court.<sup>117</sup> According to the law, the time limit for an applicant to lodge an appeal to the Administrative Court in the regular procedure is 30 days after the delivery of the decision of the Ministry of Interior.<sup>118</sup>

In the Croatian Law Centre's experience, there is no information specifying that applicants face obstacles to appealing a decision in practice, although issues arise with regard to legal assistance.

Each asylum case is examined by a single judge. Judges are not specialised on asylum neither specifically trained in asylum law, although from time to time some trainings are organised for judges (usually by UNHCR and NGOs). In 2017, with financial support from UNHCR, the Croatian Law Centre, in cooperation with the Judicial Academy and UNHCR, prepared a one-day seminar on the topic "Exclusion Clause" for judges of the administrative courts in Zagreb, Rijeka, Osijek and Split and the High Administrative Court. In 2018, the Croatian Law Centre, in cooperation with the Judicial Academy and UNHCR, prepared a one-day seminar funded by UNHCR on the topic "Vulnerable groups of applicants for international protection" for judges of the Administrative Courts in Zagreb, Rijeka and Split.<sup>119</sup>

The court holds a hearing in the presence of the asylum seeker in the majority of cases. Exceptions may occur when the asylum seeker's whereabouts are unknown; in previous years this occurred in some Dublin cases, but it seems that the majority of asylum seekers who are in a Dublin procedure are invited to hearings now. One attorney reported that during 2018 asylum seekers were not invited to hearing in a case where judge decided to accept the claim and annul the decision of the Ministry of Interior, in cases of acquiring the right to work, and in two Dublin cases as there was no need for the hearing.<sup>120</sup> Interpreters are provided and paid by the state. So far, to the knowledge of the Croatian Law Centre, interpreters were

<sup>116</sup> Answer from the Ministry of Interior to the request for video conference translation in a particular case, dated 10 April 2014, and confirmed again at a meeting on 9 November 2015 and via letter on 2 March 2017.

<sup>117</sup> Article 32(2) LITP.

<sup>118</sup> Article 24(1) Law on Administrative Disputes.

<sup>119</sup> Judges from Administrative Court in Osijek and from the High Administrative Court were invited, but did not participate in the seminar.

<sup>120</sup> Information provided by an attorney-at-law, 31 December 2018.

always available during the administrative dispute. The hearings are not public. However, one attorney reported that interpretations are often not performed in accordance with the rules; for example, asylum seekers have the right to follow the whole procedure in their language, while interpreters translate only questions directly addressed to asylum seeker and their answers. This practice has been developed by a court, not interpreters, as they follow the instruction of the court.<sup>121</sup>

The lack of adequate interpreters during the court hearing was reported by an attorney.<sup>122</sup>

The Court can freely assess the evidence and establish the facts (requesting also further evidence if needed) – without being bound by the facts established in the procedure of the Ministry of Interior – while determining refugee status, although it takes them into account when deciding. Evidence, in terms of Law on Administrative Disputes, includes in this case documents, interviews of the parties, experts' opinions and findings and other means of collecting evidence, and the court presents it according to the rules for presenting evidence in the civil procedure.<sup>123</sup> In general, there is no time limit set in law for the Administrative Court to make a decision in the regular procedure.

The outcomes of the administrative dispute can be that the appeal is dismissed as inadmissible (and therefore not decided on the merits), rejected (i.e. decided negatively on the merits), or allowed. If the appeal is allowed, the Court can either refer the case back to the Ministry of Interior for the review procedure or it can change the decision by itself, meaning that the result is granting refugee or subsidiary protection status. The court decisions are not publicly available.

In practice, one attorney has informed the Croatian Law Centre that the practice of Administrative Courts have changed, and that they accept appeals and either change the Ministry of Interior's decisions or refer the case back to the Ministry of Interior for the review procedure.<sup>124</sup>

Administrative Courts reported the following decisions in 2018:

Second instance decisions by Administrative Court: 2018					
Category	Zagreb	Rijeka	Osijek	Split	Total
Accepted	29	0	0	0	29
Rejected	151	0	10	0	161
Dismissed as inadmissible	1	1	0	0	2
Suspended	1	1	0	0	2
<b>Total</b>	<b>182</b>	<b>2</b>	<b>10</b>	<b>0</b>	<b>194</b>

Source: Administrative Court of Zagreb, 12 March 2019; Administrative Court of Rijeka, 10 January 2019; Administrative Court of Osijek, 1 March 2019; Administrative Court of Split, 29 January 2019.

The average processing time for asylum cases in 2018 was 3.9 months in **Zagreb**, 2.8 months in **Osijek**, and 2.1 months in **Rijeka**. The average duration of the appeal procedure for Afghan nationals was 2 months in **Osijek**, while for nationals of Afghanistan, Syria and Iraq it was 5.2 months in **Zagreb**.

#### 1.4.2. Onward appeal before the High Administrative Court

Applicants may lodge a further appeal against the Administrative Court decision before a High Administrative Court. This appeal, however, does *not* have suspensive effect.<sup>125</sup> There is no publicly available data on how this functions in practice.<sup>126</sup>

<sup>121</sup> Information provided by an attorney-at-law, 2 January 2018.

<sup>122</sup> Information provided by an attorney-at-law, 5 December 2018.

<sup>123</sup> Article 33 Law on Administrative Disputes.

<sup>124</sup> Information provided by an attorney-at-law, 3 January 2018.

<sup>125</sup> Article 51(3) LITP.

<sup>126</sup> Article 19 Amendments to the Law on Administrative Disputes.

During 2018, the High Administrative Court received 40 appeals in international protection cases:

Onward appeal statistics: 2018	
Category	Number
<b>Appeals received in 2018</b>	<b>40</b>
Accepted	2
Rejected	32
Suspended	1
Dismissed as inadmissible	0
<b>Total decisions in 2018</b>	<b>35</b>
Pending	5

Source: High Administrative Court, 16 January 2019.

The High Administrative Court also received 6 appeals in Dublin cases, all of which were rejected. It also received 15 appeals in detention cases and 14 of them were rejected, while one was still pending at the end of 2018.

## 1.5. Legal assistance

### Indicators: Regular Procedure: Legal Assistance

- Do asylum seekers have access to free legal assistance at first instance in practice?
  - ☐ Yes ☐ With difficulty ☒ No
  - ❖ Does free legal assistance cover:
    - ☐ Representation in interview
    - ☐ Legal advice
- Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?
  - ☒ Yes ☐ With difficulty ☐ No
  - ❖ Does free legal assistance cover
    - ☒ Representation in courts
    - ☒ Legal advice

The right to free legal assistance in procedures is regulated by LITP. There is also a general procedure and system of free legal aid which is regulated by the Law on Free Legal Aid, but applicants for international protection can only benefit from this law in some procedures for which legal aid is not provided for by the specific law (for example LITP).

### 1.5.1. Legal assistance at first instance

Free state-funded legal aid was still not available at first instance during 2018. However, the LITP provides for the possibility of legal information and counselling at first instance procedure before the Ministry of Interior.<sup>127</sup> The LITP specifies that applicants should, at their request, be provided with legal and procedural information on the approval of international protection, taking into account the circumstances of the specific case, in a language which it may be reasonably be presumed that they understand and in which they are able to communicate. The right to counselling should be provided by organisations working to protect the rights of refugees or by attorneys with whom the Ministry shall conclude an agreement on the provision of legal counselling. An applicant who has no financial resources or things of significant value that enable him or her to have an appropriate standard of living shall have the right to legal counselling. In August 2018, the Ministry of Interior published a public call for providers of legal counselling i.e. for a project for providing legal advice in the asylum procedure, the outcome of which is expected soon.<sup>128</sup>

<sup>127</sup> Article 59(3)-(5) LITP.

<sup>128</sup> Ministry of Interior, 'Javni natječaj za financiranje projekta pružanja pravnog savjetovanja u postupku odobrenja međunarodne zaštite', 7 August 2018, available in Croatian at: <https://bit.ly/2RqS0qs>.

In practice, the majority of asylum seekers need additional legal information about their status, asylum claim and right and obligations in the first instance procedure before the Ministry of Interior.

At the moment legal information and assistance are provided by NGOs on a project basis, and primarily by the Croatian Law Centre as the implementing partner of UNHCR, the Legal Clinic of the Law Faculty of the University of Zagreb, the Centre for Peace Studies and the Jesuit Refugee Service (JRS):

- ❖ Lawyers of the Croatian Law Centre are present for free legal counselling once a week (Tuesdays) in the Reception Centre for Asylum Seekers in **Zagreb**, and when needed in the Reception Centre for Asylum Seekers in **Kutina** and in the Reception Centre for Foreigners in **Ježevo**. A few times per month, depending on needs, the Croatian Law Centre's lawyers provide legal counselling in the premises of the Croatian Law Centre. However, with regard to representation in the first instance procedure, they are not present at interviews, except in specific selected cases, provided that they are authorised by the applicant for legal representation. In practice there is greater need for free legal assistance in the first instance procedure, but unfortunately due to financial restrictions and lack of capacity, lawyers from the Croatian Law Centre can represent only a very small number of cases.
- ❖ The Centre of Peace Studies lawyer together with volunteers was available for legal counselling in the Reception Centre for Asylum seekers in **Zagreb** and in **Kutina** until September 2018, as the Ministry of Interior refused to prolong their cooperation agreement (see [Access to NGOs and UNHCR](#)). From November 2017 until September 2018 volunteer lawyers under the mentorship of the Centre for Peace Studies' lawyer provide legal information to asylum seekers and accompany them on the interviews before the Ministry of Interior in order to monitor procedure.<sup>129</sup>
- ❖ The JRS lawyer provides legal information every week in the Reception Centre for Asylum Seekers in **Zagreb**, and in the Reception Centre for Asylum Seekers in **Kutina** when needed. In addition, in JRS new premises, which were opened in February 2018 for integration purposes, legal information are also provided.<sup>130</sup>
- ❖ Students of the Legal Clinic of the Law Faculty of the University of Zagreb visit the Reception Centre in **Kutina** once a month in order to provide legal information to asylum seekers accommodated there, under the supervision of their academic mentor.<sup>131</sup> Students work in a way that they collect the facts and questions and then they send legal information to Croatian Red Cross interpreters who then forward translated information to asylum seekers. Since October 2018, students no longer go to **Kutina** as, due to the fact that most accommodated persons came through resettlement, there was less need for their advice. From November 2016, students have joined the Croatian Law Centre's lawyers in Reception Centre in **Zagreb** once a week in order for them to get insight into practice, collect information and gain knowledge and understanding on how to provide legal aid. In cooperation with the Croatian Law Centre, students also fill in country-of-origin forms with the latest information and data on particular country of origin that could be used in the procedure for granting international protection. Since December 2018, in cooperation with JRS, students provide legal information once a week in the Integration Centre "SOL".

### 1.5.2. Legal assistance in appeals

According to the LITP, free legal aid includes assistance in the preparation of a law suit to the Administrative Court and representation before the Administrative Court i.e. in the first instance administrative court disputes,<sup>132</sup> if requested by the applicant and foreigner under transfer, under the condition that they do not have sufficient financial resources or possessions of significant value.<sup>133</sup> Legal assistance may be provided by attorneys at law and lawyers from organisations registered for providing

<sup>129</sup> Information provided by the Centre for Peace Studies, 7 January 2018., 27 December 2018.

<sup>130</sup> Information provided by JRS, 10 January 2019.

<sup>131</sup> Information provided by the Legal Clinic of the University of Zagreb, 10 February 2017, 12 March 2018, 16 December 2018.

<sup>132</sup> Article 60(2) LITP.

<sup>133</sup> Article 60(1) LITP.

legal assistance.<sup>134</sup> In April 2016, a public call was announced, also allowing lawyers from NGOs to apply for the first time, and a new public call was announced in June 2018.<sup>135</sup> Four Croatian Law Centre lawyers are now on the list of providers of free legal aid for the procedure before Administrative Court.<sup>136</sup>

In practice there are no obstacles to accessing attorneys, as asylum seekers are informed about their right to free legal assistance and attorneys are notified usually by the Ministry of Interior. Attorneys organise the interpreter for the appointment and then inform the Ministry of Interior. However, it seems that from time to time there are certain problems with regard to informing asylum seekers about the first contact with providers of free legal aid, as there was no systematic and clear procedure how to inform the client about the arrival of the attorney. It has been observed that interpreters sometimes interfere in the selection of providers of free legal aid and suggest to asylum seekers which attorney they should chose. This was also reported by an attorney.<sup>137</sup>

In addition, an attorney reported that problems are occurring related to free legal aid, i.e. that asylum seekers are provided with list of attorneys but no one explains to them the conditions under which they have a right to free legal aid. This may cause expenses for attorneys in cases where persons would not be granted free legal aid by the court or when they decide not to appeal but the attorney has already provided advice and incurred some travel costs.<sup>138</sup> In addition, one attorney reported cases in which documents “for the court” were signed by asylum seekers without the presence of interpreters.<sup>139</sup>

According to the information received from one attorney, a clear procedure for the announcement of the arrival of lawyers in the Reception Centre for Asylum Seekers has recently been established.<sup>140</sup> The same attorney reported the lack of adequate rooms in the centre where attorneys could meet with their clients. Instead the visits took place in rooms that used to serve as the Are You Syrious storage room. In addition this room was previously a children's playroom so chairs and tables are adapted to the children. Also from time to time attorneys had meetings with clients in the lobby of the Reception Centre.

The Administrative Court shall decide on the right to free legal assistance, and the amount of costs of legal assistance.<sup>141</sup> According to the Ordinance on free legal aid, the Administrative Court decides on the right to free legal assistance and takes into account the evidence on the financial status of the asylum seeker, which is obtained *ex officio* by the Ministry of Interior during the first instance procedure on the one side and by compiling the form by the asylum seekers on the other side. In practice that means that at the beginning of the first instance procedure, the asylum seeker has to specify, by completing a form provided to them, if they carry any valuables with them, which is rarely the case.

To the knowledge of the Croatian Law Centre, the reimbursement of costs is still considered problematic by attorneys representing applicants in Administrative Court disputes.<sup>142</sup> Practice has shown that in some cases where they represented applicants, filed a lawsuit and attended the hearing before Administrative Court, their costs were not reimbursed on the basis of the court's decision. It seems that problems arose when asylum seekers decided to withdraw the proceedings, but then the Ministry of Interior is not obliged to pay the provider of legal aid in that case,<sup>143</sup> even if the legal aid provider has already spent a great amount of time and taken certain legal actions for the case. In addition it seems that during 2017 in practice there were cases when the financial status of an applicant was reported to the Ministry as “not having income or possession”, but before Court, it turned out differently, and consequently attorneys were

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<sup>134</sup> Article 60(4) LITP.

<sup>135</sup> Ministry of Interior, ‘Javni Poziv za prijavu kandidata na listu pružatelja pravne pomoći u postupku odobrenja međunarodne zaštite za područje Upravnog suda u Zagrebu’, 6 June 2018, available in Croatian at: <https://bit.ly/2HFFwvG>.

<sup>136</sup> See the list at: <https://bit.ly/2FZ17gG>. The Croatian Law Centre has applied only for the Administrative Court of Zagreb.

<sup>137</sup> Information provided by an attorney-at-law, 31 December 2018.

<sup>138</sup> Information provided by an attorney-at-law, 31 December 2018.

<sup>139</sup> Information provided by an attorney-at-law, 5 December 2018.

<sup>140</sup> Information provided by an attorney-at-law, 31 December 2018.

<sup>141</sup> Article 60(3) LITP.

<sup>142</sup> Information provided by an attorney-at-law, 3 January 2018.

<sup>143</sup> Article 10(3) Ordinance on free legal aid in the procedure of granting international protection.

not paid for their work. One attorney proposes that the fact that somebody has or does not have the right to free legal aid should be decided at the beginning of the procedure, and not at the end of Court procedure as in the current system, attorneys are uncertain if they will be paid. An attorney emphasised that this system of granting the right to legal aid at the end of the procedure is unfair as the full burden and risk is shifted to the provider of free legal aid. If, for any reason, the court does not endorse free legal aid, the provider will not receive anything and has completed the work without payment. The attorney also stressed that the practice of not being able to find out the financial status of clients before the power of attorney is signed is not logical, as it means that the attorney finds out that the client will not be entitled to free legal aid only when the power of attorney is signed.

One attorney reported that courts do not approve the reimbursement of all the necessary costs during the proceedings, except for the drafting of the appeal and access to the court's hearing. In cases where it was necessary to write submissions etc., the court did not recognise such costs. The practice is not in accordance with the law and hampers the quality of representation for asylum seekers.<sup>144</sup>

The High Administrative Court took the view that free legal aid under the LITP covers only the composition of the lawsuit and the hearing, and not the composition of any further submissions which are sometimes needed, which also means that for such legal actions attorneys are not reimbursed.<sup>145</sup>

In addition, the appeal to the High Administrative Court is not covered by free legal aid under the LITP, although it is a logical next step. In addition, the Act on legal profession requires from attorneys to continue representing clients up to 30 days after the termination of the power of attorney, if there is a risk that a client may be harmed. So since there is a contradiction between the provisions of the Act on legal profession and the provisions of the LITP which regulate free legal aid, attorneys have to deal with this in a way that prevents possible harm for a client and to proceed according to the Act on legal profession, which means that they are writing and submitting appeals to the High Administrative Court, without being paid for their work.<sup>146</sup> This was also reported in 2018.<sup>147</sup>

In addition, one attorney informed the Croatian Law Centre that the High Administrative Court expressed in one of its decisions the view that travel costs in order for providers of legal aid to sign a power of attorney and have conversations with their client would not be recognised as travel cost – e.g. when a lawyer from **Zagreb** goes to the reception centre of **Kutina** – but would only recognise travel expenses for the arrival of the attorney to the hearing – e.g. when an attorney outside Zagreb comes to the hearing in Zagreb. This may be problem because for some distant Administrative Courts such as **Rijeka**, **Osijek** and **Split**, only attorneys from continental parts of Croatia are on the list, so it could happen that the costs exceed the total amount provided for the preparation of the appeal and representation, which an attorney reasonably would not accept. This would open up questions as to how the right to free legal aid would be exercised in practice in such cases. One attorney reported problems in being reimbursed for the representation of the clients whose cases were brought before Administrative Courts in Rijeka and Split.<sup>148</sup>

The LITP also states that the providers of free legal aid must inform the Ministry of Interior without delay of the bringing of a claim before the Administrative Court and the date of delivery of the Court's judgment. If a provider of legal assistance does not act in line with this obligation, the provider shall be deleted from the List of Providers of Free Legal assistance.<sup>149</sup> The Ordinance on free legal aid prescribes that the provider should be first warned in writing and then deleted for the list if he or she has not complied with this obligation.<sup>150</sup>

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<sup>144</sup> Information provided by an attorney-at-law 5 December 2018.

<sup>145</sup> Information provided by an attorney-at-law, 3 January 2018.

<sup>146</sup> Information provided by an attorney-at-law, 2 January 2018.

<sup>147</sup> Information provided by an attorney-at-law, 13 December, 2018.

<sup>148</sup> Information provided by an attorney-at-law, 3 January 2018.

<sup>149</sup> Article 60(5) LITP; Article 11(8)-(9) Ordinance on free legal aid in the procedure of granting international protection.

<sup>150</sup> Article 11(8)-(9) Ordinance on free legal aid in the procedure of granting international protection.

## 2. Dublin

### 2.1. General

#### Dublin statistics: 2018

Outgoing procedure			Incoming procedure		
	Requests	Transfers		Requests	Transfers
<b>Total</b>	253	10	<b>Total</b>	1,263	126
Greece	107	0	Germany	290	24
Bulgaria	45	1	Slovenia	289	19
Germany	19	3	France	143	:
Sweden	:	4	Austria	:	50
Italy	:	1	Netherlands	:	9
Switzerland	:	1	Switzerland	:	9

Source: Ministry of Interior, 28 January 2019.

#### Application of the Dublin criteria

Croatia does not use any national legislation to incorporate the Dublin III Regulation, as it is directly applicable, but refers to it in Articles 2 and 43 LITP, specifying that the application will be dismissed if the responsibility of another Member State has been established. In that respect, the LITP does not establish criteria to determine the state responsible, but the Ministry of Interior, when deciding on a case, simply refers to the criteria listed in the Dublin Regulation. The Dublin procedure is applied whenever the criteria listed in the Dublin Regulation are met.

As regards the peculiar situation of the organised transit of refugees and migrants along the Western Balkan route from the end of 2015 to early 2016, the Court of Justice of the European Union (CJEU) clarified on 26 July 2017 that persons entering Croatia en route to other countries were effecting an “irregular entry” under the terms of the Dublin Regulation. Therefore Croatia remained responsible for processing the applications of those transiting through its territory during that period.<sup>151</sup>

Out of 253 outgoing requests issued in 2018, Croatia issued 66 “take charge” requests, 126 “take back” requests, 29 information requests and 32 re-consideration requests. For outgoing requests, Articles 8, 9, 12, 13 and 18 (1b) are often invoked.

As regards incoming requests, out of a total of 1,263 requests, Croatia received 335 “take charge” requests, 682 “take back” requests, 181 information requests and 65 re-consideration requests. In practice, Articles 18(1)(b), 18(1)(c), 12 and 13 are frequently used for incoming requests.

### 2.2. Procedure

#### Indicators: Dublin: Procedure

1. On average, how long does a transfer take after the responsible Member State has accepted responsibility? 2 months

Within the Asylum Department, there are six state officials working within the so called Dublin Unit conduct Eurodac and Dublin procedures.<sup>152</sup>

<sup>151</sup> CJEU, Case C-646/16 *Jafari* and Case C-490/16 *A.S.*, Judgment of 26 July 2017.

<sup>152</sup> Information provided by the Ministry of Interior, 28 January 2019.

There are eight stationery LiveScan machines for taking fingerprints for Eurodac purposes, two new and one old in the Reception Centre for Asylum Seekers in **Zagreb** (1 currently at Border Police Station in Cetingrad in Police administration Karlovačka), one in the Reception Centre for Asylum Seekers in **Kutina**, one old and one new in the Reception Centre for Foreigners in **Ježevo**, one in the Transit Reception Centre in **Trilj**, and one in Transit Reception Centre in **Tovarnik**. There are also 24 portable devices: two in the Reception Centre for Asylum Seekers in **Zagreb** (1 currently at the Police station Donji Lapac in Police administration ličko-senjska), one in the Reception Centre for Foreigners in **Ježevo**, one in the Transit Reception Centre in **Tovarnik**, while other devices are located in various police administrations and police stations on the Croatian territory. From October 2017 fingerprinting is done through Eurodac LiveScan machines, which was the reason why portable devices were located in all police administration centres. Only when an asylum seeker or irregular migrant cannot be brought to the police station or the device cannot be brought to the police station where the person is located are fingerprints taken on paper and then scanned to Eurodac LiveScan or are fingerprints taken by the officials in the Reception Centre for Asylum Seekers once asylum seeker arrives there.<sup>153</sup>

Where fingerprinting is temporarily impossible due to medical or other reasons, fingerprints of an asylum seeker shall be taken as soon as those impediments cease to exist.<sup>154</sup>

The applicant who without justified cause refuses to be fingerprinted shall have his or her fingerprints taken by police officers without his or her consent.<sup>155</sup> This can also be a reason for the Ministry of Interior to render a decision in an accelerated procedure (see section on [Accelerated Procedure](#)).<sup>156</sup>

According to the Ministry of Interior, asylum seekers are informed about Dublin and Eurodac when they express the intention to apply for international protection and during the interview for the purpose of lodging the application for international protection.<sup>157</sup> Information is available in Arabic, English, Farsi, French, Croatian, Somali, Turkish, and Urdu.<sup>158</sup> The Ministry of Interior does not provide a written translation of the Dublin decision, but the decision is explained orally by the interpreter during its delivery in a language that the asylum seeker understands.

According to the Directorate for Administrative and Inspection Affairs, there have been changes in the practice in relation to the CJEU ruling in Case C-670/16 *Mengesteab* and authorities now apply the Dublin procedure before asylum application is lodged i.e. from the registration of the intention to apply for international protection.<sup>159</sup> The Directorate for Administrative and Inspection Affairs explained that the 3-month deadline for issuing a “take charge” request starts running from the moment the Asylum Department receives the notification of registration of intention to apply for asylum by the police station (see [Registration](#)), not from the moment the application is lodged. The deadline for a “take back” request is 2 months from the Eurodac “hit”.

### Individualised guarantees

The Asylum Department requests guarantees before conducting a transfer to the responsible Member State, usually in relation to health reasons.<sup>160</sup> In the past, due to a judgment of the Administrative Court in Zagreb, a guarantee was required from Bulgaria with regards to reception conditions, provision of adequate medical care and the exercise of rights attached to international protection status in Bulgaria.

According to the Ministry of Interior, in 2018 Croatia did not request guarantees from other states, nor were guarantees requested by other countries from Croatia.<sup>161</sup>

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<sup>153</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>154</sup> Article 33(6) LITP.

<sup>155</sup> Article 33(7) LITP.

<sup>156</sup> Article 41(1)(10) LITP.

<sup>157</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>158</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>159</sup> Information provided by the Ministry of Interior, 10 August 2018.

<sup>160</sup> Information provided by the Ministry of Interior, 21 July 2017.

<sup>161</sup> Information provided by the Ministry of Interior, 28 January 2019.

## Transfers

In practice, if another EU Member State accepts responsibility for the asylum applicant, the time for the transfer to the responsible Member State will depend on the circumstances of each case. According to the Ministry of Interior, the time between the day when another Member State accepts responsibility and the transfer being made is approximately 2 months.<sup>162</sup>

Asylum seekers are not detained in practice upon notification of the decision of transfer under the Dublin procedure; this happened only in 2 cases in 2018. However, according to the Ministry of Interior, foreigners awaiting transfer sometimes abscond. Therefore employees of the Ministry of Interior working on Dublin cases prolong the deadline for the transfer up to the maximum of 18 months in accordance with Article 29(2) of the Dublin Regulation.<sup>163</sup> In the past, the Ministry of Interior reported that some problems in transfer occurred in relation to airline companies (Lufthansa and Croatia Airlines) mainly due to a lack of knowledge about how to proceed in cases of persons who are in a Dublin transfer.

The transfer to the responsible Member State is organised by the Dublin Unit of the Ministry of Interior, in cooperation with the receiving Member State. According to the Ministry of Interior, the transfer is usually under escort of two police officers, or in cases of voluntary transfer of a minor it could be arranged that a staff member of the Dublin Unit escorts the minor.<sup>164</sup>

### 2.3. Personal interview

#### Indicators: Dublin: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the Dublin procedure?  
☒ Yes ☐ No  
❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

There is no special interview conducted in the Dublin procedure, since questions relevant to that procedure are part of the interview when expressing the intention to apply for asylum before the police, and also of the first interview that is conducted by the officials of the Reception Centre for Asylum Seekers' administration upon the lodging of the application.

If there are elements in connection with the Dublin procedure which were not mentioned in the application, for instance there is a Eurodac hit and the asylum seeker has not mentioned that he or she was in another Member State, an additional interview can be conducted.

The same procedural rules as for the regular procedure apply during this part of the procedure, and the same guarantees as for the first interview in the regular procedure will apply (see section on [Regular Procedure: Personal Interview](#)).

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<sup>162</sup> *Ibid.*

<sup>163</sup> *Ibid.*

<sup>164</sup> *Ibid.*

## 2.4. Appeal

### Indicators: Dublin: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the Dublin procedure?

- |                            |  |   |
|----------------------------|--|---|
| ❖ If yes, is it            | <input checked="" type="checkbox"/> Yes      | <input type="checkbox"/> No             |
| ❖ If yes, is it suspensive | <input checked="" type="checkbox"/> Judicial | <input type="checkbox"/> Administrative |
|                            | <input checked="" type="checkbox"/> Yes      | <input type="checkbox"/> No             |

The decision on the transfer includes the grounds for the application of the Dublin Regulation and information on how to lodge a complaint against the decision. The complaint, for which applicants receive free legal assistance, must be lodged before the Administrative Court within 8 days from the delivery of the decision.<sup>165</sup>

The courts and their judges are not specialised in asylum cases. The court examines the lawfulness of the Dublin decision. A personal hearing can be omitted on the decision of the judge: therefore in some cases the oral procedure is conducted *in absentia* (with only the legal representative present). In Dublin cases, it happens when the complainant disputes only the application of the law and not the facts of the case, and the parties have not made a request for a hearing to be held. However according to the knowledge of the Croatian Law Centre, in practice hearings are held in Dublin cases as well.

Complaints have suspensive effect. According to the information available to the Croatian Law Centre, in the past the courts did not always take into account the level of reception conditions, the procedural guarantees and the recognition rates in the responsible Member State when reviewing the Dublin decision. There is no publicly available data on how many Dublin decisions on transfers to other Member States were actually challenged before the Administrative Court since Croatia became an EU Member State. Therefore, no conclusions can be drawn on whether the Administrative Court takes into account the conditions and guarantees in the responsible Member state when reviewing the Dublin decision.

In 2018, the High Administrative Court received 6 appeals against decisions of Administrative Courts in Dublin cases. All 6 appeals were rejected.<sup>166</sup>

## 2.5. Legal assistance

### Indicators: Dublin: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?

- |                                     |  |  |  |
|-------------------------------------|--|--|--|
|                                     | <input type="checkbox"/> Yes                         | <input type="checkbox"/> With difficulty | <input checked="" type="checkbox"/> No |
| ❖ Does free legal assistance cover: | <input type="checkbox"/> Representation in interview |  |  |
|                                     | <input type="checkbox"/> Legal advice                |  |  |

2. Do asylum seekers have access to free legal assistance on appeal against a Dublin decision in practice?

- |                                    |  |  |                             |
|------------------------------------|--|--|-----------------------------|
|                                    | <input checked="" type="checkbox"/> Yes                      | <input type="checkbox"/> With difficulty | <input type="checkbox"/> No |
| ❖ Does free legal assistance cover | <input checked="" type="checkbox"/> Representation in courts |  |                             |
|                                    | <input checked="" type="checkbox"/> Legal advice             |  |                             |

The same rules as in the regular procedure apply for access to free legal assistance during the Dublin procedure, meaning that free legal aid includes assistance in the preparation of the complaint and representation before the Administrative Court,<sup>167</sup> if requested by the asylum seeker.

<sup>165</sup> Article 43(3) LITP.

<sup>166</sup> Information provided by the High Administrative Court, 16 January 2019.

<sup>167</sup> Article 60(2) LITP.

## 2.6. Suspension of transfers

### Indicators: Dublin: Suspension of Transfers

1. Are Dublin transfers systematically suspended as a matter of policy or jurisprudence to one or more countries? ☐ Yes ☒ No
  - ❖ If yes, to which country or countries?

After entering the EU, Croatia suspended transfers of asylum seekers to **Greece**. Where there was no responsible Member State other than Greece, in previous years Croatia took responsibility for the examination of the asylum application. However from the data for 2017 provided by the Ministry of Interior, this has changed in 2017. The Directorate for Administrative and Inspection Affairs reported that according to the Commission Recommendation of 8 December 2016 the Dublin Unit has begun sending requests to Greece in cases where, under the conditions of the Dublin Regulation, it was found out that Greece is responsible for examining an application for international protection. According to their information until August 2018, all received answers were negative and no transfer has been carried out since 15 March 2017.<sup>168</sup>

## 2.7. The situation of Dublin returnees

Asylum seekers who are returned from other Member States in principle do not have any obstacles to access the asylum procedure in Croatia. However, those who had left Croatia before the end of procedure and therefore had their case suspended, have to re-apply for asylum (if they wish) once they return to Croatia, and thereby re-enter their initial asylum procedure, in line with Article 18(2) of the Dublin III Regulation. On the other hand, persons whose application was explicitly withdrawn or rejected before leaving Croatia are considered subsequent applicants upon return, contrary to the requirements of the Regulation.<sup>169</sup>

Transfers to Croatia have not been suspended by national courts on account of conditions facing returnees.<sup>170</sup> This has been echoed by the Court of Justice of the European Union (CJEU) in early 2017.<sup>171</sup>

In a report published in February 2019, MdM highlighted that mental health support is especially lacking for asylum seekers returned to Croatia under the Dublin Regulation.<sup>172</sup>

## 3. Admissibility procedure

### 3.1. General (scope, criteria, time limits)

No specific procedure is designated as “admissibility procedure” in Croatia. However, it is possible for the Asylum Department to take a decision without entering into a further in-depth examination of the asylum application (i.e. an examination on the merits) when the grounds for the dismissal of the application are met.

An application will be dismissed where:<sup>173</sup>

<sup>168</sup> Information provided by the Ministry of Interior, 10 August 2018.

<sup>169</sup> ECRE, *Balkan route reversed*, December 2016, 30.

<sup>170</sup> Austrian Federal Administrative Court, Judgment W212 2120738-1, 11 February 2016; W125 2122299-1, 17 March 2016; W175 2124050-1, 8 April 2016; W144 2135976-7, 10 October 2016; W243 2134119-1, 24 November 2016; Austrian Administrative High Court, Judgment Ra 2016/20/0069, 23 June 2016; Administrative Court of Munich, Judgment M 18 S 16.50812, 31 October 2016; Swiss Federal Administrative Court, Judgment D-1611/2016, 22 March 2016; D-1951/2016, 1 April 2016; E-2615/2016, 4 May 2016; D-3867/2016, 29 June 2016; D-7156/2016, 23 November 2016; District Court of The Hague, Judgment NL16.1383, 5 July 2016.

<sup>171</sup> CJEU, Case C-578/16 PPU *C.K. v. Republic of Slovenia*, Judgment of 16 February 2017, para 71.

<sup>172</sup> MdM, *Nearing a point of no return? Mental health of asylum seekers in Croatia*, February 2019, available at: <https://bit.ly/2UC9sLf>.

<sup>173</sup> Article 43(1) LITP.

- (1) The applicant has been granted international protection in another member state of the European Economic Area;
- (2) The applicant has been granted international protection in a third state whose rights he or she still enjoys, including the guarantees stemming from *non-refoulement*, provided that he or she will be received back into that state;
- (3) It is possible to apply the concept of [Safe Third Country](#);
- (4) It is possible to apply the concept of European safe third country;
- (5) The responsibility of another member state of the European Economic Area is established to consider the application; or
- (6) The application was lodged by a national of a member state of the European Union.

There are no specific time limits that must be respected by the Ministry of Interior in the first instance procedure for delivering a dismissal decision, and the rules governing the regular procedure are applicable.

In case of a subsequent application,<sup>174</sup> the admissibility of the application shall be assessed on the basis of the facts and evidence it contains, and in connection with the facts and evidence already used in the previous procedure. If it is established that the subsequent application is admissible, a decision shall be rendered once again on the merits of the application, and the previous decision would be revoked.

The subsequent application would be dismissed if it is established that it is inadmissible i.e. if the subsequent application is not understandable and does not contain relevant facts and evidence which arose after decision became final or which the applicant for justified reasons did not present during the previous procedure relating to establishing the meeting of the conditions for approval of international protection (see section on [Subsequent Applications](#)).

A total of 140 applications were dismissed as inadmissible in 2018:

Inadmissibility decisions: 2018	
Ground for inadmissibility	Number
Safe third country	29
Responsibility of another European Economic Area Member State	47
European Union Member State national	1
Subsequent application	63
<b>Total</b>	<b>140</b>

Source: Ministry of Interior, 28 January 2019.

### 3.2. Personal interview

#### Indicators: Admissibility Procedure: Personal Interview

☐ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the admissibility procedure?
 

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
❖ If so, are questions limited to identity, nationality, travel route?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
❖ If so, are interpreters available in practice, for interviews?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

The interview is conducted by the Ministry of Interior (i.e. by decision makers from the Asylum Department). According to the LITP, the personal interview would not be undertaken if the admissibility

<sup>174</sup> Article 47 LITP.

of a subsequent application is being assessed.<sup>175</sup> In such cases, usually only the asylum seeker makes application in writing i.e. asylum seeker fills in form by him or herself, stating the reasons for subsequent application and explaining why those reasons were not mentioned in the previous procedure.

### 3.3. Appeal

#### Indicators: Admissibility Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against an inadmissibility decision?

- |                             |  |   |
|-----------------------------|--|---|
| ❖ If yes, is it             | <input checked="" type="checkbox"/> Yes      | <input type="checkbox"/> No             |
| ❖ If yes, is it suspensive  | <input checked="" type="checkbox"/> Judicial | <input type="checkbox"/> Administrative |
| - "First country of asylum" | <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No  |
| - Other grounds             | <input checked="" type="checkbox"/> Yes      | <input type="checkbox"/> No             |

According to the LITP the deadline for appealing a dismissal decision before the Administrative Court is 8 days after the delivery of the decision of the Ministry of Interior.<sup>176</sup>

As for suspensive effect, the LITP provides all appeals with suspensive effect, except for appeals against dismissal decisions on "first country of asylum" grounds where the asylum seeker has refugee status in another country<sup>177</sup> or when a subsequent application is dismissed.

### 3.4. Legal assistance

#### Indicators: Admissibility Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?

- |                                     |  |  |  |
|-------------------------------------|--|--|--|
|                                     | <input type="checkbox"/> Yes                         | <input type="checkbox"/> With difficulty | <input checked="" type="checkbox"/> No |
| ❖ Does free legal assistance cover: | <input type="checkbox"/> Representation in interview |  |  |
|                                     | <input type="checkbox"/> Legal advice                |  |  |

2. Do asylum seekers have access to free legal assistance on appeal against an inadmissibility decision in practice?

- |                                    |  |  |                             |
|------------------------------------|--|--|-----------------------------|
|                                    | <input checked="" type="checkbox"/> Yes                      | <input type="checkbox"/> With difficulty | <input type="checkbox"/> No |
| ❖ Does free legal assistance cover | <input checked="" type="checkbox"/> Representation in courts |  |                             |
|                                    | <input checked="" type="checkbox"/> Legal advice             |  |                             |

Regarding free legal assistance in "inadmissible" cases, the general provisions about the right and access to free legal assistance apply, meaning that free legal aid in terms of representation is not foreseen in the first instance procedure, but only in the preparation of a claim to the Administrative Court, including representation before the Administrative Court,<sup>178</sup> if requested by the asylum seeker (see section on [Regular Procedure: Legal Assistance](#)).

<sup>175</sup> Article 35(8)(3) LITP.

<sup>176</sup> Article 43(3) LITP.

<sup>177</sup> Article 51(1)(2)-(3) LITP, citing Article 43(1)(1)-(2) and Article 43(2) LITP.

<sup>178</sup> Article 60 LITP.

## 4. Border procedure (border and transit zones)

### 4.1. General (scope, time limits)

#### Indicators: Border Procedure: General

1. Do border authorities receive written instructions on the referral of asylum seekers to the competent authorities? ☒ Yes ☐ No
2. Can an application made at the border be examined in substance during a border procedure? ☐ Yes ☒ No
3. Is there a maximum time limit for a first instance decision laid down in the law? ☒ Yes ☐ No  
❖ If yes, what is the maximum time limit? 4 weeks

The LITP foresees a border procedure. Two Transit Centres for Foreigners were built and opened in 2017, one in **Tovarnik** at the border with Serbia and another in **Trilj** near the border with Bosnia and Herzegovina.

At the moment the border procedure provided under the LITP does not take place in those two centres. In addition, according to the Ministry of Interior it is still not clear when the implementation of the border procedure would start.<sup>179</sup> Information obtained by ECRE at the end of December 2016 suggested that the two centres would be Reception Centres for Foreigners, similar to the one in **Ježevo**, and that no asylum procedures would be conducted there.<sup>180</sup> However according to information provided by Initiative Welcome in March 2018, the family of Madina Hosseini expressed the intention to apply for international protection, however they are accommodated in the transit centre in **Tovarnik**, which opens questions of the modality of procedure implemented in their cases. To the knowledge of Croatian Law Centre, there were also other asylum seekers accommodated in both Transit Centres, however the Directorate for Administrative and Inspection Affairs has not provided statistics on accommodated asylum seekers in those 2 facilities, when requested. They explained that they only can provide accurate data on restriction of movement, including detention, in cases where decisions on restriction of movement are ordered by the Reception Centre for Asylum Seekers or Asylum Department and not for those which were ordered by police administrations or police stations.

According to the LITP, the border procedure would be applicable for the foreigner who expresses intention of lodging an application or make subsequent application at a border crossing point or in a transit zone of an airport, sea port or internal water port, provided that the following conditions are met:

- The applicant is provided with material reception conditions; and
- The application or subsequent application may be rejected as manifestly unfounded if the applicant does not meet the conditions for asylum or subsidiary protection and conditions are met for the accelerated procedure to be conducted, or the application or subsequent application may be dismissed as inadmissible.<sup>181</sup>

However, if a decision concerning the application is not issued within the period of 28 days from the day of the lodging of the application for international protection, the applicant would be permitted entry to the Republic of Croatia with a view to conducting the procedure.<sup>182</sup>

### 4.2. Personal interview

As there is no border procedure conducted at the moment, it is quite difficult to predict how a personal interview in such procedure will look in the future.

<sup>179</sup> Information provided by the Ministry of Interior, 2 March 2017; 13 February 2018.; 28 January 2019.

<sup>180</sup> ECRE, *Balkan route reversed*, December 2016, 17.

<sup>181</sup> Article 42(1) LITP.

<sup>182</sup> Article 42(4)-(5) LITP.

### 4.3. Appeal

#### Indicators: Border Procedure: Appeal

☒ Same as regular procedure

1. Does the law provide for an appeal against the decision in the border procedure?

❖ If yes, is it

❖ If yes, is it suspensive

☒ Yes

☒ Judicial

☒ Yes

☐ No

☐ Administrative

☐ No

The border asylum procedure is foreseen by the LITP, but is not applied in practice. By law appeals against decisions in the border asylum procedure are subject to shorter time limits: a complaint to the Administrative Court against a decision of the Ministry of Interior made in the border asylum procedure must be lodged within 5 days from the day of the delivery of the decision. The Ministry shall deliver the case file no later than 8 days from the day of receipt of the decision by which the Administrative Court requests the case file. The Administrative Court shall render a judgment within 8 days from the day of receipt of the case file.<sup>183</sup>

The law provides also the possibility to temporarily restrict access to those locations (and therefore to applicants accommodated there) for the applicant's legal representative or for a representative of an organisation engaged in the protection of refugee rights, other than the UNHCR, when it is necessary for the protection of national security and legal order of the Republic of Croatia.<sup>184</sup>

### 4.4. Legal assistance

#### Indicators: Border Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?

❖ Does free legal assistance cover:

☐ Yes

☐ With difficulty

☒ No

☐ Representation in interview

☐ Legal advice

2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?

❖ Does free legal assistance cover

☒ Yes

☐ With difficulty

☐ No

☒ Representation in courts

☒ Legal advice

During 2018 there was still no border procedure conducted in Croatia at the border crossing points, so it difficult to predict how the system of free legal aid in the border procedure would function in practice. According to the LITP, applicants in all types of procedures shall have access to free state funded legal aid in the preparation of a claim to the Administrative Court, including representation before the Administrative Court where requested by the applicants. However, this could be restricted, as the LITP allows the possibility to temporarily restrict access to those locations (and therefore to applicants accommodated there) for the applicant's legal representative or a representative of an organisation engaged in the protection of refugee rights, other than UNHCR, when it is necessary for the protection of the national security and legal order of the Republic of Croatia.<sup>185</sup>

<sup>183</sup> Article 42(6) LITP.

<sup>184</sup> Article 42(3) LITP.

<sup>185</sup> Article 42(3) LITP.

## 5. Accelerated procedure

### 5.1. General (scope, grounds for accelerated procedures, time limits)

According to the LITP the Ministry shall take a decision in an accelerated procedure where:<sup>186</sup>

1. The applicant has presented only facts which are irrelevant to an assessment of the merits of the application;
2. The applicant has consciously misled the Ministry by presenting false information or unreliable documents, or by not providing relevant information or by concealing documents which could have had a negative effect on the decision;
3. The applicant in bad faith has probably acted and destroyed documents that establish identity and/or nationality with the aim to provide false information about his or her identity and/or nationality;
4. The applicant has presented inconsistent, contradictory, manifestly inaccurate or unconvincing statements contrary to the verified information on the country of origin, rendering his/her application unreliable;
5. A subsequent application is admissible;
6. The applicant has already resided for a longer period of time in the Republic of Croatia and for no justifiable reason failed to express his or her intention to apply for international protection earlier;
7. The applicant expressed the intention to apply for international protection for the clear purpose of postponing or preventing the enforcement of a decision which would result in his or her expulsion from the Republic of Croatia;
8. The applicant represents a risk for the national security or public order of the Republic of Croatia;
9. It is possible to apply the concept of [Safe Country of Origin](#); or
10. The applicant has refused to give fingerprints.

The Asylum Department within the Ministry of Interior is responsible for taking decisions in accelerated procedures. The LITP has set a 2-month deadline for completing the accelerated procedure, failing which the claim is transferred to the regular procedure.

The number of asylum applications that were handled in an accelerated manner according to the grounds listed above is not publicly available. According to the Ministry of Interior, 83 applications for international procedure were processed in an accelerated procedure in 2018, of which 76 on safe country of origin grounds.<sup>187</sup>

### 5.2. Personal interview

#### Indicators: Accelerated Procedure: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the accelerated procedure?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ If so, are questions limited to nationality, identity, travel route?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
❖ If so, are interpreters available in practice, for interviews?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

The same provisions from the LITP on the personal interview in a regular procedure apply to the one in accelerated procedures. That means that the interview in accelerated procedure is not held only in specific cases prescribed by the LITP, i.e. when:

- A positive decision on application may be taken on the basis of the available evidence;

<sup>186</sup> Article 41(1) LITP.

<sup>187</sup> Information provided by the Ministry of Interior, 28 January 2019.

- In cases when an applicant is unfit or unable to be interviewed, owing to enduring circumstances beyond his or her control; or
- The admissibility of a subsequent application is being assessed.<sup>188</sup>

The Asylum Department of the Ministry of Interior is responsible for conducting the interviews and taking a decision.

### 5.3. Appeal

#### Indicators: Accelerated Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the accelerated procedure?
 

	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ If yes, is it	<input checked="" type="checkbox"/> Judicial	<input type="checkbox"/> Administrative
❖ If yes, is it suspensive	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

The Administrative Court is the competent appeal body in the accelerated procedure, so there is no difference in the authority responsible for handling the appeal compared to regular procedure. However, time limits are shorter: a complaint may be lodged to the Administrative Court within 8 days from the delivery of the decision of the Ministry of Interior.<sup>189</sup>

Moreover, complaints against negative decisions in the accelerated procedures do *not* have suspensive effect.<sup>190</sup> The asylum seeker can apply for suspensive effect, which the Court has to decide on within 8 days from the receipt. However, appeals against decisions in cases where the applicant has already resided for a longer period of time in the Republic of Croatia and for no justifiable reason failed to express his or her intention to apply for international protection earlier *never* have suspensive effect i.e. there is no possibility to request suspensive effect.<sup>191</sup>

### 5.4. Legal assistance

#### Indicators: Accelerated Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?
 

	<input type="checkbox"/> Yes	<input type="checkbox"/> With difficulty	<input checked="" type="checkbox"/> No
❖ Does free legal assistance cover:	<input type="checkbox"/> Representation in interview		
	<input type="checkbox"/> Legal advice		
2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?
 

	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> With difficulty	<input type="checkbox"/> No
❖ Does free legal assistance cover	<input checked="" type="checkbox"/> Representation in courts		
	<input checked="" type="checkbox"/> Legal advice		

The same provisions from the LITP as regards access to free legal assistance for asylum seekers in the regular asylum procedure apply for access to free legal assistance during an accelerated procedure, meaning that free legal aid includes assistance in the preparation of a claim to the Administrative Court and representation before the Administrative Court, if requested by the asylum seeker (see section on [Regular Procedure: Legal Assistance](#)).

<sup>188</sup> Article 35(8) LITP.

<sup>189</sup> Article 41(5) LITP.

<sup>190</sup> Article 51(1)(1) LITP.

<sup>191</sup> Article 51(1)(2) LITP, citing Article 41(1)(6) LITP.

## D. Guarantees for vulnerable groups of asylum seekers

### 1. Identification

#### Indicators: Identification

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum seekers? ☐ Yes ☐ For certain categories ☒ No  
❖ If for certain categories, specify which:
2. Does the law provide for an identification mechanism for unaccompanied children? ☒ Yes ☐ No

According to the LITP, vulnerable groups include persons without legal capacity, children, unaccompanied children, elderly and infirm persons, seriously ill persons, disabled persons, pregnant women, single parents with minor children, persons with mental disorders and victims of trafficking, as well as victims of torture, rape or other forms of psychological, physical and sexual violence, such as victims of female genital mutilation.<sup>192</sup>

#### 1.1. Screening of vulnerability

The LITP has introduced special procedural and reception guarantees.<sup>193</sup> It specifies that appropriate support must be provided for applicants in relation to their personal circumstances, amongst other things their age, gender, sexual orientation, gender identity, disability, serious illness, mental health, or as a consequence of torture, rape or other serious forms of psychological, physical or sexual violence, for the purpose of exercising the rights and obligations from the LITP. The procedure of recognising the personal circumstances of applicants shall be conducted continuously by specially trained police officers, employees of the Ministry of Interior and other competent bodies, from the moment of the expression of intention to apply for international protection until the delivery of the decision on the application.

At the moment, there is no further detailed guidance available in the law, nor an early identification mechanism in the form of internal guidance according to the Ministry of Interior.<sup>194</sup>

According to the Ministry of Interior,<sup>195</sup> early identification is conducted in accordance with the Article 15 LITP at the moment of the expression of intention to apply for international protection by the police officers who then accordingly inform the Reception Centre for Asylum Seekers and further identification during the procedure for international protection is done by social workers of the Reception Centre for Asylum Seekers as well as employees of NGOs with which the Ministry has cooperation agreements and who come into first contact with asylum seekers when they arrive in the centres.<sup>196</sup>

However, although in general, cooperation between NGOs and the Ministry of Interior can be described as satisfactory, no systematic exchange of information is in place and communication depend and vary depending on particular case worker. At the same time, less evident vulnerabilities such as those relating to victims of torture or trauma, victims of trafficking or LGBTI persons are much less likely to be identified in current practice.<sup>197</sup> Therefore it is strongly suggested that some identification mechanism be developed. This has been echoed by other stakeholders in Croatia, who have called for the development of Standard Operating Procedures.<sup>198</sup>

<sup>192</sup> Article 4(1)(14) LITP.

<sup>193</sup> Article 15 LITP.

<sup>194</sup> Information provided by the Ministry of Interior, 2 November 2016 as part of the project "Access to early protection and rehabilitation services right on arrival in the EU" (ACESO).

<sup>195</sup> *Ibid.*

<sup>196</sup> ECRE, *Balkan route reversed*, December 2016, 26.

<sup>197</sup> *Ibid.*, 24.

<sup>198</sup> *Ibid.*, 26.

The Rehabilitation Centre for Stress and Trauma reported that no systematic identification of members of vulnerable groups was carried out in 2018, nor were appropriate reception conditions for victims of torture provided. The organisation also reported that the circumstance that a person is or might be the victim of torture is not dealt with due diligence in the asylum procedure.<sup>199</sup> The Centre for Peace Studies also highlighted that no identification procedures, interpreters or specialised support services for victims of torture, trauma or human trafficking, people with mental health problems or addictions were available.<sup>200</sup>

The Government adopted a new Protocol on the treatment of unaccompanied children on 30 August 2018.<sup>201</sup> The protocol aims to improve the position of unaccompanied children, provides a detailed overview of all procedures and provides guidance for all relevant actors coming in contact and working with this category of children. The Protocol elaborates in 14 chapters on the various issues in regard to unaccompanied children. According to the Ministry of Interior, an Interdepartmental Commission for the protection of unaccompanied children has been established. The Commission was established with the aim to improve inter-agency cooperation between state administration bodies and other stakeholders involved in the protection of unaccompanied children. The Commission is composed of representatives of the Ministry for Demography, Family, Youth and Social Policy, the Ministry of the Interior, the Ministry of Science and Education, the Ministry of Health, the Office for Human Rights and Rights of National Minorities and international organizations dealing with the protection of the rights of the child or refugee rights and, civil society organizations dealing with the protection of children's rights. UNICEF reported that their office was invited to contribute to the work of the Commission, so they proposed their employee to represent UNICEF in the Commission. However, by the end of 2018 the first meeting had not been organised.<sup>202</sup>

## 1.2. Age assessment of unaccompanied children

The LITP foresees the possibility of an age assessment procedure if, during the procedure for international protection, doubt arises regarding the age of an unaccompanied child.<sup>203</sup> The assessment of the child's age shall be conducted on the basis of the information available on the child, including the expert opinions of persons involved in work with the child. If the information available is insufficient, a medical examination shall be conducted, with the prior written consent of the child and the guardian. The medical examination shall be conducted by means of a physical examination, X-ray of the teeth and/or hands, with full respect for the dignity of the unaccompanied child. An unaccompanied child shall be informed in writing in a language which he or she may justifiably be presumed to understand and in which he or she is able to communicate about the manner of examination and its possible consequences for his or her health, the consequences of the results of the medical examination for his/her application, as well as the consequences of unjustified refusal. In the case of unjustified refusal of consent, the unaccompanied child shall be deemed to be an adult applicant. The application cannot be refused exclusively on the basis of the fact that consent to perform a medical examination was not given. During the medical examination, an unaccompanied child who does not understand Croatian shall be provided with a translator/interpreter for a language which he or she may justifiably be presumed to understand and in which he or she is able to communicate. The costs of the medical examination shall be borne by the Ministry. If, even following the results and report on the medical examination undertaken, there is still doubt regarding the age of the minor, the concept of benefit of the doubt shall be applied.

In relation to appeal to the age assessment outcome, the Ministry stressed that in case of doubt in the opinion of the doctor, new medical check would be initiated. The Ministry also emphasises that in such case, the concept of benefit of the doubt shall be applied.<sup>204</sup>

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<sup>199</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2019; FRA, *Periodic data collection on the migration situation in the EU*, May 2018, available at: <https://bit.ly/2sQ9Rxe>.

<sup>200</sup> FRA, *Periodic data collection on the migration situation in the EU*, February 2018, available at: <https://bit.ly/2UyOywb>.

<sup>201</sup> Protokol o postupanju prema djeci bez pratnje, 30 August 2018, available in Croatian at: <https://bit.ly/2DEgBEu>.

<sup>202</sup> Information provided by UNICEF, 20 December 2018.

<sup>203</sup> Article 18 LITP.

<sup>204</sup> Information provided by the Ministry of Interior, 2 March 2017.

According to the Ministry of Interior, in 2017 and 2018, the age assessment procedure was not conducted.<sup>205</sup>

## 2. Special procedural guarantees

### Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people?

☒ Yes

☐ For certain categories

☐ No

❖ If for certain categories, specify which:

### 2.1. Adequate support during the interview

The LITP regulates that the needs of the applicant who needs special procedural and reception guarantees shall be taken into account when rights established in the LITP are exercised.<sup>206</sup> The notion of “adequate support” is understood by the Ministry as meaning that vulnerability should be determined and that the rights related thereto are respected,<sup>207</sup> without however specifying what types of guarantees should be provided.

However, the Ministry of Interior does not have a special unit, either within the Reception Centre for Asylum Seekers’ administration or within the Asylum Department, dealing with vulnerable groups, but accommodates their needs in the general system and assesses their cases within the same legislative framework. The Ministry of Interior, reported that officials working in Asylum Department and the Reception Centre for Asylum seekers participated on trainings on how to deal with vulnerable cases a, but also at the conferences and round tables in regard to that topic in 2018.<sup>208</sup> The persistent need for a continuation of such trainings exists.

There are few specific provisions on how to process and assess the cases of vulnerable asylum seekers, and with a few exceptions (enumerated below) the same procedural guarantees are in place for vulnerable categories as for other asylum seekers. There is a general obligation to take into consideration the individual situation and personal circumstances of the asylum seeker,<sup>209</sup> in particular the acts of persecution or serious harm already undergone.<sup>210</sup> The personal interview and decision-making mechanism is the same for all asylum seekers, regardless of their vulnerability.

It could be concluded that, according to the LITP, vulnerable asylum seekers have the following rights in the status determination procedure:

- To the possibility to be interviewed by a decision-maker of the same sex;<sup>211</sup>
- To an interpreter of the same sex, if possible;<sup>212</sup>
- To be interviewed as soon as possible upon the submission of the application for asylum;<sup>213</sup>
- In cases where the interview is omitted,<sup>214</sup> in particular when an applicant is unfit or unable to be interviewed, owing to enduring circumstances beyond their control, their relatives shall be permitted to present evidence and give statements;<sup>215</sup>
- In case of an application of an unaccompanied child, the application has priority in decision-making (see section on [Regular Procedure: Fast-Track Processing](#)).<sup>216</sup>

<sup>205</sup> Information provided by the Ministry of Interior, 13 February 2018, 28 January 2019.

<sup>206</sup> Article 52(2) LITP.

<sup>207</sup> Information provided by the Ministry of Interior, 21 July 2017.

<sup>208</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>209</sup> Article 28(2)(3) LITP.

<sup>210</sup> Article 28(3) LITP.

<sup>211</sup> Article 35(5) LITP.

<sup>212</sup> Article 14(3) LITP.

<sup>213</sup> Article 35 LITP.

<sup>214</sup> Article 35(8)(2) LITP.

<sup>215</sup> Article 35(9) LITP.

<sup>216</sup> Article 17(9) LITP.

## 2.2. Exemption from special procedures

According to the LITP, the **Accelerated Procedure** would not apply to cases of application lodged by an unaccompanied child except in cases when a subsequent application is admissible, when the child represents a risk for the national security or public order of the Republic of Croatia or when it is possible to apply the concept of safe country of origin.<sup>217</sup> According to the Ministry of Interior during 2018 applications lodged by unaccompanied children were not processed under the accelerated procedure.<sup>218</sup>

Procedures at border crossings or in transit zones would not apply to cases of application lodged by an unaccompanied child.<sup>219</sup>

The LITP also prescribes that accelerated procedures and procedures at border crossings or in transit zones, shall not apply to applicants who are in need of special procedural guarantees, especially victims of torture, rape or another form of serious psychological, physical or sexual violence, if it is not possible to provide the appropriate support ("adequate support").<sup>220</sup>

## 3. Use of medical reports

### Indicators: Use of Medical Reports

1. Does the law provide for the possibility of a medical report in support of the applicant's statements regarding past persecution or serious harm?  
☒ Yes      ☐ In some cases      ☐ No
2. Are medical reports taken into account when assessing the credibility of the applicant's statements?  
☒ Yes      ☐ No

According to the information available to the Croatian Law Centre, in practice evidence is rarely presented by way of medical reports, although the claims of some applicants indicate that it is possible that they have been victims of torture or inhuman and degrading treatment. In most, if not all of the cases where medical reports were provided, this was at the initiative of applicant's legal advisor. To the knowledge of the Croatian Law Centre, in those few cases medical reports were not based on the methodology laid down in the Istanbul Protocol. The LITP does not explicitly establish the possibility to submit a medical report in the procedure, so in this case the provisions of the Law on General Administrative Procedure are applied. That means that in the procedure, the case worker determines the factual situation using any means suitable as evidence and can for this purpose, among other possibilities, make use of findings and opinions of experts.<sup>221</sup>

However, expert witnesses are not mandatory according to the law, and that is why they are rarely used in practice. Even when applicants mention that they are victims of torture, they are still not referred to a specialist, either during the first instance procedure or even later during the administrative dispute. The other reason is the lack of public funds from the State budget. Therefore, the Ministry of Interior has the possibility to order a medical examination; however, this possibility is not used in practice

The Rehabilitation Centre for Stress and Trauma noted that there no appropriate procedures are implemented in relation to documentation and verification, including medico-legal documentation, of victims of torture.<sup>222</sup>

The LITP only introduces the possibility of use of medical records in the age assessment procedure.

<sup>217</sup> Article 17(10) LITP.

<sup>218</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>219</sup> Article 10(11) LITP.

<sup>220</sup> Article 15(3) LITP.

<sup>221</sup> Article 58(1) Law on General Administrative Procedure.

<sup>222</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2019.

## 4. Legal representation of unaccompanied children

### Indicators: Unaccompanied Children

1. Does the law provide for the appointment of a representative to all unaccompanied children?

☒ Yes

☐ No

According to the LITP, “unaccompanied child” means a third-country national or a stateless person younger than eighteen years of age who entered the Republic of Croatia unaccompanied by an adult person responsible for him or her in the sense of parental care, pursuant to the law of the Republic of Croatia, until placed under the care of such a person, and includes all children who are left unaccompanied after they entered the Republic of Croatia.<sup>223</sup>

In 2018, 64 unaccompanied children sought international protection in Croatia.<sup>224</sup>

### 4.1. Time of appointment

According to the Protocol on Procedures for Unaccompanied and Separated Children, as soon as it is established that a child is unaccompanied or separated, the police officer must take actions to ensure the procedure of identification, which among others includes obligation to invite a social worker from the Centre for Social Welfare and an interpreter if the child does not understand Croatian, and to forward a letter to the competent Centre for Social Welfare requesting a special guardian to be appointed.

The procedure of identification includes:

- Communication, introducing oneself and informing the child about the country of arrival, his or her guaranteed rights, the appointment of a special guardian, procedures that follow after the child's identification;
- Collecting personal data and other information about the child;
- Conducting an initial assessment of the child's needs by completing the form “Initial Assessment of Needs of Unaccompanied and Separated Children” in Annex 1 to the Protocol;
- Steps to be followed in the event of an expression of intention to submit an application for international protection during the identification procedure.

The procedure of identification is conducted by a police officer in the police administration or police station. An interpreter assigned by the Ministry of Interior, a social worker from the Centre for Social Welfare and/or a special guardian also participate.

Where the procedure of identification is conducted outside the regular working hours of the competent Centre for Social Welfare, the expert duty officer of the Centre for Social Welfare takes part in the procedure. He or she must appoint a special guardian, in an oral ruling, to protect the wellbeing of the child and to ensure the implementation of further procedures. If it is found that an unaccompanied or separated child already has a special guardian or guardian, the duty officer of the CWS or the police officer will call said appointed guardian to take part in further procedures with the unaccompanied or separated child.

In practice, the Ombudsperson for Children has highlighted problems in the guardianship system as one of the problems faced by migrant children.<sup>225</sup> Problems in practice have also been reported by the Ombudswoman in relation to police treatment; for example, the police have unlawfully deported an unaccompanied child.<sup>226</sup> The situation of migrant and asylum-seeking children was also emphasised in

<sup>223</sup> Article 2(1)(17) LITP.

<sup>224</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>225</sup> Ombudsperson for Children, ‘Pravobraniteljica se sastala s predstavnicima Vijeća Europe’, 27 November 2018, available in Croatian at: <https://bit.ly/2O6BPYo>.

<sup>226</sup> Ombudsperson, ‘Priopćenje pučke pravobraniteljice’, 16 February 2018, available in Croatian at: <https://bit.ly/2IDXf2b>; Index HR, ‘SAD JE JASNO Policija je dijete bez roditelja protjerala iz Hrvatske, a onda su lagali o tome’, 15 February 2018, available in Croatian at: <https://bit.ly/2GMLcD8>.

the recent submission by Human Rights Watch to the United Nations Committee on the Rights of the Child concerning Croatia.<sup>227</sup>

According to the LITP, unaccompanied children who have expressed the intention to apply for international protection should be appointed legal guardians i.e. the Centre for Social Welfare shall appoint a guardian trained to work with children, who does not have a conflict of interests with the child.<sup>228</sup> The child must be informed immediately about the appointment of the guardian. The procedure for international protection must be conducted by the official from the Ministry of Interior trained to work with children. However in practice, to the knowledge of the Croatian Law Centre, this is rarely the case. The guardian has to prepare, on time, the unaccompanied child for the interview and provide him or her with information on the significance and consequences of the interview in a language which it may justifiably be assumed that child understands and in which he or she is able to communicate. The costs of interpretation shall be borne by the Ministry of Interior. However, to the Croatian Law Centre's knowledge, this possibility is not used in practice as guardians are not familiar with this legal right.

There is no time limit prescribed by law for the appointment of the representative of an unaccompanied child but it is obvious from the LITP that a guardian has to be appointed before submitting application for international protection. From the information provided by the Ministry of Interior problems with delays in the appointment of legal guardians in practice also existed in 2018.<sup>229</sup>

#### 4.2. Qualifications of guardians

Until now, no special qualifications were required for the appointment of guardians. In practice, according to the information available to the Croatian Law Centre, when workers from Centres for Social Welfare were appointed as guardians, these were usually lawyers, social workers or social pedagogues who are working within the Centre for Social Welfare. During 2015-2016, UNHCR organised training in the transit centre of **Slavonski Brod** for employees of Centres for Social Welfare, while in 2016 they organised a roundtable on unaccompanied children for directors of Centres for Social Welfare, directors of Residential Child Care Institutions and special guardians.<sup>230</sup>

In October 2016, UNICEF in cooperation with the Ministry of Foreign and European Affairs, Ministry of Interior and the (now) Ministry of Demography, Family, Youth and Social Policy, organised a conference with the aim to exchange experience and knowledge between relevant actors and to build capacities and cooperation in protection of unaccompanied children.<sup>231</sup> Throughout 2016, UNICEF organised trainings for social workers, volunteers and other persons working directly with children. One of the challenges stressed by UNICEF is the lack of consolidated records on the state level for unaccompanied children, not limited to those seeking asylum, making it difficult to track data on this group of children. During 2016, the Croatian Red Cross, in cooperation with relevant institutions and partner organisations, developed a Guide for Guardians.<sup>232</sup>

Since November 2016 and throughout 2017 the Croatian Law Centre, in partnership with the Centre for Social Welfare Zagreb and Centre for Social Welfare Kutina and in cooperation with experts from UNHCR, the Croatian Red Cross and the University of Zagreb Faculty of Law, implemented a project entitled "Improving the protection of the rights of unaccompanied children".<sup>233</sup> The aim of this project was to improve the protection of unaccompanied children by:

- Informing unaccompanied children about their rights
- Training special guardians from **Zagreb** and **Kutina** who work with unaccompanied children.

<sup>227</sup> Human Rights Watch, *Submission by Human Rights Watch to the United Nations Committee on the Rights of the Child concerning Croatia*, 12 March 2018, available at: <https://bit.ly/2IHjfcw>.

<sup>228</sup> Article 17(1) LITP.

<sup>229</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>230</sup> Information provided by UNHCR, 17 January 2017.

<sup>231</sup> Information provided by UNICEF, 31 January 2017.

<sup>232</sup> Information provided by the Croatian Red Cross, 13 February 2017, available in Croatian at: <https://bit.ly/2IHtk9a>.

<sup>233</sup> The Project is financed by the Ministry of Demography, Family, Social Affairs and Youth of Republic of Croatia.

Within the project five workshops for special guardian were held and short leaflet for unaccompanied children was prepared. Leaflets were recorded as mp3 format in 5 languages (Arabic, Croatian, English, Farsi and Pashto)<sup>234</sup> and shared with Residential Child Care Institutions and Centres for Social Welfare.

In November 2017, the Croatian Law Centre started with the implementation of the project “Together in protection of unaccompanied children” with Residential Child Care Institutions in Ivanec, Karlovac and Zagreb.<sup>235</sup> The project ended in October 2018. The aim of the project was to improve the legal protection of unaccompanied children through legal assistance and support to both unaccompanied children and professionals working with children in institutions. In September 2018, a joint workshop was held with all the experts who attended the meetings held during the implementation of the project in **Ivanac, Karlovac and Zagreb**. During the workshop, the Model of legal protection of unaccompanied children was finalised and presented together with conclusions and recommendations.<sup>236</sup> These materials were disseminated to all institutions involved in the project as well as to those who were not included but work with unaccompanied children, and also to all centers for social welfare and relevant actors in the system of protection of unaccompanied children.

In addition, due to the increase in the number of unaccompanied children, in the third quarter of 2016 the Croatian Law Centre, as implementing partner of UNHCR,<sup>237</sup> started providing free legal aid in places where unaccompanied children are accommodated (Residential Child Care Institutions in **Zagreb, Split, Rijeka and Osijek**, and Child Reception Units), when needed and depending on the number of children accommodated. The activity continued in 2018.

#### 4.3. Capacity and performance of functions

Guardians of unaccompanied children were in the past generally appointed among the social workers of the competent Centre for Social Welfare. However, according to the information available to the Croatian Law Centre, due to the work overload of social workers and the language barrier existing between the guardian and the client, their role was usually formal, and there was no active involvement in the procedure to protect the best interest of the child or other clients.

According to the law, the best interests of children should be considered when implementing provisions of LITP,<sup>238</sup> so also when appointing a person to act as a guardian. The best interests of the child shall be assessed, taking into account:

- The welfare and social development of the child, and his/her origin;
- The protection and safety of the child, especially if the possibility exists that he or she is a victim of trafficking in human beings;
- The child's opinion, depending on his or her age and maturity; and
- The possibility of family reunification, etc.

The guardian of an unaccompanied child shall undertake all the necessary activities, including contact and cooperation with the competent ministries, other state and foreign bodies, and NGOs, in order to reunite the child with his or her family if this is in the best interests of the child.

On the other side, the LITP prescribes that a guardian shall not be appointed when an unaccompanied child is over 16 years of age and is married,<sup>239</sup> which can be understood that persons from the age of 16

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<sup>234</sup> Croatian Law Centre, 'Izrađen informativni letak za djecu bez pratnje u audio formatu – dostupan i na web stranici HPC-a', 17 July 2017, available at <https://bit.ly/2H9BpX3>.

<sup>235</sup> Supported by the Ministry for Demography, Family, Youth and Social Policy.

<sup>236</sup> Croatian Law Centre, 'Projekt „Zajedno u zaštiti djece bez pratnje“', 30 October 2018, available in Croatian at: <https://bit.ly/2UCIrlx>.

<sup>237</sup> The project *Legal Services to Asylum Seekers* has been implemented by the Croatian Law Centre from 1 February 2003, with the aim of providing free legal aid to asylum seekers and recognised refugees i.e. asylees and foreigners under subsidiary protection. The project is being implemented with financial support from and in close co-operation with the UNHCR Representation in Croatia.

<sup>238</sup> Article 10 LITP.

<sup>239</sup> Article 17(3) LITP.

have the capacity “to perform procedural acts” on their own behalf in procedures for international protection.

One of the issues with regard to guardianship in the past was also that of the appointment of a person from those with whom the child entered Croatia. This was generally not in the best interests of the child, and carries certain risks for the child, since it is impossible to determine whether such person meets the legal requirements necessary to perform the duties of a legal guardian. This is due to the fact that most applicants generally do not possess any personal documents or have forged documents, therefore it is impossible to determine their identity. However, this is no longer the case.

## E. Subsequent applications

### Indicators: Subsequent Applications

1. Does the law provide for a specific procedure for subsequent applications? ☒ Yes ☐ No
2. Is a removal order suspended during the examination of a first subsequent application?
  - ❖ At first instance ☒ Yes ☐ No
  - ❖ At the appeal stage ☐ Yes ☒ No
3. Is a removal order suspended during the examination of a second, third, subsequent application?
  - ❖ At first instance ☐ Yes ☒ No
  - ❖ At the appeal stage ☐ Yes ☒ No

When the foreigner lodges a subsequent application, the authority competent to examine the application is the Asylum Department of the Ministry of Interior, the same authority as in the regular procedure. The Asylum Department examines the elements presented in the subsequent application in conjunction with the elements provided in the previous application and/or appeal.

The LITP provides a specific procedure for subsequent applications. A subsequent application for international protection is defined as the intention to apply for international protection expressed after a final decision has been taken on a previous application i.e. the previous application was rejected because the conditions were not met for asylum or subsidiary protection; or conditions were met for exclusion; or the application was rejected as manifestly unfounded as the applicant did not meet the conditions for asylum or subsidiary protection or the procedure was discontinued because the applicant withdrew the application.<sup>240</sup>

If a person decides to submit subsequent application,<sup>241</sup> an explanation of the subsequent application should be submitted to the Reception Centre for Asylum Seekers directly in writing or orally if the person is illiterate. The Ministry of Interior must decide on the subsequent application no later than within 15 days from the day of receiving it. This subsequent application must be comprehensible and contain the relevant facts and evidence which arose after the finality of the decision or which the applicant for justified reasons did not present during the previous procedure, relating to establishing the conditions for approval of international protection. The admissibility of the subsequent application should be assessed on the basis of the facts and evidence it contains, and in connection with the facts and evidence already used in the previous procedure. If it is established that the subsequent application is admissible, a decision shall be rendered once again on the substance of the application, and the previous decision revoked. The subsequent application should be dismissed if it is established that it is inadmissible. A subsequent application made by a foreigner under transfer shall be considered in the responsible member state of the European Economic Area, but a subsequent application lodged in the Republic of Croatia shall be dismissed as inadmissible.

<sup>240</sup> Article 4(1)(13) LITP.

<sup>241</sup> Article 47 LITP.

In practice under the LITP, the interview for lodging of the subsequent application can be omitted when the admissibility of a subsequent application is being assessed.<sup>242</sup>

Under the LITP,<sup>243</sup> if the applicant lodges a subsequent application with the intention of postponing or preventing the enforcement of the decision on expulsion from the Republic of Croatia, he or she shall have the right of residence until the decision on the subsequent application becomes final. However, as at the same time LITP prescribes that the Ministry shall render a decision to dismiss a subsequent application if it assesses that it is inadmissible,<sup>244</sup> and that in that case appeal to Administrative Court does not have a suspensive effect,<sup>245</sup> (which means that the decision is final)<sup>246</sup> the above provision means that the right to residence is applicable only during the first instance procedure. However, there is also a possibility for the appeal to contain a request for suspensive effect.<sup>247</sup> If the applicant brings an appeal which contains a request for suspensive effect, he or she shall have the right of residence until the delivery of the judgment on granting suspensive effect.<sup>248</sup>

However, applicants who lodge a new subsequent application after a decision has already been rendered on a previous subsequent application do not have the right of residence in the Republic of Croatia.

If the conditions for the accelerated procedure are met and the subsequent application is admissible, then the Ministry of Interior must render its decision within 2 months period. The deadline for the appeal in that case is then 8 days for the delivery of the first instance decision, however it does not have suspensive effect. Otherwise the 15 day time limit is applicable for the Ministry of Interior to decide on subsequent applications. As in the regular procedure, the Administrative Court is the competent authority for deciding upon appeal. If the subsequent application is dismissed as inadmissible, the deadline is 8 days from the delivery of the first instance decision and does not have suspensive effect.

In 2018, 104 persons lodged subsequent applications:

Subsequent applicants: 2018	
Country	Number of applications
Afghanistan	21
Algeria	16
Iraq	13
Iran	10
Syria	6
<b>Total</b>	<b>104</b>

Source: Ministry of Interior, 28 January 2019.

<sup>242</sup> Article 35(8)(3) LITP.

<sup>243</sup> Article 53(3)-(4) LITP.

<sup>244</sup> Article 43(2) LITP.

<sup>245</sup> Article 51(1)(3) LITP.

<sup>246</sup> Article 4(1)(21) LITP.

<sup>247</sup> Article 51(2) LITP.

<sup>248</sup> Article 53 LITP.

## F. The safe country concepts

### Indicators: Safe Country Concepts

- |  |   |
|--|---|
| 1. Does national legislation allow for the use of "safe country of origin" concept?  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| ❖ Is there a national list of safe countries of origin?                              | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| ❖ Is the safe country of origin concept used in practice?                            | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Does national legislation allow for the use of "safe third country" concept?      | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| ❖ Is the safe third country concept used in practice?                                | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Does national legislation allow for the use of "first country of asylum" concept? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

In Croatia, safe country concepts started being applied in 2016 under the LITP. In 2016 a Decision on the list of safe countries of origin was adopted.

### 1. Safe country of origin

According to the LITP,<sup>249</sup> a country is considered as a safe country of origin where, on the basis of the legal situation, the application of the law and the general political circumstances, it can be shown that there is generally and consistently no persecution, or risk of suffering serious harm, as established on the basis of information on:

- (1) The relevant laws and legislation of the country and the manner in which they are applied;
- (2) Respecting the rights and freedoms guaranteed by the ECHR, especially Article 15(2) of the ECHR, the International Covenant for Civil and Political Rights and the United Nations Convention against Torture;
- (3) Respect for the principle of *non-refoulement*;
- (4) The provision of a system of effective remedies.

The information referred above shall be collected from various relevant sources, especially from other member states of the European Economic Area, the European Asylum Support Office (EASO), UNHCR, the Council of Europe and other relevant international organisations.

The Minister competent for internal affairs, with the prior consent of the Minister competent for foreign affairs, shall render a decision to establish a list of safe countries of origin, and shall inform the European Commission of this. The Ministry shall regularly verify and as necessary revise the list of safe countries of origin, taking into account above mentioned information, with the prior consent of the minister competent for foreign affairs, and shall inform the European Commission accordingly.

It shall be established for each application individually whether the conditions are met for the application of the concept of safe country of origin. A country included on the list of safe countries of origin may be considered a safe country of origin in a specific case only if the applicant:

- (2) Has the nationality of that country or had his or her previous residence in that country as a stateless person; and
- (3) Has not explained in a credible manner why that country of origin cannot be deemed to be a safe country of origin for him or her.

The applicant shall be informed timely of the application of the mentioned concept in order to enable him/her to challenge the use of the concept of safe country of origin, in view of the specific nature of his/her personal circumstances.

An asylum application shall be rejected in an accelerated procedure if it is possible to apply a safe country of origin concept (see section on [Accelerated Procedure](#)).<sup>250</sup> This is also applied to unaccompanied minors, who are generally exempted from accelerated procedures (see [Special Procedural Guarantees](#)).

<sup>249</sup> Article 44 LITP.

<sup>250</sup> Article 41(1)(9) LITP.

In 2016, a Decision on the list of safe countries of origin in the procedure of granting international protection has been adopted.<sup>251</sup> The list includes 10 countries:

- Albania
- Bosnia and Herzegovina
- North Macedonia
- Kosovo
- Montenegro
- Serbia
- Morocco
- Algeria
- Tunisia
- Turkey

In 2018, negative decisions based on the concept of safe country of origin were issued in 76 cases. 39 of those concerned citizens of Algeria, 13 Morocco, 13 Tunisia, 5 Kosovo, 4 Serbia and 2 Bosnia and Herzegovina.<sup>252</sup>

## 2. Safe third country

The LITP defines safe third country as a country where the applicant is safe from persecution or the risk of suffering serious harm and where he or she enjoys the benefits of *non-refoulement*, and the possibility exists of access to an effective procedure of being granted protection, pursuant to the 1951 Convention.<sup>253</sup>

The fact whether the conditions have been met to apply the concept of safe third country is established separately for each application, by assessing whether a country meets the abovementioned conditions and whether a connection exists between that country and the applicant, on the basis of which it may reasonably be expected that he or she could request international protection there, taking into account all the facts and circumstances of his or her application.

The applicant will be informed timely of the application of the safe third country concept, so that he or she is able to challenge this in view of the specific characteristics of his or her personal circumstances.

The Ministry shall issue an applicant whose application is dismissed with a document in the language of the safe third country, informing the competent state bodies of that country that his or her application has not been examined in substance in the Republic of Croatia. If the safe third country refuses to accept the foreigner, a procedure would be conducted in Croatia i.e. decision shall be rendered on the substance of the application pursuant to the provisions of LITP.

The Ministry has an obligation to regularly inform the European Commission about the countries to which the concept of safe third country has been applied.

In April 2018, the Hosseini family (see [Access to the Territory](#)) had their asylum claim dismissed on the grounds that they came from Serbia, which the court claimed was a safe third country.<sup>254</sup> This seems to be the first time this concept has been applied in practice by the Croatian courts.

The safe third country concept was applied to 29 persons from Afghanistan in 2018.<sup>255</sup>

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<sup>251</sup> Official Gazette 45/2016, available in Croatian at: <http://bit.ly/2lcRePz>.

<sup>252</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>253</sup> Article 45 LITP.

<sup>254</sup> Novilist, 'Odbijen zahtjev za azil obitelji Hosseini: Strasbourg tražio da ih se smjesti u bolju sredinu, Hrvatska ih vraća u – Srbiju', 11 April 2018, available at: <https://bit.ly/2lO14BL>.

<sup>255</sup> Information provided by the Ministry of Interior, 28 January 2019.

### 3. First country of asylum

While the LITP does not define the concept of first country of asylum, an application may be dismissed as inadmissible where the applicant has been granted international protection or enjoys sufficient protection from *refoulement* in a third country.<sup>256</sup> In 2018, no decision was taken based on the concept of first country of asylum.<sup>257</sup>

## G. Information for asylum seekers and access to NGOs and UNHCR

### 1. Provision of information on the procedure

#### Indicators: Information and Access to NGOs and UNHCR

1. Is sufficient information provided to asylum seekers on the procedures, their rights and obligations in practice? ☐ Yes ☒ With difficulty ☐ No
- ❖ Is tailored information provided to unaccompanied children? ☐ Yes ☒ No

The LITP prescribes that the Ministry of Interior is obliged, within 15 days from the expression of the intention to apply for international protection, to inform an asylum seeker about the procedure for international protection, about rights and obligations applicants are entitled to in the procedure, and about the possibility to get free legal aid and to get into contact with UNHCR representatives and representatives of other organisations dealing with the protection of refugees' rights.<sup>258</sup> This information must be given in the asylum seeker's own language or in a language he or she can be reasonably supposed "to be able to communicate" in.<sup>259</sup> The law does not specify whether the information should be provided orally or in writing. The same type of information is provided with the same modalities to applicants during all types of procedures except in border procedure where this information should be given by police officers.<sup>260</sup>

#### Official information on the procedure

At the beginning of the interview, the applicant is also informed about his or her duties in the procedure and during the interview. According to the Ministry of Interior, in general, information is provided during the process of lodging the application for international protection in the presence of interpreter and information is also given to the person in writing.<sup>261</sup> An information sheet, together with the rest of the documents (House Rules of the Reception Centre, information on Dublin procedure etc) is available in Albanian, Amharic, Arabic, Bengali, English, Farsi, French, Russian, Tigrinya, Turkish, Pashto and Urdu.<sup>262</sup> According to the Ministry of Interior, if information is not translated in a particular language, then it is translated from Croatian in the presence of an interpreter.

Asylum seekers are informed about the Dublin procedure when expressing the intention to apply international protection, and later on when lodging the application for international protection. They are provided with information explaining the purpose of the Dublin procedure as well as the purpose of taking fingerprints and of the Eurodac database. Also, information has clarified the procedure to be carried out if the applicant for international protection is unaccompanied child. The above information is available in 8 language versions: Urdu, English, French, Arabic, Croatian, Somali, Farsi and Turkish.<sup>263</sup>

The decision on the transfer that asylum seekers received included the ground for application of the Dublin Regulation, and also information on the fact that they can lodge a complaint before the Administrative Court within 8 days from the delivery of the decision. The Ministry of Interior does not provide a written

<sup>256</sup> Article 43(1)(2) LITP.

<sup>257</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>258</sup> Article 59(2) LITP.

<sup>259</sup> Article 14 LITP.

<sup>260</sup> Article 59(1) LITP.

<sup>261</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>262</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>263</sup> Information provided by the Ministry of Interior, 28 January 2019.

translation of the Dublin decision, but they do explain it orally in a language that the asylum seeker understands during the delivery of the decision itself.

No information is available on the common leaflet and the specific leaflet for unaccompanied children according to the Article 4(3) of the Dublin III Regulation.

### Information on the procedure from NGOs

NGOs also provide information on asylum. Some NGOs have issued leaflets and brochures which are also available in the Reception Centre for Asylum Seekers, as well in Reception Centre for Foreigners. A Croatian Law Centre leaflet contains basic information on the procedure and rights and obligations during the procedure and is available in the both Receptions Centre for Asylum Seekers and in the Reception Centre for Foreigners in Arabic, Croatian, English, Farsi, French, Pashto, Somali, Turkish and Urdu. The leaflet is also available online on the Croatian Law Centre's web page.<sup>264</sup>

The Centre for Peace Studies, an NGO also working within the integration of beneficiaries of international protection, has issued different leaflets dealing with inclusion into society, accommodation, education, free legal aid, family, religion, health and social care. The leaflets are available in Croatian, English and French. The Centre for Peace Studies has also issued a brochure entitled "Welcome to Croatian Society", containing information on Croatian history, the political system of Croatia, cultural differences, information on detention, a short overview of asylum procedure etc.<sup>265</sup>

The Centre for Missing and Exploited Children has produced and printed leaflets for unaccompanied children, available in Croatian, English, Arabic and Farsi.<sup>266</sup>

The Croatian Law Centre, within the project entitled "Improving the protection of the rights of unaccompanied children", has prepared leaflet for unaccompanied children. Leaflets are recorded as mp3 format in Arabic, Croatian, English, Farsi and Pashto.<sup>267</sup>

In general, according to the Croatian Law Centre's experience, most applicants are interested in receiving information on the duration of the procedure for international protection, as well as on the duration of detention and the reasons why a person who applied for international protection can remain detained. Apparently, the grounds for detention are not explained in a clear and understandable way to asylum seekers in detention. In addition with the increasing number of Dublin returns, asylum seekers need information in relation to the Dublin procedure, with special focus on family reunification as many families have been separated as a result of Dublin transfers.

### Information at the border

In the past, foreigners arriving at the borders generally did not have access to information about the asylum procedure. Leaflets aligned with the LITP were prepared by the Croatian Law Centre and UNHCR in cooperation with the Ministry of Interior and distributed by the Ministry of Interior. However it is not certain to which number of police stations on the territory and border entry points the Ministry of Interior has distributed leaflets. At some border crossing points, there is a lack of available interpreters. This prevents effective communication between foreigners (among whom some are potential asylum seekers i.e. applicants for international protection) and border officers. However, according to the LITP third-country nationals or stateless persons in a reception centre, at a border crossing or in a transit zone of an airport, sea port or inland water port who wish to express their intention to apply for international protection shall be provided by police officers with all necessary information on the procedure for the approval of

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<sup>264</sup> The leaflet may be found at: <https://bit.ly/2HaFZ7I>.

<sup>265</sup> According to the Centre for Peace Studies, the brochure is available in Arabic, Croatian, Farsi, French, English, Russian and Turkish.

<sup>266</sup> Centre for Missing and Exploited Children, *Welcome to Croatia: Guide for unaccompanied children*, available at: <https://bit.ly/2TBXncq>.

<sup>267</sup> Croatian Law Centre, 'Izrađen informativni letak za djecu bez pratnje u audio formatu – dostupan i na web stranici HPC-a', 17 July 2017, available at <https://bit.ly/2H9BpX3>.

international protection in a language which they may justifiably be expected to understand and in which they are able to communicate.<sup>268</sup>

In practice, persons may seek asylum at police stations at the border but are not proactively informed of that possibility, although the authorities have indicated that border guards have received training on how to recognise indications that a person wishes to seek protection. Interpretation at the border is also problematic, especially for Afghan and Pakistani nationals.<sup>269</sup> Problems with regard to access to the territory and then accordingly to the asylum system which started in late 2016 have persisted in 2017 and 2018.

With regard to decisions, these are written only in Croatian and are translated orally by an interpreter to the applicant during the delivery of the decision. However, due to the legal terms used in the decision, the level of understanding of that information by applicants is questionable (including the information on the available legal remedy and its deadline).

## 2. Access to NGOs and UNHCR

### Indicators: Access to NGOs and UNHCR

1. Do asylum seekers located at the border have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No
2. Do asylum seekers in detention centres have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No
3. Do asylum seekers accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ With difficulty ☐ No

UNHCR has access to all facilities where applicants are accommodated, namely the Reception Centres for Asylum Seekers in **Zagreb** and **Kutina** and the Reception Centre for Foreigners in **Ježevo** and to Transit Reception Centres for Foreigners in **Trilj** and **Tovarnik**.

The Croatian Red Cross staff is present on a daily basis in the Reception Centre for Asylum Seekers and can refer applicants to the relevant organisations or institutions which can provide information to them.

Lawyers of the Croatian Law Centre have access to both Reception Centres for Asylum Seekers and the Reception Centre for Foreigners, where they provide free legal information. Croatian Law Centre lawyers are present in the Reception Centre for Asylum Seekers in Kutina and in the Reception Centre for Foreigners when needed, and in the Reception Centre for Asylum Seekers in **Zagreb** once a week.

Lawyers of JRS provide legal information in both Reception Centres for Asylum Seekers. JRS' lawyer is available in Reception Centre in Zagreb and in Kutina.

In addition, quite often, when they need information or advice, asylum seekers go directly to the office of the Croatian Law Centre or the Centre for Peace Studies. At the end of 2016 students from the Legal Clinic have started joining the Croatian Law Centres' lawyers during counselling in the Reception Centre in Zagreb and this practice continued in 2018.

In the course of 2018, crackdown on and criminalisation of persons offering humanitarian assistance has continued. Are you Syrious has reported actions undertaken by the Ministry of Interior and the police which, according to them, present direct intimidations and severe political pressure on the organisation as the result of its activities.<sup>270</sup>

<sup>268</sup> Article 59(1) LITP.

<sup>269</sup> ECRE, *Balkan route reversed*, December 2016, 11-12.

<sup>270</sup> Information provided by Are You Syrious, 10 January 2019.

The police initiated misdemeanour proceedings against a volunteer of Are You Syrious for helping Madina Hosseini's family in an irregular border crossing. The volunteer claimed that he was not in direct contact with them but only informed the police about their wish to claim asylum due to the fact that they were previously pushed back from Croatia on several occasions,<sup>271</sup> and that he thus assisted them after they had entered Croatia.

As reported by Are You Syrious, the Ministry of Interior filed a misdemeanour charge in April 2018 against their volunteer, who came to a Croatian village near the border with Serbia in the early morning of 21 March 2018 in order to be present when a large family from Afghanistan (3 adults, 11 children) met the Croatian police to request asylum.<sup>272</sup> On that particular night they had come to Croatian territory and asked Are You Syrious to be present when they meet the police since they were afraid that they would be pushed back again. The proceedings were held at the Misdemeanour Court of Vukovar in **Županja**. The volunteer was charged with commission of an act of misdemeanour defined by Law on Foreigners that prohibits providing assistance to a third-country national. The charges stated that he had helped third-country nationals in illegally crossing the Croatian-Serbian border, which was, according to Are You Syrious, dismissed as false at the court hearing. The penalty that was requested by the Ministry of Interior was threefold: imprisonment; a fine amounting to 320,000 HRK / 43,100 €; and prohibition on conducting specific work or business as a legal entity. This last sentence was presumably intended to prohibit Are You Syrious from conducting further work but it was dismissed by the court since it was proposed in a proceeding against a natural person. In September 2018, the court found the volunteer guilty for committing a misdemeanour and charged him with a fine in the amount of 60.000 HRK / 8,000 €. Are You Syrious has filed an appeal before the High Misdemeanour Court.

Platform 112 expressed concern about the pressures of the Ministry of the Interior on activists, volunteers and those who help and support refugees and particularly highlighted the attempt of the Ministry of Interior to ban the work of an organisation in a misdemeanour procedure against one of its volunteers.<sup>273</sup> The Ministry of Interior rejected the allegations of pressure on volunteers or NGOs.<sup>274</sup>

Are You Syrious further reported pressure that their volunteers have been encountering from the side of police in general, for a long time. Namely, volunteers have been detained many times for several hours in police stations without formal charges being brought against them, questioned in an inhumane and degrading way, yelled at and intimidated according to the organisation.

Are You Syrious also reported to have unofficially been warned that they would be expelled from the Reception Centres for Asylum Seekers, and that their contract with the Ministry of Interior was said to be 'lost'. According to the organisation, it was made very obvious that this threat was connected to their monitoring activities regarding the people who have tried to seek international protection in front of the reception centre. After Are You Syrious presented their copies of the valid contract with the Ministry of Interior, they were allowed to continue their integration activities in the centre, however their partner organisation Centre for Peace Studies was expelled from the centre. In November 2018, the Ministry of the Interior refused to extend the Memorandum of Understanding with the Centre to Peace Studies with the explanation that there was a lack of physical space in the Reception Centre for Asylum Seekers in which the organisation's activities could be carried out. The Ministry also stated that there is a sufficient number of other engaged organisations in the reception centres. The Centre for Peace Studies representative pointed out that this decision intended to intimidate, marginalise, and distance organisations that denounce structural issues that refugees are faced with, as well about the unlawful and

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<sup>271</sup> Novilist, 'Organizacija Are You Syrious na meti policije: Tvrdi da se volonteri prijavljuju iz osvete', 26 September 2018, available in Croatian at: <https://bit.ly/2UpYkAp>.

<sup>272</sup> Information provided by Are You Syrious, 10 January 2019.

<sup>273</sup> Članica Human Rights House Network, 'Kaznite one koji ljudska prava krše, a ne one koji ih štite!', 23 October 2018, available in Croatian at: <https://bit.ly/2Uq9gOv>.

<sup>274</sup> Ministry of Interior, 'Odgovor MUP-a RH Platformi 112', 23 October 2018, available in Croatian at: <https://bit.ly/2FVMuuN>.

violent treatment of refugees.<sup>275</sup> In its reaction to the Centre for Peace Studies statement, the Ministry of Interior dismissed the allegations of political pressure.<sup>276</sup>

Finally, the Rehabilitation Centre for Stress and Trauma also reported that in mid-2018, their agreement with the Ministry of Interior in relation to the organisation's access to and activities in the Reception Centre for Asylum Seekers expired. Despite a duly submitted application for a new agreement, an extension has not been approved at the time of writing.<sup>277</sup>

Although at the moment the border procedure is not applied, it will be interesting to see how the provision from the LITP on the access to UNHCR and NGO will apply in practice in the border procedure, as the LITP allows the possibility to temporarily restrict access to those locations (and therefore to applicants accommodated there) for the applicant's legal representative or a representative of an organisation engaged in the protection of refugee rights, other than the UNHCR, when it is necessary for the protection of the national security and legal order of the Republic of Croatia.<sup>278</sup>

## H. Differential treatment of specific nationalities in the procedure

### Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded? ☒ Yes ☐ No  
❖ If yes, specify which: Syria
2. Are applications from specific nationalities considered manifestly unfounded?<sup>279</sup> ☐ Yes ☒ No  
❖ If yes, specify which: Algeria, Morocco, Tunisia, Albania, Bosnia and Herzegovina, North Macedonia, Kosovo, Montenegro, Serbia

In Croatia there are no official policies implemented with regard to nationals of particular countries, as every application is examined individually and on a case by case basis.

### 1. Resettlement

Based on the 2015 Decision on relocation and resettlement of third-country nationals or stateless persons who meet the conditions for approval of international protection,<sup>280</sup> Croatia has committed to accept 150 people through resettlement. Due to the high number of people who withdrew from the process during the selection missions, this quota was filled in October 2018 following four selection missions.

In addition, Croatia continues to implement the 2017 Decision on resettlement of third-country nationals or stateless persons who meet the conditions for approval of international protection,<sup>281</sup> which requires Croatia to accept up to 100 persons. According to the Ministry of Interior, the cooperation agreement with the new implementing partner is underway, as is the preparation of the fifth selection mission to Turkey to fill the quota of the 2017 Decision.

In addition, a new Decision on resettlement of third-country nationals or stateless persons who meet the conditions for approval of international protection for 2019 entered into force in February 2019.<sup>282</sup> The Decision prescribes that Croatia will accept up to 150 persons through resettlement or shall participate in other forms of solidarity with EU Member States.

<sup>275</sup> Centre for Peace Studies, 'MUP izbacuje CMS iz prihvatilišta za tražitelje azila!', 12 November 2018, available in Croatian at: <https://bit.ly/2RXINfM>.

<sup>276</sup> Ministry of Interior, 'Reagiranje MUP-a na optužbe Centra za mirovne studije', 12 November 2018, available in Croatian at: <https://bit.ly/2GesPpn>.

<sup>277</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2019.

<sup>278</sup> Article 42(3) LITP.

<sup>279</sup> Whether under the "safe country of origin" concept or otherwise.

<sup>280</sup> Official Gazette 78/2015.

<sup>281</sup> Official Gazette 99/17.

<sup>282</sup> Official Gazette 16/2019.

Up until now, a total of 152 people, all citizens of **Syria**, have been resettled from Turkey to Croatia. 40 arrived in 2017 and 112 in 2018.

According to the Ministry of Interior the resettlement procedure is conducted as follows:<sup>283</sup>

1. The Ministry of Interior receives files from UNHCR. The Security Intelligence Agency performs a security check for all people for whom resettlement has been proposed. The Ministry, in cooperation with implementing partners, conducts a selection mission to Turkey during which interviews with all adult persons are conducted to assess the conditions for approval of international protection. Also, a medical examination is organised by IOM. After the interview and medical examination, which usually last one day, the next day is envisaged for cultural orientation sessions of 4 to 6 hours.
2. Upon the return of Ministry of Interior officials to Croatia, proposals of the decision on accepting or rejecting the persons are drafted and UNHCR and IOM are informed as soon as possible about the decision. UNHCR informs persons of the Ministry's decision. After that, the transfer of accepted persons to Croatia is organised by IOM. Before the trip, IOM conducts "fit to travel" checks for all accepted persons.
3. Upon arrival in Croatia persons have to express their intention to apply for international protection and are accommodated in the Reception Centre for Asylum Seekers in **Kutina**, until private accommodation is arranged. Usually, a decision is taken within 2 to 3 weeks from the date of their arrival in Croatia. Upon the arrival in Croatia, implementing partners start with the integration of persons into Croatian society.

Although the Ministry of Interior reported that they do not keep statistics on the average duration of the resettlement process, they stated that the procedure from the receipt of the file from UNHCR to the transfer of refugees to Croatia lasts about 6 months on average.

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<sup>283</sup> Information received from the Ministry of Interior, 28 January 2019.

## Reception Conditions

### A. Access and forms of reception conditions

#### 1. Criteria and restrictions to access reception conditions

##### Indicators: Criteria and Restrictions to Reception Conditions

1. Does the law make material reception conditions to asylum seekers in the following stages of the asylum procedure?
 

❖ Regular procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Dublin procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Admissibility procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Border procedure	<input type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Accelerated procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ First appeal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Onward appeal	<input type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input checked="" type="checkbox"/> No
❖ Subsequent application	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
  
2. Is there a requirement in the law that only asylum seekers who lack resources are entitled to material reception conditions?
 

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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According to the LITP, asylum seekers do not have the same access to reception conditions regardless of the procedure they are in, so for example material conditions may be restricted during the subsequent application procedure.

According to the LITP, applicants are entitled to accommodation at the Reception Centres for Asylum Seekers, but if they want, they are allowed to stay at any address in Croatia, subject to prior approval by the Ministry of Interior, at their own cost.<sup>284</sup> According to the Ordinances on the Realisation of Material Reception Conditions, they are entitled to accommodation in the Reception Centre from the moment they express the intention to lodge an application for international protection.<sup>285</sup>

During the examination of the Dublin procedure, asylum seekers are entitled to a place in the Reception Centres for Asylum Seekers, as well as to all other material rights as prescribed by the LITP.

According to the Ordinance on the Realisation of Material Reception Conditions, asylum seekers are entitled to financial support from the day when they were accommodated in the Reception Centre for Asylum Seekers,<sup>286</sup> either if they do not hold possession of greater value or if they do not have secured funds for personal use on a monthly basis amounting to more than 20% of minimum amount for social welfare support.<sup>287</sup>

Asylum seekers are entitled to financial support if, in the month for which they have received support, they have been accommodated in the Reception Centre for Asylum Seekers for at least 25 consecutive days.<sup>288</sup> The only exception from this rule in relation to continuous accommodation is the situation when the person has been admitted in the hospital for treatment or if he or she has requested to be absent from the Centre and that the request has been approved.<sup>289</sup>

In practice the assessment of whether or not someone possesses sufficient financial means is determined based on the statement of the asylum seeker about his or her financial status which should be given when applying for international protection.<sup>290</sup>

<sup>284</sup> Article 55(4) LITP.

<sup>285</sup> Article 7(1) Ordinance on the Realisation of Material Reception Conditions.

<sup>286</sup> Article 23(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>287</sup> Article 23(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>288</sup> Article 24(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>289</sup> Article 24(3) Ordinance on the Realisation of Material Reception Conditions.

<sup>290</sup> Article 3(7) Ordinance on the Realisation of Material Reception Conditions.

It is not prescribed in legislation that material reception conditions are tied to the issuance of a document by the relevant authorities. However, according to the Ordinance on the Realisation of Material Reception Conditions asylum seeker who is accommodated in the Reception Centre, will be issued an accommodation certificate that contain information, amongst other, on the date of expression of intention for international protection as well as the date from which the person is accommodated in the Reception Centre.<sup>291</sup> Besides that, applicants will be given an identity card which should be issued within 3 days from the day of lodging the application and it shall serve as a residence permit in the Republic of Croatia.<sup>292</sup>

At the end of 2018, 249 persons were accommodated in the Reception Centres for Asylum Seekers in Zagreb, and 67 in the Reception Centre for Asylum Seekers in Kutina.<sup>293</sup>

According to the Ordinance on the Realisation of Material Reception Conditions, Reception Centre where asylum seekers is accommodated, confirms the right to financial support and issues certificate approving the right to financial support.<sup>294</sup>

## 2. Forms and levels of material reception conditions

### Indicators: Forms and Levels of Material Reception Conditions

1. Amount of the monthly financial allowance/vouchers granted to asylum seekers as of 31 December 2018 (in original currency and in €): HRK 100 / €13.50

According to the LITP, material reception conditions are: accommodation in the Reception Centre, food and clothing provided in kind, remuneration of the cost of public transport for the purpose of the procedure for the approval international protection, and financial aid.<sup>295</sup> The manner and conditions of providing material reception conditions shall be established by the Ministry of Interior, while the Reception Centre shall decide on the right to financial assistance.<sup>296</sup> The amount of financial assistance should be established by the decision of the Minister of Interior.<sup>297</sup>

The Decision on the Amount of Financial Assistance for Applicants for International Protection prescribes that the amount of support is 100 HRK per month, thus approximately €13.50. Monthly financial support to asylum seekers is very low, although the amount varies if there are dependent family members. The amount of 100 HRK per month is very limited and can serve only as pocket money. Since mid-2016, asylum seekers in **Zagreb** may use public transport free of charge.

The system granting material reception conditions to asylum seekers is separate from the general welfare system for nationals, and is less favourable for applicants as compared to nationals.

<sup>291</sup> Article 7(6) Ordinance on the Realisation of Material Reception Conditions.

<sup>292</sup> Article 62(1) LITP.

<sup>293</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>294</sup> Article 25(1)-(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>295</sup> Article 55(1) LITP and Article 1(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>296</sup> Article 55(2) LITP.

<sup>297</sup> Article 55(3) LITP.

### 3. Reduction or withdrawal of reception conditions

#### Indicators: Reduction or Withdrawal of Reception Conditions

1. Does the law provide for the possibility to reduce material reception conditions?  
☒ Yes ☐ No
2. Does the legislation provide for the possibility to withdraw material reception conditions?  
☒ Yes ☐ No

Material reception conditions may be restricted or denied if the applicant:

- (1) Does not reside in the Reception Centre in which accommodation has been provided for him or her;
- (2) Stays outside the Reception Centre contrary the conditions referred in the LITP i.e. stays for longer than 24 hours without the prior consent of the Reception Centre;
- (3) Possesses means which provide him or her with an appropriate standard of living; or
- (4) Violates the provisions of the house rules of the Reception Centre.<sup>298</sup>

On the basis of a case by case assessment, the Reception Centre shall render a decision to restrict or deny some of the material reception conditions, which is proportionate to the aim pursued, taking into account the needs of applicants who require special procedural and/or reception guarantees and maintaining the dignity of the standard of living of the applicant. If the circumstances referred under above mentioned points (1) and (2) cease to exist, the Reception Centre has to render a decision to revoke the decision entirely or partially. An appeal may be brought before the Administrative Court within 8 days from the delivery of the decision. The Ministry has the right to request repayment of the costs of accommodation, including material damage incurred, in the cases prescribed in above mentioned points (3) and (4).<sup>299</sup>

Asylum seekers who are detained in the Reception Centre for Foreigners are not allowed financial support. The Ordinance on the Realisation of Material Reception Conditions prescribes that just those asylum seekers who have not secured adequate standard of living have a right to material reception conditions,<sup>300</sup> and accommodation in the Reception Centre for Foreigners should be considered as the adequate standard of living is secured.<sup>301</sup>

According to the Ministry of Interior, there were no decisions taken on reduction or withdrawal of reception conditions in 2018.<sup>302</sup>

### 4. Freedom of movement

#### Indicators: Freedom of Movement

1. Is there a mechanism for the dispersal of applicants across the territory of the country?  
☐ Yes ☒ No
2. Does the law provide for restrictions on freedom of movement? ☒ Yes ☐ No

Applicants who are not detained can freely move within the country, and generally no restrictions are applied with regards to the area of residence. In fact, applicants are allowed to stay – at their own cost – at any address in the Republic of Croatia, subject to prior approval by the Ministry of Interior. According to the Ordinance on the Realisation of Material Reception Conditions, in order to stay at some other address, the applicant must provide a notarised copy of the rental agreement or a notarised statement of

<sup>298</sup> Article 55(5) LITP and Article 4(1) Ordinance on the Realisation of Material Reception Conditions.

<sup>299</sup> Article 55(6)-(9) LITP.

<sup>300</sup> Article 3(1) Ordinance on the Realisation of Material Reception Conditions.

<sup>301</sup> Article 3(4) Ordinance on the Realisation of Material Reception Conditions.

<sup>302</sup> Information provided by the Ministry of Interior, 28 January 2019.

the owner of the apartment that they accept to accommodate the asylum seeker and would provide him or her with the adequate standard of living.<sup>303</sup>

For those applicants who are accommodated in the Reception Centres for Asylum Seekers, there is an obligation to inform the Head of the centre if they want to stay out for one or more nights, as they have to return to the centre by 23:00.

There are only two reception centres for applicants in Croatia, so in the past relocation of applicants was possible from one centre to the other centre due to capacity / bed management issues or where special needs would arise. However, since the Reception Centre in **Kutina** was renovated and reopened in June 2014, it was decided that this centre would be primarily used for the accommodation of vulnerable groups. In addition, since the increase in the numbers of asylum seekers in 2016, vulnerable groups of asylum seekers are also accommodated in the Reception Centre for Asylum Seekers in **Zagreb**. This continued in 2018 as well.

The LITP foresees restrictions on freedom of movement as [Alternatives to Detention](#). The LITP specifies that the freedom of movement may be restricted by the following measures:<sup>304</sup>

- (1) Prohibition of movement outside the Reception Centre for applicants;
- (2) Prohibition of movement outside a specific area;
- (3) Appearance in person at the Reception Centre for applicants at a specific time;
- (4) Handing over travel documents or tickets for deposit at the Reception Centre for applicants; or
- (5) Accommodation (i.e. detention) in the Reception Centre for Foreigners.

LITP lists 4 grounds for restricting freedom of movement (which are also grounds for detention):<sup>305</sup>

1. To establish the facts and circumstances of the application which cannot be determined without limitation on freedom of movement, in particular where there is a risk of absconding;
2. To establish or verify identity or nationality;
3. To protect national security or public order; or
4. To prevent abuse of process where, on the basis of objective criteria, which include the possibility of access to the procedure of approval of international protection, there is a well-founded suspicion that the intention to apply for international protection expressed during the procedure of forced return was aimed at preventing the procedure of removal.

The Ministry also reported problems when restriction of movement is applied in the form of alternatives to detention, especially when movement is restricted in the Reception Centre for Asylum Seekers as it is an open type of Centre where it is not possible to control the movement of the applicants.

For detention under the same grounds, see the chapter on [Detention of Asylum Seekers](#).

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<sup>303</sup> Article 10(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>304</sup> Article 54(5) LITP.

<sup>305</sup> Article 54(2) LITP.

## B. Housing

### 1. Types of accommodation

#### Indicators: Types of Accommodation

1. Number of reception centres:<sup>306</sup> 2
2. Total number of places in the reception centres: 700
3. Total number of places in private accommodation: N/A
4. Type of accommodation most frequently used in a regular procedure:  
☒ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☐ Other
5. Type of accommodation most frequently used in an accelerated procedure:  
☒ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☐ Other

In Croatia there are 2 Reception Centres for Asylum Seekers:

Capacity and occupancy of Reception Centres for Asylum Seekers			
Centre	Location	Maximum capacity	Occupancy: 31 December 2018
Hotel Porin	City of Zagreb	600	249
Kutina	80km from Zagreb	100	67
<b>Total</b>		<b>700</b>	<b>316</b>

Source: Ministry of Interior 28 January 2019.

According to the Ministry of Interior, although total capacity in both Reception Centres is 700, due to the reconstruction of the living units in **Zagreb**, from summer 2018 to summer 2019 when the completion of the reconstruction is expected, the capacity of the centre is reduced to 360.<sup>307</sup>

Both reception centres are managed directly by the Ministry of Interior. The centre in Kutina is aimed at the accommodation of vulnerable applicants.

In July 2018, the Ministry of Interior's Independent Sector for Schengen Coordination and EU Funds decided to allocate funding for the implementation of the project "Establishing Infrastructure and Capacity Building of the Reception Centre for Asylum Seekers in Mala Gorica within the Asylum, Migration and Integration Fund".<sup>308</sup> In accordance with this decision, the Government plans to build a Reception Centre for asylum seekers in **Mala Gorica**, near Petrinja.

<sup>306</sup> Both permanent and for first arrivals.

<sup>307</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>308</sup> Ministry of Interior, 'Odluka o dodjeli financijskih sredstava za provedbu projekta: "Uspostava infrastrukture i jačanje kapaciteta Prihvatišta za tražitelje azila u Maloj Gorici"', 16 July 2018, available in Croatian at: <https://bit.ly/2Hzcc8o>. See also Ministry of Interior, Decision 018-08/18-03-4, 9 July 2018, available in Croatian at: <https://bit.ly/2TUIAZS>.

## 2. Conditions in reception facilities

### Indicators: Conditions in Reception Facilities

1. Are there instances of asylum seekers not having access to reception accommodation because of a shortage of places? ☐ Yes ☒ No
2. What is the average length of stay of asylum seekers in the reception centres? Not available
3. Are unaccompanied children ever accommodated with adults in practice? ☐ Yes ☒ No

Accommodation of asylum seekers is organised in the two reception centres for asylum seekers, one in **Zagreb** and the other in **Kutina**.

The Reception Centre in Kutina has been renovated and was reopened in June 2014. Although Reception Centre in Kutina is aimed at the accommodation of vulnerable applicants, with the increase in numbers of asylum seekers during 2016, vulnerable asylum seekers were also accommodated in one part of Reception Centre in Zagreb. This situation continued in 2017 and 2018. The Rehabilitation centre for Stress and Trauma reported that accommodation in Zagreb is not appropriate for families with children.<sup>309</sup>

In 2018, **Kutina** accommodated mostly resettled applicants, while the number of other asylum seekers remained lower. Reception conditions in Kutina were found problematic by the Welcome Initiative, due to the fact that resettled applicants, who undergo an accelerated procedure and receive IOM support, are accommodated together with asylum seekers who undergo the standard procedure. Other asylum seekers have difficulties understanding this differential treatment and find it unjust.<sup>310</sup> Asylum seekers accommodated in Kutina shared the same concerns with the Croatian Law Centre's lawyer.

### 2.1. Overall living conditions

Asylum seekers can go outside whenever they want, but have to be back by 11 pm. Under the House Rules the return to Centre after 11pm is possible with the permission of the officials of the Reception Centre. If they want to leave the centre for a few days, they also have to get permission from the Reception Centre.<sup>311</sup>

#### State of facilities

People in the reception centres share rooms. In **Kutina**, families share a room, unaccompanied children and single women are accommodated separately in rooms, while in **Zagreb** a maximum 4 persons can share a room.<sup>312</sup> Families are accommodated in the same room, but in **Zagreb** if there are more than 5 members of one family, they are given 2 rooms if possible.<sup>313</sup> There are sufficient showers and toilets and facilities are cleaned on a regular basis.

As reported by the Croatian Red Cross, no specific problems regarding living conditions have been observed with accommodation in **Kutina**, while in **Zagreb** the problems are primarily related to infrastructure and ongoing reconstruction of the facility. At the end of 2018 the family unit was fully renovated while the other parts of the facility are still under reconstruction. One of the current challenges in the Reception Centre in **Zagreb** are related to frequent room changes due the renovation.

Part of the Reception Centre for Asylum Seekers in **Zagreb** was renovated in the course of 2018. As reported by JRS, the quality of living is much higher now, although at the moment accommodated families are not separated from accommodated single men.<sup>314</sup>

<sup>309</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 3 January 2018.

<sup>310</sup> FRA, *Periodic data collection on the migration situation in the EU*, May 2018, available at: <https://bit.ly/2sQ9Rxe>.

<sup>311</sup> Article 56(6) LITP.

<sup>312</sup> Information provided by the Croatian Red Cross, 18 March 2019.

<sup>313</sup> Information provided by the Croatian Red Cross, 18 March 2019.

<sup>314</sup> Information provided by JRS, 10 January 2019.

With support by the International Federation of the Red Cross (IFRC) and other donors, the Croatian Red Cross purchased and installed the following equipment and materials in the Reception Centres:

- ❖ Further equipping of the indoor playroom for children in Zagreb;
- ❖ Further equipping of workshop/handcraft rooms in Kutina and Zagreb, necessary supplies and tools;
- ❖ Setting up a safe space for women in the in Zagreb;
- ❖ Equipment for the creative workshop room in both centres;
- ❖ Audio, video and computer equipment (electronics) in Zagreb;
- ❖ Equipping a music room (including instruments);
- ❖ New laundry room (5 washing machines and 5 dryers) in Zagreb;
- ❖ Televisions for common spaces in Zagreb;
- ❖ Other necessary supplies such as hygiene items and clothes.

### Food and religious practice

In both centres, residents receive three meals per day and pregnant women, recent mothers and children up to 16 years shall be also provided with an afternoon snack.<sup>315</sup>

The Croatian Red Cross confirmed that in both centres, residents receive three meals per day and supplementary food for infants. Kitchens, equipped by the Croatian Red Cross, where applicants can prepare meals by themselves, are at the moment provided only in the Reception Centre in **Kutina**.<sup>316</sup>

No problems were reported in connection to the possibility of practicing religion. In the Reception Centre in **Zagreb**, there is a room for Muslim asylum seekers to pray. In **Kutina**, asylum seekers can practice their religion in their rooms.

## 2.2. Activities in the centres

The staff of the Ministry of Interior working in the reception centres was generally sufficient.

According to the Ministry of Interior in 2018, 4 new employees started working in the Reception Centre for Asylum Seekers in Zagreb; 2 officials and 2 supporting staff. In addition, staff of the Reception Centres for Asylum Seekers participated in various trainings during 2018.<sup>317</sup>

According to information received from the Croatian Red Cross,<sup>318</sup> their staff provide daily psychosocial support and organise social and educational activities with asylum seekers accommodated in **Zagreb** and **Kutina**. Main activities include:

- ❖ Support in reception: accommodation, initial information, follow up on various issues related to maintenance and daily needs (laundry), procurement and distribution of necessary items (hygiene, clothes, etc.);
- ❖ Individual and family psychosocial support based on needs/capacities assessment;
- ❖ Support to unaccompanied separated children;
- ❖ Specific care provided to persons with mental health difficulties and potential victims of torture and trauma abuse;
- ❖ Play and educational activities with children; support in school work;
- ❖ Introduction to Croatian culture, customs and habits;
- ❖ Safe space for women (organising periodically workshops in topics related to women);
- ❖ Group and individual work with single women, including individual talks aimed at prevention of human trafficking and sexual and gender-based violence (SGBV);
- ❖ Conflict and violence prevention, workshops on prevention of human trafficking;

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<sup>315</sup> Article 20 Ordinance on the Realisation of Material Reception Conditions.

<sup>316</sup> Information provided by the Croatian Red Cross, 18 March 2019.

<sup>317</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>318</sup> Information provided by the Croatian Red Cross, 18 March 2019.

- ❖ Sport activities inside and outside the reception centres;
- ❖ Croatian and English language courses;
- ❖ Hygiene promotion and health education;
- ❖ Job Centre;
- ❖ Library;
- ❖ Hairdresser salon;
- ❖ Provision of information, practical support in daily life;
- ❖ Referral to the Ministry of Interior, Croatian Law Centre, health care, specialised psychological and mental health care, advocacy and support in solving different issues.

In 2018 social activities and psychosocial support were provided by the Croatian Red Cross from Monday to Friday and assistance in accommodation of newly arriving persons was also provided on Saturdays and Sundays by their staff in Reception Centres in **Zagreb** and **Kutina**. Since January 2019 the Croatian Red Cross staff in the Reception Centre in Zagreb and Kutina are working in two shifts, providing psychosocial support and social activities from Monday to Friday from 08:00 to 22:00, and on weekends assistance in accommodation of newly arriving persons is provided from 08:00 to 14:00.

According to the Croatian Red Cross, the main challenge in providing activities in the Reception Centre in Zagreb in 2018 was the reconstruction of the facility. Due to the reconstruction, many rooms where activities and services were provided by the Red Cross were also under reconstruction. Numerous activities had to be adjusted to available rooms that were in function and it was hard to make a long-term schedule for activities. This resulted in a slight decrease of the number of beneficiaries attending the courses due to frequent changes.

In addition, the Croatian Red Cross noted that in 2018 the beneficiaries attended various sports, musical and cultural manifestations in the local community. The soccer team attended a few tournaments, the music band formed in the Reception Centre in **Zagreb** participated in a few local musical events (e.g. Cest is the best – Zagreb Street Festival) and the collaboration with the local schools, kindergartens and libraries continued, organising creative workshops art-exhibitions of the work of beneficiaries attending the workshops in the Reception Centres in Zagreb and Kutina.

The Croatian Red Cross prepared leaflets on Health and Hygiene promotion, available in Farsi, Arabic and English language which were distributed in both Reception Centres.

Croatian Red Cross activities are also funded through AMIF. The Croatian Red Cross was able to improve the existing activities and provide additional services and activities for the beneficiaries with a higher quality in providing services due to the employment of additional staff with specific skills and professional knowledge. This resulted in an increased number of activities offered in the reception centre as well as in the local community. Another benefit of the project funded by AMIF was the opportunity to equip a professional music room in the Reception Centre in **Zagreb** and organise sport activities on a weekly basis at a nearby sports facility.<sup>319</sup>

JRS is present from Monday to Friday in the Reception centre for Asylum seekers in **Zagreb** and once a week in **Kutina**.

JRS has also set up a computer room with computers available in the Reception Centre of **Zagreb**.<sup>320</sup> The classroom is open daily from Monday to Friday. JRS also provides language courses, workshops for women and children in Zagreb and in Kutina.<sup>321</sup>

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<sup>319</sup> Information provided by the Croatian Red Cross, 18 March 2019.

<sup>320</sup> Information provided by JRS, 16 February 2017; 3 January 2018; 10 January 2019.

<sup>321</sup> Information provided by JRS, 3 January 2018.

During 2018, many non-governmental organisations such as the Croatian Red Cross, Croatian Law Centre, JRS, Centre for Peace Studies,<sup>322</sup> Rehabilitation Centre for Stress and Trauma, Are You Serious were present in both reception centres.

During 2017 in the Reception Centre for Asylum Seekers in Zagreb, a child-friendly space, financially supported by UNICEF, was made available in cooperation with JRS and the Society for Psychological Assistance. According to information provided by UNICEF, UNICEF did not plan to continue providing financial means in 2018 for functioning of the child friendly space.<sup>323</sup> However, as reported by JRS, although no financial means were provided in the course of 2018, JRS manage to make the child-friendly space available when possible.<sup>324</sup>

In addition, various social and educational activities such as various workshops for women and children were also provided by organisations present in both Reception Centre. Croatian language courses are organised by the Croatian Red Cross, the Centre for Peace Studies and JRS.

Also, since March 2015, the Centre for Children, Youth and Family (Modus) has started providing free counselling and psychotherapy for asylum seekers and refugees in the Reception Centre. However, in 2016 and 2017, counselling was mainly organised in their premises and support was provided by educated counsellors and psychotherapists and interpreters. One meeting lasts from 45 to 60 minutes and includes all the usual rules of providing psychological support, such as confidentiality and the possibility to agree on the topics to be discussed. In 2018, 2 psychologists held a workshop for parents at the Reception Centre for Asylum seekers in relation to the child care. During 2018 Modus also organised counselling and psychotherapy in the premises of their centre but also in the Reception Centre for Asylum Seekers in **Zagreb**. Counselling and psychotherapy were provided both for asylum seekers and beneficiaries of international protection, including adults and children. Counselling sessions were mainly done with the help of interpreters for Arabic, Farsi and French and exceptionally in English.<sup>325</sup>

Are you Serious provided additional individual hours of Croatian language for children who need additional support. They also provided various other activities such as creative workshops and activities for children – learning support, language learning through play for preschool children, birthday celebrations. Periodically, they have also organised activities for children outside the Reception Centre e.g. picnics, visits to museums and cinema, etc.<sup>326</sup>

The Rehabilitation Centre for Stress and Trauma carried out group and individual activities of psychological support in 2018.<sup>327</sup> Group support included 36 users while individual psychological counselling and psychotherapy included 40 users. Counselling sessions were mainly organised in their premises, partially due to the low number of newly arrived asylum seekers and because the Ministry of Interior has not extended their cooperation agreement which expired in mid-2018. Croatian language courses were also organised by the Rehabilitation Centre for 30 persons, both asylum seekers and beneficiaries of international protection.

In addition, the Rehabilitation Centre for Stress and Trauma, in cooperation with the Centre for Peace Studies and its partners, has started the development of an online learning tool intended primarily for refugees coming to EU countries through resettlement but the tool is also useful for other categories of refugees and migrants. Informative materials on Croatia are available in English, Arabic and Tigrinya on the [WELCOMM](#) website.

The Centre for Peace Studies reported that their employees and volunteers were present in both Reception Centres for Asylum Seekers until September 2018, when the Ministry of Interior refused to

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<sup>322</sup> The Centre for Peace Studies reported that they were present in the Reception Centre until September 2018, when the Ministry of Interior decided not to extend their cooperation agreement.

<sup>323</sup> Information provided by UNICEF, 27 December 2017.

<sup>324</sup> Information provided by JRS, 10 January 2019.

<sup>325</sup> Information provided by the Centre for Children, Youth and Family, 21 December 2018.

<sup>326</sup> Information provided by Are You Serious, 10 January 2019.

<sup>327</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2019.

prolong their cooperation agreement.<sup>328</sup> Until September 2018, the Centre for Peace Studies was providing various psychosocial activities but mostly workshops for Croatian language, information on the asylum system, Croatian culture and history, psychosocial support, sport and social activities. From the begging of 2018 until the end of March 2018, they held workshops “let’s think and talk about society” in the Reception Centre for Asylum Seekers in Zagreb twice a month.

### 2.3. Duration of stay in the centres

According to the information provided in February 2018 by the Ministry of Interior, the average length of stay in the reception centres is 3 months.<sup>329</sup> However, in January 2019, they noted that they do not keep such records.<sup>330</sup>

In the regular procedure, applicants can be accommodated in the Reception Centre until the completion of the procedure and a final decision is taken on the case (at first instance and during the administrative dispute). When a final negative decision on the asylum application has been taken and the time for executing the order to leave the country has elapsed, the right to receiving reception conditions ends.

## C. Employment and education

### 1. Access to the labour market

#### Indicators: Access to the Labour Market

- |  |   |
|--|---|
| 1. Does the law allow for access to the labour market for asylum seekers?<br>❖ If yes, when do asylum seekers have access the labour market? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>9 months |
| 2. Does the law allow access to employment only following a labour market test?  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No             |
| 3. Does the law only allow asylum seekers to work in specific sectors?<br>❖ If yes, specify which sectors:                                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No             |
| 4. Does the law limit asylum seekers’ employment to a maximum working time?<br>❖ If yes, specify the number of days per year                 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No             |
| 5. Are there restrictions to accessing employment in practice?   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No             |

Applicants have the right to work after 9 months from the day of lodging the application upon which the Ministry of Interior has not yet rendered any decision, if the procedure has not been completed due to no fault of the applicant.<sup>331</sup> To this end, they do not need a residence or work permit, or a work registration certificate, until the decision on their application is final.<sup>332</sup>

The Ministry of Interior should issue a document at the request of an applicant to certify that the applicant has acquired the right to work. On the other side, if the applicant does not meet the conditions, the Ministry shall render a decision refusing to issue the certificate.<sup>333</sup>

The Ministry of Interior does not collect data on how many certificates granting the right to work were issued in the course of 2018.<sup>334</sup> The Ministry reported that in 2018, 53 asylum seekers provided their work contracts to the Ministry of Interior.<sup>335</sup>

<sup>328</sup> Information provided by the Centre for Peace Studies, 27 December 2018.

<sup>329</sup> Information provided by the Ministry of Interior, 13 February 2018.

<sup>330</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>331</sup> Article 61(1) LITP.

<sup>332</sup> Article 61(5) LITP.

<sup>333</sup> Article 61(2)-(3) LITP.

<sup>334</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>335</sup> Information provided by the Ministry of Interior, 28 January 2019.

In 2018, the Administrative Court in **Zagreb** received 10 appeals in relation to certificates granting the right to work, of which 2 were dismissed and 8 rejected. The average duration of the procedure was 4.9 months.<sup>336</sup>

According to the Croatian Employment Service (CES) registration in the records of the CES was regulated by the Law on Employment, Mediation and Unemployment Rights until the end of 2018. Pursuant to the aforementioned law, asylum seekers could apply to CES if the Ministry of Interior has not rendered any decision within the 9 months.<sup>337</sup> As of 1 January 2019, this is regulated by Law on Labour Market.<sup>338</sup>

According to the data of the CES, at the end of 2018, 5 applicants for international protection were registered in their records of unemployed persons.<sup>339</sup> In the course of 2018, 9 asylum seekers were included in individual counselling at CES, while 2 participated in public work.

Generally, it is quite difficult for asylum seekers to find a job, due to the general difficulties resulting from their language skills, to the limited or no academic or professional background, as well as to the recession and the high national rates of unemployment. Asylum seekers do not have access to vocational training schemes.

The Rehabilitation Centre for Stress and Trauma reported that some categories of asylum seekers were denied the right to work, although they were eligible on the basis of the length of their asylum procedure and were accordingly issued a document from the Ministry of Interior which certified their right to work.<sup>340</sup> This happened due to administrative obstacles, as the Tax Administration did not issue the Tax Cards to some asylum seekers, which effectively deprived them from the right to work under the LITP. According to the information available to the Croatian Law Centre, the problem is that for asylum seekers who do not hold personal documents, a Personal Identification Number (*Osobni identifikacijski broj*, OIB) is generated by the Ministry of Interior instead of the Tax Administration. However, for some asylum seekers who require a Tax Card, the Tax Administration does not recognise the OIB generated by the Ministry of Interior and requires a Unique Identification Number (*Jedinstveni matični broj građana*, JMBG) which of course asylum seekers do not have; the JMBG was replaced by OIB. According to the Croatian Law Centre's findings, due to this occurring in a number of such cases, the Tax Administration is working to address and resolve this technical problem.

Generally, the Rehabilitation Centre for Stress and Trauma observed positive changes in relation to the employment of both asylum seekers and beneficiaries international protection, as a consequence of the lack of local labour especially for low-paid jobs. However, the Rehabilitation Centre also reported on practices of exploitation such as working hours longer than agreed, no overtime payments, no use of annual leave in accordance with the law because the employer have not informed the employee about it.<sup>341</sup> MdM has stressed the positive impact of employment on asylum seeker's mental health and emphasised that they should be allowed to work as soon as possible.<sup>342</sup> Are you Syrious helped in connecting asylum seekers with potential employers and provided support in negotiating employment conditions.<sup>343</sup>

Since the beginning of 2014, a Job Centre was opened within the Reception Centre in **Zagreb**. In exchange for their work i.e. cleaning the centre premises, cleaning the gym and helping with the cleaning in the restaurant, etc., asylum seekers receive additional clothes, shoes, items for personal hygiene and so forth.<sup>344</sup> According to information provided by the Croatian Red Cross, in 2018 the Job Centre was

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<sup>336</sup> Information provided by the Administrative Court of Zagreb, 12 March 2019.

<sup>337</sup> Article 14(2) Law on Employment Mediation and Unemployment Rights.

<sup>338</sup> Article 14 Law on Labour Market, Official Gazette 118/2018.

<sup>339</sup> Information provided by the Croatian Employment Service, 28 January 2019.

<sup>340</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2019.

<sup>341</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2019.

<sup>342</sup> Information provided by MdM, 23 December 2018.

<sup>343</sup> Information provided by Are You Serious, 10 January 2019.

<sup>344</sup> Information provided by the Croatian Red Cross, 21 July 2014.

active twice a week in the Reception Centre in **Zagreb**, or more often when needed. Participation is voluntary and usually 5 to 20 persons participate in the activity.<sup>345</sup>

Asylum seekers can work on a voluntary basis in both Reception Centres for Asylum Seekers.<sup>346</sup> According to the Ordinance on the Realisation of Material Reception Conditions, asylum seekers accommodated in the Reception Centre for Asylum Seekers may, at their own request and with a signed statement, assist in activities related to the maintenance of the centre and housing such as cleaning landscaping, gardening, help in storehouse, washing, ironing, painting the walls, etc., and can be voluntarily involved in work for the benefit of local community or the work of humanitarian organisations.

## 2. Access to education

### Indicators: Access to Education

- |  |   |
|--|---|
| 1. Does the law provide for access to education for asylum-seeking children? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Are children able to access education in practice?                        | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

The right to education is a constitutional right for all children staying in Croatia. According to the LITP, only child applicants (i.e. those under 18) are entitled to primary and secondary education.<sup>347</sup> Applicants who have begun to exercise the right to secondary education are allowed to continue secondary education even after they have turned 18.

According to the LITP, the right to primary and secondary education is granted to child applicants under the same conditions as for Croatian nationals, and children can access education within 30 days of lodging an application.<sup>348</sup>

According to the Ministry of Interior, the procedure for enrolment of asylum-seeking children in pre-school, elementary or high school is performed by the employees of the Reception Centre for Asylum Seekers, while for those children who are accommodated in social welfare institutions, procedure is carried out by their guardians. In 2018, 73 children attended elementary school, 9 attended high school, and 7 children were included in the programme of pre-school.<sup>349</sup>

There have been reported obstacles to accessing secondary education for asylum-seeking children.<sup>350</sup> The major problem when accessing school is still the language barrier, but there has been progress in the last few years, and children access the educational system more easily at the moment.

The Croatian Red Cross reported that progress was made in the field of schooling. Children from Reception Centre are included in the local schooling system on a regular basis.<sup>351</sup>

The Rehabilitation Centre for Stress and Trauma reported problems with access to education for asylum seekers over the age of 18, especially secondary education. They mentioned the example of younger people who did not start or had not completed secondary education in their countries of origin because of war. For them, according to the Rehabilitation Centre for Stress and Trauma, it was virtually impossible to start or continue their education in a regular education system in Croatia.<sup>352</sup>

Access to education significantly improved when the authorities made it possible for children without OIB to formally enrol at schools.<sup>353</sup> However, the Croatian Red Cross reported persisting problems in the

<sup>345</sup> Information provided by the Croatian Red Cross, 13 February 2017; 18 March 2019.

<sup>346</sup> Article 19 Ordinance on the Realisation of Material Reception Conditions.

<sup>347</sup> Article 58(1) LITP.

<sup>348</sup> Article 58(3) LITP.

<sup>349</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>350</sup> Information provided by the Croatian Red Cross, 13 February 2017.

<sup>351</sup> Information provided by the Croatian Red Cross, 18 March 2019.

<sup>352</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 3 January 2018.

<sup>353</sup> FRA, *Periodic data collection on the migration situation in the EU*, February 2018, available at: <https://bit.ly/2UyOywb>.

inclusion of unaccompanied children in the education system.<sup>354</sup> The Centre for Missing and Exploited Children also reported problems related to inclusion of unaccompanied children, as well as asylum seekers' children, in the educational system as it is still long-lasting procedure. They have also highlighted unequal treatment of children as well as the lack of systematic support to special guardians in the performance of their duties.<sup>355</sup> Are you Syrious also reported problems related to inclusion of children to high school as well as to preparatory classes.<sup>356</sup>

Under a programme of support for the integration of children who are asylum seekers or beneficiaries of international protection into a regular system of education, UNICEF has worked on the capacity-building of stakeholders at several levels i.e. teachers and kindergarten teachers in 5 elementary schools and 3 kindergartens in **Zagreb** and **Kutina** for the application of inclusive pedagogical practices.<sup>357</sup> A platform entitled "**Korak Po Korak**" was also launched to support the inclusion of children in the education system. It is hard to predict how the education system will address issues arising in the event of asylum-seeking children with special needs.

Child applicants are also entitled to special assistance to learn Croatian and to make up for the knowledge they might lack in some school subjects, in the form of preparatory and supplementary classes.<sup>358</sup> In November 2011, a Programme of Croatian for preparatory classes for primary and secondary school students who do not speak or speak Croatian insufficiently was adopted. This is an intensive 70-hour course of Croatian, spread over a maximum of one academic year.

Beyond access to schools, as mentioned in [Conditions in Reception Facilities](#), several organisations provide educational activities and language classes in the two centres.

## D. Health care

### Indicators: Health Care

- |   |   |   |
|---|---|---|
| 1. Is access to emergency healthcare for asylum seekers guaranteed in national legislation?               | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No   |
| 2. Do asylum seekers have adequate access to health care in practice?                                     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> Limited <input type="checkbox"/> No |
| 3. Is specialised treatment for victims of torture or traumatised asylum seekers available in practice?   | <input type="checkbox"/> Yes            | <input type="checkbox"/> Limited <input checked="" type="checkbox"/> No |
| 4. If material conditions are reduced or withdrawn, are asylum seekers still given access to health care? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited <input type="checkbox"/> No            |

### 1. Primary health care

Applicants are entitled to health care. However, the LITP prescribes that health care includes emergency care and necessary treatment of illnesses and serious mental disorders.<sup>359</sup>

Medical assistance is available in the Reception Centres for Asylum Seekers in **Zagreb** and **Kutina**. Health care is provided by the health care institutions in Zagreb and Kutina designated by the Ministry of Health.<sup>360</sup> In the Health Centre, a competent ambulance (family medicine) has been designated for the provision of health care from the primary health care level for chronic and life-threatening illnesses. A specialist ambulance for vulnerable groups has been appointed by the Ministry of Health and Local Health Centres. This includes: paediatric ambulance, gynaecological ambulance, school medicine ambulance, neuropsychiatric ambulance at the Hospital of **Kutina**, ambulance for addiction treatment; dental ambulances and Psychiatric Hospital in **Zagreb**.

<sup>354</sup> Information provided by the Croatian Red Cross, 19 December 2018.

<sup>355</sup> Information provided by Centre for Missing and Exploited Children, 14 February 2019.

<sup>356</sup> Information provided by Are You Syrious, 10 January 2019.

<sup>357</sup> Information provided by UNICEF, 20 December 2018.

<sup>358</sup> Article 58(4) LITP; Article 43 Law on Education in Primary and Secondary Schools (Official Gazette 87/08, 86/09, 92/10, 90/11, 5/12, 16/12, 86/12, 126/12, 94/13).

<sup>359</sup> Article 57(1) LITP.

<sup>360</sup> Information provided by the Ministry of Interior, 28 January 2019.

In addition, asylum seekers are referred to local hospitals i.e. in **Sisak** for those accommodated in Kutina, and the Hospital of **Zagreb**. The competent pharmacies, one in Zagreb and one in Kutina, have also been determined. Vaccination is performed by doctors in health centres or by specialists of school medicine.

Also, according to the Memorandum of Understanding between the Ministry of the Interior, the Ministry of Health and MdM, medical team of MdM was present at the Reception Centre in **Zagreb** every working day from 16:00 to 20:00 until 31 October 2018. From 1 November 2018, under an AMIF-funded project, MdM provide health care in **Zagreb** and **Kutina** every working day from 10:00 to 18:00.

The Ministry of Interior has concluded agreements with NGOs who provide psycho-social support and counselling at the Reception Centres in Zagreb and Kutina, buy supplies for the work of ambulance in the Reception Centre and offer transfers to health care institutions. Officials of the Reception Centre for Asylum Seekers coordinate the organisation of examinations between asylum seekers, MdM, other NGOs and clinics and ambulances. Also, for medical examinations, if necessary, interpreters are provided according to the Ministry of Interior.<sup>361</sup>

The Croatian Red Cross provides medical assistance in collaboration and coordination with MdM and the Ministry of Interior. Assistance includes transfers to health institutions, interpretation for Arabic and Farsi as well as purchase of medications, medical prostheses and supplementary food for infants and people with diet restrictions.<sup>362</sup>

### **Complementary services by NGOs**

MdM have two part-time General Practitioners, a nurse and two interpreters who perform health care consultations at the primary health care level and carry out official initial medical examinations of newly-arrived asylum seekers at both locations of the Reception Centre for Asylum Seekers. In 2018 this included presence in **Zagreb** every working day and in **Kutina** two to four days a month.<sup>363</sup>

Between 1 January and 30 November 2018, the MdM medical team carried out 4,027 medical consultations and examinations of asylum seekers, as well as 530 mandatory first examinations of newly arrived asylum seekers. Out of the 4,027 medical consultations and examinations: 1,330 were performed with women (33%); 784 with children (19%) and 322 with children between 0 and 4 years (8%).<sup>364</sup>

MdM also has a community worker and interpreters who provide interpretation, provision of information and counselling, as well as practical assistance to asylum seekers and beneficiaries of international protection when exercising their rights, including making appointments with doctors and transportation of patients to health facilities as needed. In 2018, they were involved in transporting and escorting patients to health care facilities and have assisted with appointments, transportation of samples, medical reports, medical documentation, medicines. In 2018, a total of 862 such interventions were provided, of which: 771 transports / escorts of asylum seekers to health care facilities, including 154 escorts of children to vaccination; 75 takeovers of medical reports for asylum seekers in health institutions.<sup>365</sup>

MdM also employs external associates, namely a gynaecologist, a paediatrician and a psychiatrist, who regularly visit the Reception Centre for Asylum Seekers in **Zagreb**, usually one to four times a month depending on needs.

The provision of health care protection in cooperation with the MdM in the two Reception Centres for Asylum Seekers was supported by UNICEF in the period 1 January to 30 June 2018.<sup>366</sup> From 1 November 2018 the implementation of the project is funded by AMIF.

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<sup>361</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>362</sup> Information provided by the Croatian Red Cross, 18 March 2019.

<sup>363</sup> Information provided by MdM, 23 December 2018.

<sup>364</sup> *Ibid.*

<sup>365</sup> *Ibid.*

<sup>366</sup> Information provided by UNICEF, 20 December 2018. The cost of this activity was 602,000 HRK / 81,000 €.

Other organisations have provided complementary support to health care activities.

## 2. Mental health

Psychological counselling and support were also provided by several other organisations during 2018:

- ❖ The Society for Psychological Assistance (SPA)<sup>367</sup> provided psychological counselling ,mainly organised in their premises Information on their activities for clients are also available online.<sup>368</sup>
- ❖ The Croatian Law Centre provided psychological counselling through project directed to potential and recognised victims of torture among asylum seekers,.
- ❖ The Rehabilitation Centre for Stress and Trauma also provided psychological support through psychosocial workshops and group sessions. In 2018, group psychological support included 36 users, individual psychological counselling and psychotherapy of about 40 users.<sup>369</sup>
- ❖ The two psychologists of the MdM team provide individual psychological counselling / therapy every working day in **Zagreb** and where necessary in **Kutina**. During 2018, 555 individual sessions / consultations with psychologists were held.<sup>370</sup>

In 2018, the Reception Centre for Asylum Seekers reportedly entered into an official agreement with a psychiatric facility in **Zagreb**, which is to provide regular mental health care support.<sup>371</sup> However, at the end of 2018, MdM reported as a problem the lack of formalised cooperation between the Ministry of Health, the City of Zagreb (Office for Health) and the Psychiatric Hospital “Sveti Ivan – Zagreb” with the aim of preventive actions and of resolving emergency situations related to asylum seekers’ mental health issues.<sup>372</sup> The unavailability of interpreters has also been flagged by the Croatian Red Cross as a persistent issue.<sup>373</sup>

According to the Centre for Children, Youth and Family (Modus), the availability of psychiatric treatment is still a great problem, as people are, almost as a rule, hospitalised for just one to two days, regardless of the severity of their mental health problems.<sup>374</sup>

## 3. Special health needs

Applicants who need special reception and/or procedural guarantees, especially victims of torture, rape or other serious forms of psychological, physical or sexual violence, shall be provided with the appropriate health care related to their specific condition or the consequences resulting from the mentioned acts.<sup>375</sup> However, in practice this type of additional health care is not accessible on a regular basis for those who have special needs.

According to national legislation, the procedure of recognising the personal circumstances of asylum seekers shall be conducted continuously by specially trained police officers, employees of the Ministry of Interior and other competent bodies, from the moment of the expression of the intention to apply for international protection until the delivery of the decision on the application. However, there is still no further detailed guidance available in the law, nor an early identification mechanism in the form of internal

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<sup>367</sup> Information provided by the Society for Psychological Assistance, 5 January 2018.

<sup>368</sup> See: <http://bit.ly/2lr77E4>; <http://www.srcro.eu/>; <http://bit.ly/2m2IRVO>.

<sup>369</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2019.

<sup>370</sup> *Ibid.*

<sup>371</sup> FRA, *Periodic data collection on the migration situation in the EU*, May 2018, available at: <https://bit.ly/2sQ9Rxe>.

<sup>372</sup> Information provided by MdM, 23 December 2018. See also MdM, *Nearing a point of no return? Mental health of asylum seekers in Croatia*, February 2019, available at: <https://bit.ly/2UC9sLf>.

<sup>373</sup> FRA, *Periodic data collection on the migration situation in the EU*, July 2018, available at: <https://bit.ly/2Dlibpf>.

<sup>374</sup> Information provided by the Centre for Children, Youth and Family, 21 December 2018.

<sup>375</sup> Article 57(2) LITP.

guidance. According to the Croatian Law Centre's insights, less evident vulnerabilities such as those relating to victims of torture are much less likely to be identified in current practice. During 2018, many asylum seekers who came to Croatia were in need of special guarantees but did not receive appropriate health care and were simply referred to doctor present in the Reception Centre, as a system and mechanism for addressing special needs of asylum seekers has not been established.

Since 2010 the Croatian Law Centre has implemented the project "Protection of Victims of Torture among Vulnerable Groups of Migrants" (*Zaštita žrtava mučenja među ranjivim skupinama migranata*) funded by the UN Voluntary Fund for Victims of Torture (UNVFVT). Through the project, legal assistance provided by the Croatian Law Centre, psychosocial support provided by the Croatian Red Cross and psychological counselling provided by external experts – psychologists) are available to asylum seekers and refugees. During 2018, 30 persons were assisted under the project and provided with legal, social and psychological assistance. Through the legal assistance 24 persons received legal information in 83 legal counselling sessions, while psychological assistance was provided to 23 beneficiaries in 76 sessions.

## E. Special reception needs of vulnerable groups

### Indicators: Special Reception Needs

1. Is there an assessment of special reception needs of vulnerable persons in practice?  
☐ Yes ☒ No

In the past, there were no special mechanisms laid down in the law to identify vulnerable persons for the purpose of addressing special reception needs.

The LITP enumerates as vulnerable persons: persons without legal capacity, children, unaccompanied children, elderly and infirm persons, seriously ill persons, disabled persons, pregnant women, single parents with minor children, persons with mental disorders and victims of trafficking, as well as victims of torture, rape or other forms of psychological, physical and sexual violence, such as victims of female genital mutilation.<sup>376</sup> The LITP provides special procedural and reception guarantees (see section on [Special Procedural Guarantees](#)).

However, up until now the Ministry of Interior did not have a special unit dealing with vulnerable groups, but accommodated their needs in the general reception system

When accommodating applicants in the Reception Centre, gender, age, position of vulnerable groups, applicants with special reception needs and family unity shall be particularly taken into account.<sup>377</sup> Those with special reception needs may be placed in an appropriate institution or can be accredited to accommodation in accordance with regulations on social welfare, accommodation appropriate for their needs cannot be provided if in the Reception Centre.<sup>378</sup>

The Ordinance on the Realisation of Material Reception Conditions prescribes that reception conditions should be adapted to the needs of asylum seekers, psychosocial support should be provided, and special care should be given to asylum seekers with special reception needs. The process of identifying asylum seekers with special reception needs should be conducted by professionals who provide psychosocial support in the Reception Centre, and if necessary, the competent Centre for Social Welfare can participate in the assessment. The Centre for Social Welfare involved in the procedure of identifying asylum seekers with special reception needs shall notify the Reception Centre of all measures and actions taken.<sup>379</sup>

Asylum seekers with special health care needs shall be provided a special diet, based on the recommendations of the physician.<sup>380</sup>

<sup>376</sup> Article 4(1)(14) LITP.

<sup>377</sup> Article 56(4) LITP; Article 6(1) Ordinance on the Realisation of Material Reception Conditions.

<sup>378</sup> Article 7(3) Ordinance on the Realisation of Material Reception Conditions.

<sup>379</sup> Article 12(1)-(3) Ordinance on the Realisation of Material Reception Conditions.

<sup>380</sup> Article 20(2) Ordinance on the Realisation of Material Reception Conditions.

There is no monitoring mechanism in place with regards to measures for addressing special needs of asylum seekers accommodated in the centres. However, social workers of the Ministry of Interior and the Croatian Red Cross are available daily in the Reception Centres for Asylum Seekers and can provide support. In practice, during their regular work and communication with asylum seekers as well as on individual and group support, Croatian Red Cross employees can observe the needs of vulnerable groups and, where there is a need, can accordingly propose changes in the reception of particular asylum seekers to the Head of Reception Centre (for example, a person may need to be accommodated in a single room, or with other persons, or may need to be relocated to the Reception Centre for Asylum Seekers in **Kutina**, which is specifically designed for vulnerable asylum seekers). To the knowledge of the Croatian Law Centre those suggestions were taken into consideration. However with the increase in the numbers of asylum seekers, vulnerable asylum seekers who need single room may face difficulties as there are no available places so people can rarely be accommodate in single room.

The Ministry of Interior has reported that their staff, depending on the needs of the applicant, cooperate with other competent bodies in relation to reception guarantees, for example with Centres for Social Welfare which are, when appropriate, included in the procedure for assessing special needs. In the case when adequate accommodation cannot be provided for those persons in the Reception Centre for Asylum Seekers, a person would be accommodated in another appropriate institution or can be granted accommodation according to the social welfare regulations. Also, when needed, special dietary requirements will be provided based on the recommendation of the competent physician. Asylum seekers accommodated in the Reception Centre for Asylum Seekers are provided with three meals a day and pregnant women, babies and children under the age of 16 are provided with an afternoon snack. Upon recommendation of the doctor, separate accommodation would be provided to those with special reception needs. If needed, they would be provided with appropriate health care related to their specific health condition.<sup>381</sup>

In 2018, for two asylum seekers, special reception guarantees were applied for 2 asylum seekers and their accommodation was secured in appropriate social welfare institutions. In the Reception Centre for Asylum Seekers, special reception guarantees were applied in 5 cases due to health conditions of asylum seekers while in 4 cases, special reception and procedural guarantees were applied to persons belonging to vulnerable groups. Additionally, based on the opinion of the physician, 6 asylum seekers were accommodated in rooms separated from other asylum seekers. Special reception guarantees were applied to 2 children accompanied by adult asylum seekers in the Reception Centre.<sup>382</sup>

## 1. Reception of women and children

Separate premises are provided in the Reception Centre in **Kutina** for women and vulnerable groups. Families are kept together, while single women, unaccompanied children and traumatised applicants are accommodated in separate rooms. However, some children have been accommodated together with other asylum seekers in reception centres and, according to the Croatian Red Cross, this included children staying alongside single men, people with mental disabilities and persons with substance abuse issues.<sup>383</sup>

UNICEF, in cooperation with their implementing partners Society for Psychological Assistance and JRS, have established a child friendly space in both Reception Centre which was functioning in 2017. However, as reported by JRS, although no financial means were provided in the course of 2018, JRS manage to make the child-friendly space available when possible.<sup>384</sup>

In order to prevent gender-based violence and protect children from adults, Croatian Red Cross employees working in the Reception Centres conduct workshops and also organise individual counselling

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<sup>381</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>382</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>383</sup> FRA, *Periodic data collection on the migration situation in the EU*, July 2018, available at: <https://bit.ly/2Dlibpf>.

<sup>384</sup> Information provided by JRS, 10 January 2019.

to inform applicants about potential risks of exploitation, sexual violence and trafficking, with a specific focus on vulnerable groups.

MdM is implementing a project entitled “Empowering women and children in the migrant population to take action against sexual and gender-based violence – WE ACT” until February 2020. The main objective of the project is the prevention of sexual and gender-based violence faced by children and women. Among other aims, the project will seek to establish a protocol of conduct intended for the professionals and reception staff who would inform women and children, who are victims of gender-based violence, about their rights and available support.<sup>385</sup>

## 2. Reception of unaccompanied children

With regard to unaccompanied children, the LITP prescribes that the guardian of an unaccompanied child shall undertake all the necessary activities, including contact and cooperation with the competent ministries, other state and foreign bodies, and NGOs, in order to reunite the child with his or her family if this is in the best interests of the child.<sup>386</sup>

In practice, most unaccompanied foreign children up to now are placed in children and young people's homes. Children under 14 years of age are accommodated in children's homes, while children above the age of 14 are accommodated in Residential Child Care Institutions. Although these are open facilities, they are not adapted to the needs of this category of children. Special concerns from various NGOs have been raised in relation to accommodating children in Residential Child Care Institutions as their primary function is to treat children with behavioural difficulties, so the conditions of their stay cannot be considered suitable for this group, especially when taking into account the specific needs of these children, as well as unavailability of interpreters in those institutions.<sup>387</sup> In addition, staff in those institutions are not prepared for working with this category of vulnerable children. The Ombudswoman has expressed similar concerns about the lack of specialised facilities and interpreters for unaccompanied children.<sup>388</sup>

In addition, unaccompanied children are accommodated throughout Croatia. In the middle of 2018 this led to a situation where 20 children were accommodated in 15 different cities, which in practice creates major problems since resources, i.e. interpreters, professionals who are trained to work with unaccompanied children and familiar with the Croatian asylum system, are still very limited.<sup>389</sup>

The Croatian Red Cross coordinates a mobile team consisting of a social worker, psychologists and an interpreter. They visit social welfare institutions where unaccompanied children are accommodated with the purpose of providing assistance and psychosocial support to children, but also to support special guardians and staff of institutions where children are accommodated. In cooperation with staff of the institution and the child, an assessment of the needs and the individual work plan for each child is prepared.<sup>390</sup>

A Protocol on the treatment of unaccompanied children was adopted in August 2018 (see [Identification](#)) which foresees the possibility of accommodation with foster families. UNICEF welcomed the possibility of alternative accommodation in foster families for unaccompanied children and expressed its readiness to provide technical support to Ministry for Demography, Family, Youth and Social Policy in the development of such a model of care for unaccompanied children.<sup>391</sup>

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<sup>385</sup> Information provided by MdM, 23 December 2018.

<sup>386</sup> Article 10(3) LITP.

<sup>387</sup> Information provided by JRS, 3 January 2018; 10 January 2019. Rehabilitation Centre for Stress and Trauma, 3 January 2018; Croatian Red Cross, 19 December 2018.

<sup>388</sup> FRA, *Periodic data collection on the migration situation in the EU*, February 2018, available at: <https://bit.ly/2UyOywb>.

<sup>389</sup> Information provided by the Croatian Red Cross, 19 December 2018.

<sup>390</sup> Information provided by the Croatian Red Cross, 19 December 2018.

<sup>391</sup> Information provided by UNICEF, 20 December 2018.

Out of a total of 64 unaccompanied children in 2018, 48 were accommodated in social welfare institutions, while the other 16 were accommodated in the Reception Centre for Asylum Seekers. Also, in 2018, 1 unaccompanied child was placed in a foster family due to health reasons and, was later transferred to a Residential Child Care Institution. According to the Ministry of Interior, at the end of 2018, 47 asylum seekers were accommodate in private accommodation, including unaccompanied children in Residential Child Care Institutions.<sup>392</sup>

### 3. Reception of victims of torture, violence and trauma

No system for early identification of victims of torture or other forms of ill-treatment by competent authorities and professionals has yet been developed. According to the LITP, applicants who need special reception and/or procedural guarantees, especially victims of torture, rape or other serious forms of psychological, physical or sexual violence, shall be provided with the appropriate health care related to their specific condition or the consequences resulting from the mentioned acts.<sup>393</sup>

However until today in practice the system for addressing the consequences of torture among applicants has not been established. It is also unclear who can get treatment and under which conditions, and who should provide such treatments. This is discussed in detail in [Health Care](#).

The Rehabilitation Centre for Stress and Trauma reported that victims of torture do not have access to the necessary treatment and appropriate medical and psychological rehabilitation and care.<sup>394</sup> In February 2018, the Rehabilitation Centre for Stress and Trauma ended the project under which they worked with asylum seekers and refugees who were torture survivors.<sup>395</sup> Apart from providing conventional individual psychological counselling, psychotherapy and psycho-social support, the partners in this project developed and piloted an innovative short-term group intervention. Clients were also able to participate in various educational activities, including language learning and vocational training, and other group activities to facilitate interaction and integration in local communities.

## F. Information for asylum seekers and access to reception centres

### 1. Provision of information on reception

There are no specific rules for information to be provided to applicants on rights and obligations relating to reception conditions. The provisions in the LITP on information to applicants are formulated generally. The Ministry of Interior has to inform the applicants within 15 days of the expression of intention, about the procedure of approval of international protection, about rights and obligations they have in that procedure, the possibility of contact representatives of UNHCR and other organisations who work to protect the rights of refugees, and the possibility of receiving free legal assistance.<sup>396</sup>

In practice, according to the information available to the Croatian Law Centre, this information is given in writing during the submission of the asylum application.

Applicants are informed about the House Rules of the reception centres and these rules are also displayed in a visible place in the premises of both Reception Centres for Asylum seekers. According to information provided by the Croatian Red Cross, the House Rules are available in Croatian, English, French, Arabic and Farsi. The Ministry of Interior has also specified that House Rules are also available in Urdu, Pashtu, Somali and Hindi.<sup>397</sup>

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<sup>392</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>393</sup> Article 57(2) LITP.

<sup>394</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2019.

<sup>395</sup> Rehabilitation, Empowerment and Integration of Asylum Seeking Torture Survivors, available at: <https://bit.ly/2S1z32L>.

<sup>396</sup> Article 59(2) LITP.

<sup>397</sup> Information provided by the Ministry of Interior, 2 March 2017.

Upon their arrival in the Reception Centre for Asylum Seekers, applicants are also informed by social workers and psychologists of the Croatian Red Cross about their rights and obligations, the House Rules and rules of conduct which must be adhered to while accommodated in the Reception Centre as well as other practical information e.g. the daily schedule of the distribution of linen, clothing and footwear, and hygiene items, laundry services, information on daily creative workshops and other activities available in the centre.

## 2. Access to reception centres by third parties

### Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?  
☒ Yes ☐ With limitations ☐ No

Relevant legislation does not contain any specific provisions on the access of third parties to the Reception Centres for Asylum Seekers, but in practice family members, legal advisers, UNHCR and NGOs have access to these centres.

Also, both Reception Centres for Asylum Seekers are open facilities and applicants may leave the centre according to the house rules and are able to meet anyone outside. According to the LITP, the Croatian Red Cross, UNHCR and other organisations involved in the protection of refugee rights or doing humanitarian work, may conduct pedagogical, educational and similar activities and provide other types of assistance at the reception centres, subject to prior authorisation by the Ministry of Interior.<sup>398</sup>

The employees of the Croatian Red Cross, are present in both Reception Centres for Asylum Seekers.

In practice, access to the centres by UNHCR and other relevant NGOs has not seemed to be problematic in the past. The Croatian Law Centre and the Legal Clinic of the Law Faculty of Zagreb both have cooperation agreements with the Ministry of Interior for the provision of legal assistance. Both organisations should inform the Ministry of Interior of their visits in advance. Other organisations present in Reception Centres have cooperation agreements with the Ministry of Interior for the provision of their activities. However, the Centre for Peace Studies no longer has access to reception centres after the Ministry terminated their agreement in September 2018, while the Rehabilitation Centre for Stress and Trauma has still not obtained the renewal of their agreement since mid-2018 (see [Access to NGOs and UNHCR](#)).

## G. Differential treatment of specific nationalities in reception

There is no difference in treatment with respect to reception based on asylum seekers' nationality.

<sup>398</sup> Article 56 (2) LITP.

## Detention of Asylum Seekers

### A. General

#### Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2018: <sup>399</sup>	Not available
2. Number of asylum seekers in detention at the end of 2018:	10
3. Number of detention centres:	3
4. Total capacity of detention centres:	219

In the course of 2018, a total of 928 migrants were detained, of whom 535 in the Reception Centre for Foreigners in **Ježevo**, 109 in the Transit Reception Centre in **Tovarnik** and 284 Transit Reception Centre in **Trilj**.<sup>400</sup>

According to the Ministry of Interior,<sup>401</sup> the Service for Asylum and Aliens does not have data on detention of asylum seekers in cases when detention was ordered in accordance with the LITP by police stations or police administrations, but only holds statistics on those whose detention is ordered by either the Reception Centre for Asylum Seekers or the Asylum Department. The only known number refers to decisions on restriction of movement issued in accordance with the LITP, which may or may not involve detention. In 2018, there were 84 such decisions, of which 21 by the Reception Centre for Asylum Seekers and the Asylum Department (15 detention orders, 6 alternatives to detention) and 63 by police administrations and police stations (the number of detention orders is not known).

The Reception Centre for Asylum Seekers and Asylum Department issued 15 decisions on detention in the Reception Centre in **Ježevo**. At the end of 2018, 10 asylum seekers were detained in **Ježevo**. The Service for Asylum and Aliens did not provide statistics for the detention of asylum seekers in Transit Reception Centres in **Trilj** and in **Tovarnik**, although there were asylum seekers who were detained in those centres in the course of 2018.

Since the Service for Asylum and Aliens identified this shortcoming in data collection, at the end of 2018, they updated the existing SOPs on the treatment by police officers of applicants for international protection. One of the objectives prescribed is the obligation to notify the Reception Centre for Asylum Seekers of the decisions on the restrictions of movement, including detention orders, issued by police administrations and police stations.

During the asylum procedure, detention is possible under all types of procedures, where the conditions prescribed by the LITP are met. However, the majority of asylum seekers are not detained but are accommodated in open centres. In that sense, it is not likely that any category of applicants would spend the whole status determination procedure in detention. The main reasons for the detention of applicants are situations where they request international protection after having been issued with a deportation order and situations where they left or attempted to leave Croatia before the completion of the procedure for international protection.

At the moment, Croatia has three detention centres: the Reception Centre for Foreigners located in **Ježevo**, with a total capacity of 95 places; the Transit Reception Centre in **Trilj** with a total capacity of 62 places; and the Transit Reception Centre in **Tovarnik** with a total capacity of 62 places.<sup>402</sup>

<sup>399</sup> Including *both* applicants detained in the course of the asylum procedure and persons lodging an application from detention.

<sup>400</sup> Information provided by the Ministry of Interior, Border Directorate, 6 February 2019.

<sup>401</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>402</sup> Information provided by the Ministry of Interior, Border Directorate, 6 February 2019.

## B. Legal framework of detention

### 1. Grounds for detention

#### Indicators: Grounds for Detention

1. In practice, are most asylum seekers detained
  - ❖ on the territory: ☒ Yes ☐ No
  - ❖ at the border:<sup>403</sup> ☐ Yes ☒ No
2. Are asylum seekers detained in practice during the Dublin procedure?  
☐ Frequently ☒ Rarely ☐ Never
3. Are asylum seekers detained during a regular procedure in practice?  
☐ Frequently ☒ Rarely ☐ Never

The LITP lays down the grounds for restricting the freedom of movement of applicants and foreigners under transfer, including through detention in a Reception Centre for Foreigners.<sup>404</sup> Detention may be ordered for 4 reasons,<sup>405</sup> if it is established by individual assessment that other measures (see section on [Alternatives to Detention](#)) would not achieve the purpose of restriction of freedom of movement:

1. To establish the facts and circumstances of the application which cannot be determined without limitation on freedom of movement, in particular where there is a risk of absconding;
2. To establish and verify identity or nationality;
3. To protect national security or public order; or
4. To prevent abuse of procedure where, on the basis of objective criteria, which include the possibility of access to the procedure of approval of international protection, there is a well-founded suspicion that the intention to apply for international protection expressed during the procedure of forced return was aimed at preventing the procedure of removal.

In practice, however, detention is not used systematically. Although most applicants do not possess any identity documents, up to now this was rarely used as a ground to restrict their freedom of movement.

Moreover, Article 54(3) explicitly provides for the possibility to restrict freedom of movement or detain a foreigner for the purposes of transfer to another Member State under the Dublin Regulation only in cases where there is a “risk of absconding”. It should be noted that the LITP does not refer to a “*significant* risk of absconding” in accordance with Article 28(2) of the Dublin III Regulation, however.

The existence of a “risk of absconding” is determined on the basis of all the facts and circumstances of the concrete case, especially with regard to:<sup>406</sup>

- Previous attempts to abscond;
- Refusal to submit to verification and establishment of identity;
- Concealing or providing false information on the identity and/or nationality;
- Violation of the reception centre’s house rules;
- A Eurodac ‘hit; and
- Opposition to a Dublin transfer.

In practice, however, detention is rarely used during the Dublin procedure. According to the Ministry of Interior, detention was used in 2 cases during the Dublin procedure in the course of 2018.<sup>407</sup>

<sup>403</sup> However, according to the reaction of the Ministry of Interior (available at: <https://bit.ly/2GTg2tc>), an unknown number of persons who applied for international protection in March 2018 are detained in the Transit Reception Centre in **Tovarnik**.

<sup>404</sup> Article 54(5) LITP.

<sup>405</sup> Article 54(2) LITP.

<sup>406</sup> Article 54(4) LITP.

<sup>407</sup> Information provided by the Ministry of Interior, 28 January 2019.

The LITP specifies that detention in Reception Centre for Foreigners may be imposed if, by individual assessment, it is established that other measures would not achieve the purpose of restriction of freedom of movement.<sup>408</sup> Prior to the LITP, the majority of detention decisions were uniform and based on the same grounds (therefore no individual assessment had been done), while under the LITP individual assessment should be done when ordering detention. The decision can be rendered by the Ministry of Interior, the police administration or the police station and they can decide on a particular measure and its duration.<sup>409</sup>

According to the Ministry of Interior, the individual assessment requested for the purpose of the restriction of freedom of movement is done based on personal circumstances such as belonging to vulnerable group (unaccompanied child, person with disability, health problems, family relations) as well as based on behaviour of the asylum seeker and his or her attitude toward the House Rules of the Reception Centre for Asylum Seekers.<sup>410</sup> However, according to information provided by attorneys-at-law, the detention decisions do not contain an individual assessment, even in cases of detained children.<sup>411</sup>

In practice asylum seekers are usually detained where they request international protection after having been issued with a deportation order and situations where they have left or attempted to leave Croatia before the completion of the procedure for international protection.

Number of applicants detained per ground of detention: 2016-2018			
Ground for detention	2016	2017	2018
To establish the facts and circumstances of the application which cannot be determined without limitation on freedom of movement, in particular where there is a risk of absconding: Article 54(2)(1) LITP	2	3	0
To protect national security or public order: Article 54(2)(3) LITP	6	9	3
To prevent abuse of procedure where, on the basis of objective criteria, which include the possibility of access to the procedure of approval of international protection, there is a well-founded suspicion that the intention to apply for international protection expressed during the procedure of forced return was aimed at preventing the procedure of removal: Article 54(2)(4) LITP	36	50	10
In cases where it was established by individual assessment, that other measures would not achieve the purpose of restriction of freedom of movement: Article 54(6) LITP	6	72	0
To ensure the enforcement of handover to another member state of the European Economic Area if it is assessed that a risk of flight exists Article 54(3) LITP	0	0	2
<b>Total</b>	<b>50</b>	<b>134</b>	<b>15</b>

Source: Ministry of Interior. The data are not complete due to shortcomings observed by the Ministry of Interior in data collection (see [General](#)). The number includes only decisions taken by the Service for Aliens and Asylum, but not those issued by police administrations and stations.

Where a person expresses the intention to apply for international protection from the detention centre, after having been detained on the basis of one of the immigration detention grounds as specified by law on foreigners in the Reception Centre for Foreigners, he or she must either be released and transferred to an open centre (**Zagreb** or **Kutina**) or must be served with a new restriction of freedom of movement order on one of the grounds for asylum detention as specified by LITP. According to the Border Police Directorate, if the intention is expressed in the Reception Centre for Foreigners in **Ježevo**, the intention is then received by the centre, which then informs by email the Service for Aliens and Asylum about the intention to seek asylum. The Service for Foreigners and Asylum organises the lodging of the application

<sup>408</sup> Article 54(6) LITP.

<sup>409</sup> Article 54(11) LITP.

<sup>410</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>411</sup> Information provided by attorneys-at-law, 5 December 2018, 13 December 2018, 21 December 2018, 31 December 2018.

for international protection on the first following working day and, depending on the assessment, issues the decision on the restriction of freedom of movement, i.e. a detention order. If the decision on the restriction of freedom of movement is not issued, the asylum seeker would be moved to the Reception Centre for Asylum Seekers. Intentions to apply for asylum that are expressed in the Transit Reception Centres in **Trilj** and **Tovarnik** are received by local police stations based on their territorial jurisdiction.<sup>412</sup>

## 2. Alternatives to detention

### Indicators: Alternatives to Detention

1. Which alternatives to detention have been laid down in the law? ☒ Reporting duties  
☒ Surrendering documents  
☐ Financial guarantee  
☒ Residence restrictions  
☐ Other
2. Are alternatives to detention used in practice? ☒ Yes ☐ No

Article 54(6) LITP explicitly states that detention is only permissible where less coercive alternatives cannot be applied.

The alternatives to detention are the other measures listed in Article 54(5) LITP for the restriction of asylum seekers' freedom of movement:

- (1) Prohibition of movement outside the Reception Centre for applicants;
- (2) Prohibition of movement outside a specific area;
- (3) Appearance in person at the Reception Centre for applicants at a specific time;
- (4) Handing over travel documents or tickets for deposit at the Reception Centre for applicants;

In 2018, 6 alternatives to detention were applied based on decisions taken by the Reception Centre for Asylum Seekers or the Asylum Department, all of which ordered reporting obligations and were based on public order grounds.<sup>413</sup>

## 3. Detention of vulnerable applicants

### Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice? ☐ Frequently ☒ Rarely ☐ Never  
 ❖ If frequently or rarely, are they only detained in border/transit zones? ☐ Yes ☒ No
2. Are asylum seeking children in families detained in practice? ☐ Frequently ☒ Rarely ☐ Never

The LITP allows for the detention of vulnerable applicants, if detention is suited to their special needs.<sup>414</sup> Moreover, it provides for detention of unaccompanied children, although for as short a period as possible.<sup>415</sup>

In 2018, the detention of asylum-seeking children and their families continued as there were cases of detained families with children. Although the Ministry of Interior did not provide complete data on detention of asylum seekers in 2018, it has been documented that in the course of 2018, vulnerable categories of asylum seekers, including children were detained in **Tovarnik**, for example. This includes the family of Madina Hosseini who died after the push back at the end of 2017 (see [Access to the Territory](#)). In their application to the ECtHR, the family claimed that the conditions of their detention in Tovarnik violated Articles 3, 5 and 8 ECHR. According to the Centre for Peace Studies, the ECtHR issued a third interim

<sup>412</sup> Information provided by the Ministry of Interior, Border Directorate, 17 August 2018.

<sup>413</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>414</sup> Article 54(7) LITP.

<sup>415</sup> Article 54(8) LITP.

measure, explicitly requesting the Croatian Government to relocate the family from Tovarnik to facilities that are in line with Article 3 ECHR.<sup>416</sup>

In the course of 2018, a total of 110 children were placed in detention; this number is not confined to asylum-seeking children. Of those, 32 were detained in **Ježevo**, 41 in **Tovarnik** and 37 in **Trilj**. Unaccompanied children were not detained in the course of 2018.<sup>417</sup>

#### 4. Duration of detention

##### Indicators: Duration of Detention

- |  |          |
|--|----------|
| 1. What is the maximum detention period set in the law (incl. extensions): | 6 months |
| 2. In practice, how long in average are asylum seekers detained?           | 3 months |

Article 54(9) LITP provides a maximum detention time limit of 3 months, which may be extended by another 3 months. Where detention is applied in a Dublin procedure, however, it cannot exceed 6 weeks from the establishment of the responsibility of another Member State of the European Economic Area. If an administrative dispute has been initiated, the time limit of 6 weeks shall be counted from the time the decision on dismissal becomes final.<sup>418</sup>

In practice up until now, detention was usually ordered for 3 months – although the LITP prescribes “up to 3 months” – and was rarely prolonged for an additional 3 months. According to the Ministry of Interior the average duration of detention of asylum seekers in 2018 was 3 months.<sup>419</sup>

For the entire population of persons in immigration detention, average detention periods in 2018 were shorter:

Average duration of immigration detention (days): 2018		
	Total population	Children
Reception Centre for Foreigners Ježevo	24	17
Transit Reception Centre Tovarnik	25	36
Transit Reception Centre Trilj	12	15

Source: Ministry of Interior, Border Directorate, 6 February 2019.

<sup>416</sup> Centre for Peace Studies, ‘Europski sud za ljudska prava po treći puta poziva MUP da ukine detenciju obitelji poginule djevojčice Madine’, 12 May 2018, available in Croatian at: <https://bit.ly/2GaOnF8>.

<sup>417</sup> Information provided by the Ministry of Interior, Border Directorate, 6 February 2019.

<sup>418</sup> Article 54(10) LITP.

<sup>419</sup> Information provided by the Ministry of Interior, 28 January 2019.

## C. Detention conditions

### 1. Place of detention

#### Indicators: Place of Detention

1. Does the law allow for asylum seekers to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)? ☐ Yes ☒ No
2. If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure? ☐ Yes ☒ No

#### 1.1. Pre-removal and transit detention centres (“Reception Centres for Foreigners”)

Applicants for international protection are detained in the same premises as irregular migrants.<sup>420</sup>

There is a pre-removal detention centre (“Reception Centre for Foreigners”) in **Ježevo**, 30km from Zagreb, which has a total capacity of 95 places.<sup>421</sup> The centre has capacity to accommodate 68 men, 12 women and 15 vulnerable persons. The special wing for vulnerable groups in Ježevo was finalised at the end of 2015. This wing is aimed at detaining women, families and unaccompanied children. During 2017 and 2018, the wing was used for detention of vulnerable categories.

There are also two Transit Reception Centres for Foreigners in **Trilj** and **Tovarnik**, close to the Bosnian and Serbian borders respectively. Both centres are considered as Reception Centres for Foreigners.<sup>422</sup> Each centre can accommodate 62 migrants, and will include a separate wing for vulnerable groups with 12 places.<sup>423</sup>

The activities performed by these centres are defined by the Decree on Internal Organisation of the Ministry of Interior,<sup>424</sup> and it is envisaged that the Transit Reception Centres will serve for the detention of foreigners apprehended for irregular crossing of the EU’s external border until their transfer to **Ježevo**. This would mean that they are primarily intended for shorter accommodation of foreigners. The Ministry of Interior reported that during 2018 no decision on the implementation of the border procedure has been made.<sup>425</sup> According to available information from NGOs, facilities in Tovarnik were used for the detention of asylum seekers in 2018.

#### 1.2. Airport transit zones and police stations

According to the Border Directorate of the Ministry of Interior,<sup>426</sup> places of deprivation of liberty for the accommodation of irregular migrants also include airport transit zones and premises in police stations. Special premises exist at **Zagreb Airport** (14 places) and at **Dubrovnik Airport** (6 places), while at other airports, space for international departure is in use for these purposes. The total number of persons whose entry was refused at the airports in 2018 was 468. The total number of refusal of entry in 2018 was 12,633, which also includes land (12,107) and sea (58). Only 24 appeals were submitted against decisions on refusal of entry, out of which 18 were rejected and none were accepted.

The total number of police stations at the end of 2018 was 184, while the total number of places where migrants can be detain in police stations is 162. In 2018, 1,243 migrants were deprived of liberty in police stations.

<sup>420</sup> Article 54(5)-(6) LITP.

<sup>421</sup> Information provided by the Border Directorate, 30 January 2018.

<sup>422</sup> ECRE, *Balkan route reversed*, December 2016, 17.

<sup>423</sup> Information provided by the Border Directorate, 6 February 2019.

<sup>424</sup> Official Gazette 70/2012, 140/2013, 50/2014, 32/2015, 11/2017, 129/2017, 5/2018, 66/2018, 109/2018, Article 91, 595a, 303a.

<sup>425</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>426</sup> Information provided by the Border Directorate, 6 February 2019.

## 2. Conditions in detention facilities

### Indicators: Conditions in Detention Facilities

- |   |   |                             |
|---|---|-----------------------------|
| 1. Do detainees have access to health care in practice? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ If yes, is it limited to emergency health care?       | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

The Border Police Directorate of the Ministry of Interior is in charge of the management of the detention centre and the staff working within the centre are mainly police officers. A total 75 employees work in the Reception Centre for Foreigners in **Ježevo**, 33 in the Transit Reception Centre in **Tovarnik** and 42 in the Transit Reception Centre in **Trilj**.<sup>427</sup> Several complaints were received in relation the behaviour of the staff in the Reception Centre for Foreigners in **Ježevo** in 2018.

A new Ordinance on stay in the Reception Centre for Foreigners (“Detention Centre Ordinance”) entered into force in November 2018.<sup>428</sup>

### 2.1. Overall conditions

Conditions in the detention centre are satisfactory. According to the Ordinance, each room must guarantee 4m<sup>2</sup> per person and have access to daylight.<sup>429</sup> Every person has his or her own bed and there is sufficient space and separation between beds, as well as sufficient space to store personal possessions. Men and women are separated.<sup>430</sup> Detainees are provided with clothes,<sup>431</sup> although they are all dressed in identical tracksuits and cannot, in usual circumstances, use their clothes.

There is a so-called library within the centre so detainees have access to books in a few languages. However, no internet access is available. The centre is cleaned on a regular basis and there are sufficient showers and toilets. There is a common room with a TV available and migrants can spend most of the day there, watching TV or playing cards. There is also a facility for buying cigarettes and drinks. There are two public phones available to migrants at the Centre that can be used at their own cost. However, to the knowledge of the Croatian Law Centre, detained migrants are not allowed to use their mobile phones, which are seized upon admission to the Centre.<sup>432</sup>

If a person is in possession of any cash, it will be temporarily seized and safeguarded by an authorised officer.<sup>433</sup> While staying in the Centre, people may use the seized cash, but may not have an amount exceeding HRK 300 (approximately €30) on them.<sup>434</sup>

The cost of accommodation of a foreigner in the Centre amounts to HRK 150 per day and these costs are borne by the foreigners themselves. According to the Decision on the Manner of Calculation of deportation costs, stay at the Centre will be charged also to applicants accommodated there.<sup>435</sup> In the case of families, the costs are borne by the person who holds the funds. If they do not possess any funds to cover these expenses, the costs of their stay in the Centre are paid from the state budget.

According to the Ordinance, persons are provided with three meals a day, of which at least one must be a warm meal. Specific diets can be prepared upon request or when ordered by a doctor (for religious or other reasons, e.g. for pregnant women).<sup>436</sup> In practice, quality of food is generally reported to be of a satisfactory level.

<sup>427</sup> Information provided by the Ministry of Interior, Border Directorate, 6 February 2019.

<sup>428</sup> Official Gazette 101/2018.

<sup>429</sup> Article 8 Detention Centre Ordinance.

<sup>430</sup> *Ibid.*

<sup>431</sup> Article 10 Detention Centre Ordinance.

<sup>432</sup> Article 7 Detention Centre Ordinance.

<sup>433</sup> *Ibid.*

<sup>434</sup> Article 24 Detention Centre Ordinance.

<sup>435</sup> Official Gazette 66/13, available in Croatian at: <https://bit.ly/2Jxvbma>. See also the standard form provided to foreigners for the collection of such costs: ECRE, *Balkan route reversed*, December 2016, Annex II.

<sup>436</sup> Article 19 Detention Centre Ordinance.

People are entitled to stay outdoors for at least two hours a day in a specially designated area within the Centre (there is a football playground serving as an outdoor exercise area).<sup>437</sup> This does not always happen for example during bad weather conditions. According to FRA, since the main building was under reconstruction in February 2018, according to JRS persons in detention could not go out for fresh air.<sup>438</sup>

Migrants are entitled to freedom of religion,<sup>439</sup> and one room is used for this purpose.

As regards police stations, a case concerning conditions in detention i.e. premises in the Border Police station of **Bajakovo**, *Daraibou v. Croatia*, was lodged on 19 December 2017 and was communicated by the ECtHR on 23 October 2018.<sup>440</sup> The applicant complains under the substantive and procedural aspects of Articles 2 and 3 ECHR that Croatia is responsible for not preventing a life-threatening situation, a fire in the police station, owing to which he suffered grave bodily injuries and that no effective investigation has been carried out in that respect.

## 2.2. Health care and special needs in detention

Foreigners in detention have access to emergency health care, according to the Ordinance. However, to the knowledge of the Croatian Law Centre and according to information provided by the staff working within the Centre, although a doctor is present twice a week in the Centre, the level of health care provided is not satisfactory. Mental health issues cannot be addressed in the centre but in urgent cases, people can be transported to a hospital where they would receive the necessary care. The infirmary has basic medication available for detainees, which is provided by the staff of the centre in absence of the medical team of the Ministry of Health.<sup>441</sup>

There is no special mechanism in the detention centre to identify persons with special reception needs. Although vulnerable asylum seekers were rarely detained in the past few years, when that happened, vulnerable asylum seekers were usually transferred to open centres upon request from lawyers working in NGOs. However, within the Centre a special facility exists for vulnerable groups. This facility is an integral part of the Reception Centre for Foreigners, which is an organisational unit of the Border Police Directorate. The facility has a capacity of 27 places. Beside rooms for accommodation, the facility has a living room and a playroom for children, and facilities for education, health care, isolation, psychologists and educators.<sup>442</sup>

In spring 2018, the Ombudsperson reported that the conditions for children and vulnerable persons in **Ježevo** and **Tovarnik** were substandard. Following a visit, the Ombudsperson reported observations to the relevant state bodies.<sup>443</sup>

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<sup>437</sup> Article 18 Detention Centre Ordinance.

<sup>438</sup> FRA, *Periodic data collection on the migration situation in the EU*, March 2018, available at: <https://bit.ly/2UocZvZ>.

<sup>439</sup> Article 20 Detention Centre Ordinance.

<sup>440</sup> ECtHR, *Daraibou v. Croatia*, Application No 84523/17, available at: <https://bit.ly/2RZ2uCl>.

<sup>441</sup> ECRE, *Balkan route reversed*, December 2016, 17.

<sup>442</sup> Information provided by the Border Police Directorate, 14 October 2015.

<sup>443</sup> FRA, *Periodic data collection on the migration situation in the EU*, May 2018, available at: <https://bit.ly/2sQ9Rxe>.

### 3. Access to detention facilities

#### Indicators: Access to Detention Facilities

1. Is access to detention centres allowed to

- ❖ Lawyers:
- ❖ NGOs:
- ❖ UNHCR:
- ❖ Family members:

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Limited	<input type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Limited	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Limited	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Limited	<input type="checkbox"/> No

According to the Detention Centre Ordinance, after being placed in the centre, individuals are entitled to one free phone call with their country's diplomatic mission or consular office, and to another private phone call lasting up to 3 minutes.<sup>444</sup>

Asylum seekers and migrants detained contact the Croatian Law Centre by phone. According to attorneys, telephone contacts with their clients were often supervised in 2018.<sup>445</sup>

Persons are allowed to receive visits at least twice a week.<sup>446</sup> The centre must be notified about the visit in writing at least two days earlier. A visit may be prohibited if it is established that the visitor is not announced or if he or she poses a threat to public order, public security and health or that he or she is prone to improper behaviour and violation of regulations. Visits to third-country nationals shall take place in a special room for visits. The visit may last for up to an hour, regardless of the number of visitors. On an exceptional basis, a visit may last longer if approved by the head of the centre or the person designated by the head of the centre.

Persons shall be provided with an opportunity to communicate with their attorney and the competent national or international institutions or organisations in the field of protection of human rights and fundamental freedoms, such as the Ombudsperson, national or international courts, or other state or international supervisory bodies with which the Ministry of Interior has concluded a cooperation agreement. In order to effectively realise such communication, the attorney and representatives of humanitarian and other organisations for the protection of human rights shall be provided with access to the centre in accordance with the rules on visits,<sup>447</sup> meaning that visits must be announced two day in advance and may last up to maximum one hour.

#### 3.1. Access of lawyers to detention facilities

Croatian authorities did not allow the lawyer of the family of Madina Hosseini (see [Access to the Territory](#)) to visit them in the detention facility of **Tovarnik** because they refused to recognise the power of attorney, given that the family had signed it outside of Croatia i.e. in Serbia. According to media reports, the Hosseini family succeeded in meeting their lawyer after 50 days.<sup>448</sup>

Beside restrictions to accessing Tovarnik, a few attorneys reported problems in relation to access to **Ježevo**. One attorney reported extreme difficulties in entering Ježevo in particular in case when a client had a deadline to file a complaint to the court and had expressed the wish that the selected attorney come to visit.<sup>449</sup> The attorney asked for permission to enter but the Ministry of Interior did not approve the visit and requested the power of attorney, although it was evident that the attorney's entry was necessary for

<sup>444</sup> Articles 4 and 21 Detention Centre Ordinance.

<sup>445</sup> Information provided by attorneys-at-law, 5 December 2018, 13 December 2018, 21 December 2018, 31 December 2018.

<sup>446</sup> Article 22 Detention Centre Ordinance.

<sup>447</sup> Article 26(3) Detention Centre Ordinance, citing Article 22.

<sup>448</sup> Novilist, 'ČEKALI MJESEC I POL Odvjetnica Bezbradica Jelavić konačno se u Tovarniku sastala s Madininom obitelji', 7 May 2018, available in Croatian at: <https://bit.ly/2sU2jtl>; N1, 'Odvjetnica se konačno sastala s obitelji malene Madine', 7 May 2018, available in Croatian at: <https://bit.ly/2Sixbly>.

<sup>449</sup> Information provided by an attorney-at-law, 6 December 2018.

signature of the power of attorney. Three attorneys reported that there were attempts from police officers in Ježevo to listen in to conversations between them and their clients.<sup>450</sup>

In December 2018, Students of the Legal Clinic of the Law Faculty of the University of Zagreb visited the Reception Centre for Foreigners in Ježevo. Students were welcomed by the Deputy Chief and police officer who presented them modalities of work in the Centre, accommodation capacities and access to the services for detained migrants.<sup>451</sup>

### 3.2. Access of NGOs and UNHCR to detention facilities

In practice, NGOs have faced obstacles to accessing detention centres in 2018. The Centre for Peace Studies reported that their employees did not have access to the Reception Centre for Foreigners in **Ježevo** and the Transit Reception Centre for Foreigners in **Tovarnik**.<sup>452</sup> JRS reported that certain problems with accessing **Ježevo** and contacts with all detained migrants occurred in the course of 2018. However, by the end of 2018 the situation has normalised and JRS was able again to have contact with detained asylum seekers and irregular migrants.<sup>453</sup> JRS staff are present in the **Ježevo** and provide psychosocial support to detained persons. Their activities depend on the needs of detained persons. In addition, JRS staff visited **Tovarnik** twice in 2018, and their volunteers once.

UNHCR has access to the Centre. Media or politicians can also access the detention centre. However, every visit should be announced in advance.

## D. Procedural safeguards

### 1. Judicial review of the detention order

#### Indicators: Judicial Review of Detention

1. Is there an automatic review of the lawfulness of detention? ☐ Yes ☒ No
2. If yes, at what interval is the detention order reviewed?

Asylum seekers are informed orally by the staff of the Ministry of Interior about the reasons of their detention. During 2018, however, attorneys reported that asylum seekers were not delivered a detention order for more than one month after placement in **Tovarnik**.<sup>454</sup>

As decisions are written in complex legal language, the majority of asylum seekers do not understand the reasons for their detention. In practice, the interpreter present at the delivery of the decision reads decision to them, although an attorney reported in 2018 that her clients were not provided interpretation when receiving their decisions, and a 13-year-old girl from a group was asked to act as interpreter.<sup>455</sup>

The LITP does not provide for automatic review of the lawfulness of detention.

Applicants may lodge a complaint to the Administrative Court against a detention decision within 8 days after its delivery. The authority that has issued the decision i.e. Ministry of Interior, the police administration or the police station, shall submit the case file to the Administrative Court no later than within 8 days of the day of receipt of the decision by which the Administrative Court requests the case file. The Administrative Court shall render a decision after a personal interview within 15 days from the day of receipt of the case file.

<sup>450</sup> Information provided by attorneys-at-law, 5 December 2018, 13 December 2018, 31 December 2018.

<sup>451</sup> Information provided by the Legal Clinic of the University of Zagreb, 16 December 2018.

<sup>452</sup> Information provided by the Centre for Peace Studies, 27 December 2018.

<sup>453</sup> Information provided by JRS, 10 January 2019.

<sup>454</sup> Information provided by attorneys-at-law, 5 December 2018, 13 December 2018, 21 December 2018, 31 December 2018.

<sup>455</sup> Information provided by attorneys-at-law, 5 December 2018, 21 December 2018.

However, there are no legal consequences for not respecting the 15-day time limit prescribed by the relevant legislation. The complaint does not suspend the decision.

The average duration of the judicial review of detention procedure in 2018 was 3.7 months before Administrative Court of Zagreb and 1 month before the Administrative Court of Osijek.<sup>456</sup> Attorneys informed the Croatian Law Centre that hearings before the Administrative Court were not scheduled with expected urgency.<sup>457</sup> For example, one hearing was scheduled after 4 months, when the client had already been released from detention.

The majority of complaints against detention before Administrative Courts were rejected in 2018:

Administrative Court decisions on “restriction of freedom of movement”: 2018					
Category	Zagreb	Rijeka	Osijek	Split	Total
Accepted	11	0	1	0	12
Rejected	24	0	9	0	33
Dismissed as inadmissible	1	0	0	0	1
<b>Total</b>	<b>37</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>37</b>

Source: Administrative Court of Zagreb, 12 March 2019; Administrative Court of Rijeka, 10 January 2019; Administrative Court of Osijek, 1 March 2019; Administrative Court of Split, 29 January 2019.

In 2018, the High Administrative Court received 15 onward appeals in cases of detention. 14 appeals were rejected and one was pending by the end of the year.<sup>458</sup>

## 2. Legal assistance for review of detention

### Indicators: Legal Assistance for Review of Detention

- Does the law provide for access to free legal assistance for the review of detention?  
☐ Yes ☒ No
- Do asylum seekers have effective access to free legal assistance in practice?  
☒ Yes ☐ No

In detention cases, applicants are entitled to free legal aid. However there seem to be obstacles in the previous years to access legal assistance in practice, as attorneys informed the Croatian Law Centre that the Administrative Court did not approve free legal aid in some cases of detention and consequently lawyers were not paid for their work. However, according to the knowledge of Croatian Law Centre based on information presented by some attorneys this is not the case anymore.

Applicants often approach NGO lawyers for legal advice in relation to their detention. In the past lawyers and legal representatives could be contacted with their clients easily and meet with them, however in 2018 difficulties in access to the Reception Centre for Foreigners in **Ježevo** and to the Transit Reception Centres were reported by attorneys at law and NGOs. In 2018, Croatian Law Centre lawyers were available based on need for legal counselling in the detention centre in Ježevo.

## E. Differential treatment of specific nationalities in detention

There is no information suggesting that specific nationalities are being more susceptible to detention or systematically detained or that specific nationalities stay longer in detention in practice.

<sup>456</sup> Information provided by the Administrative Court of Zagreb, 12 March 2019; Administrative Court of Osijek, 1 March 2019.

<sup>457</sup> Information provided by an attorney-at-law, 5 December 2018.

<sup>458</sup> Information provided by the High Administrative Court, 16 January 2019.

As reported in previous years, beneficiaries of international protection still face challenges in exercising their rights in almost all areas, as persisting obstacles are still not solved or not sufficiently addressed at the state level. The greatest problems are still related to learning the Croatian language, health care, employment, education and accommodation, as detailed in this Chapter.

The Centre for Missing and Exploited Children also reported that there is generally no clear strategy on the integration of unaccompanied children, i.e. there are no long-term solutions for the minors or young adults who were granted international protection.<sup>459</sup> It should be stressed that a particularly vulnerable group are those who, during or after the approval international protection, have reached the age of 18. Namely, they lose the right to a special guardian, while at the same time they do not have sufficient knowledge, life and social skills, and socio-economic conditions for independent life after leaving Residential Child Care Institutions.

In overcoming those challenges, beneficiaries are assisted by various NGOs:

- The Croatian Red Cross has provided psychosocial support for 260 beneficiaries of international protection in 2018 under their integration programme. Support was provided through various forms, such as direct assistance in exercising educational, health and social rights, interpretation services in relation to enrolment in the education system, distribution of humanitarian aid, organisation of Croatian language courses for adults and support for children in learning.<sup>460</sup>
- Are you Syrious provides various activities in their integration centre. For example, language and literacy courses take place once a week and last two school hours. The collection and distribution of humanitarian aid (clothes and hygiene supplies) is also carried out in their integration centre.<sup>461</sup>
- At the end of November 2018, the Platform “Danube Compass” was introduced to help with migrants' economic and social integration into society.<sup>462</sup> The Danube Compass covers living, working, language learning, education, daily life and health and offers an overview of main rights. The Croatian version brings content available in Croatian and English but also in Arabic, Farsi and Urdu.<sup>463</sup>
- The Rehabilitation Centre for Stress and Trauma, in cooperation with the Centre for Peace Studies and its partners from Italy, Slovenia and Austria, has started developing an online information and learning tool intended primarily for refugees coming to EU countries through resettlement. Informative materials on Croatia are available in English, Arabic and Tigrinya on the [WELCOMM](#) website.<sup>464</sup> A [Web platform for integration](#) is also provided by the NGO Mi.
- Croatian Law Centre lawyers provided legal information to beneficiaries of international protection in the Integration House run by the Croatian Red Cross once a month in the course of 2018. In their Centre for the Integration of Refugees (“SOL”), opened in 2018,<sup>465</sup> JRS organised Croatian language courses, workshops for women and children, IT workshops, help in learning for high school students etc.<sup>466</sup> In December 2018, the Legal Clinic of the Law Faculty of the University of

<sup>459</sup> Information provided by Centre for Missing and Exploited Children, 14 February 2019.

<sup>460</sup> Information provided by the Croatian Red Cross, 29 November 2018.

<sup>461</sup> Information provided by Are You Syrious, 10 January 2019.

<sup>462</sup> The Danube Compass was created under the project “Danube Region Information Platform for Economic Integration of Migrants (DRIM)”, funded by the European Union’s INTER-REGs programme.

<sup>463</sup> Information provided by Centre for Peace Studies, 27 December 2018.

<sup>464</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2019.

<sup>465</sup> JRS, *Centre for the Integration of Refugees „SOL“*, available at: <https://bit.ly/2RroeSx>.

<sup>466</sup> Information provided by JRS, 10 January 2019.

Zagreb started collaborating with JRS in the “SOL” centre. Students will go there once a week to provide information related to integration.<sup>467</sup>

## A. Status and residence

### 1. Residence permit

#### Indicators: Residence Permit

- |  |         |
|--|---------|
| 1. What is the duration of residence permits granted to beneficiaries of protection? |         |
| ❖ Refugee status   | 5 years |
| ❖ Subsidiary protection  | 3 years |

There is a difference in duration of residence permit issued to **recognised refugees** (“asylees”) and beneficiaries of **subsidiary protection**. A residence permit shall be issued to an asylee for a period of five years,<sup>468</sup> and to foreigner under subsidiary protection for a period of 3 years.<sup>469</sup>

Both categories have the right to residence in the Republic of Croatia from the day of the delivery of the decision approving international protection, which is demonstrated by their residence permit. The right to residence in the Republic of Croatia shall be established by the decision approving international protection.<sup>470</sup> The request for issuing residence permit should be submitted to the competent police administration,<sup>471</sup> and the residence permit should be issued within 30 days from submitting the request.<sup>472</sup>

To the knowledge of the Croatian Law Centre, there are no problems in the issuance of the first residence permit. However according to the Ministry of Interior,<sup>473</sup> problems arise in relation to the renewal of residence permit, since the costs of issuing the first residence permit are covered by the state budget, while the cost of issuance of the following permits should be borne by beneficiaries of international protection.

According to the Ministry of Interior 411 residence permits were issued to asylees and 79 to foreigners under subsidiary protection in 2018.<sup>474</sup>

However, the decision approving international protection shall be revoked in the part relating to approval of the right of residence in the Republic of Croatia if the asylee or foreigner under subsidiary protection moves out of the Republic of Croatia or resides continually abroad for longer than 6 months without previously informing the Ministry of Interior of this fact.<sup>475</sup>

### 2. Civil registration

According to the Law on State Register,<sup>476</sup> in the Republic of Croatia, the personal status of citizens (birth, marriage and death) and other information related to those facts are recorded in the State Register. The registration of a birth of child into the Birth Register is made on the basis of the oral registration or written applications to the registrar in a place where the child was born. If a child is born in a health institution, it is required that a health institution reports a birth. If a child is born outside a health institution, the father

<sup>467</sup> Information provided by the Legal Clinic of the University of Zagreb, 16 December 2018.

<sup>468</sup> Article 75(2) LITP.

<sup>469</sup> Article 75(3) LITP.

<sup>470</sup> Article 55(1)-(2) LITP.

<sup>471</sup> Article 75(1) LITP; Article 10(1) Ordinance on the Forms and Data Collections in the Procedure for International and Temporary Protection.

<sup>472</sup> Article 12(1) Ordinance on the Forms and Data Collections in the Procedure for International and Temporary Protection.

<sup>473</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>474</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>475</sup> Article 65(3) LITP.

<sup>476</sup> Official Gazette 96/93, 76/13.

of the child is required to report the child's birth, or the person in whose place of residence the child was born or a mother when she is capable of it, or a midwife, or a doctor who participated in the childbirth.

When these persons are not present, or when they cannot report the birth, the person who finds out about the birth is obliged to report it. The birth of a child must be reported within 18 days of the birth.

Marriage is regulated by the Family Law.<sup>477</sup> Preconditions for marriage are divided into those needed for the existence of marriage and preconditions for the validity of marriage. For the existence of marriage it is necessary for the spouses to be opposite sexes, to have given their consent to enter into marriage and for a civil marriage to be contracted before a registrar or a religious marriage to be contracted in accordance with the relevant provision of Family Law. If at the time of entering into marriage any of the preconditions referred to above has not been fulfilled, no legal effects of marriage shall ensue.

For the validity of marriage a marriage may not be entered into by a person under the age of eighteen.

As an exception, the court may allow a sixteen year old person to enter into marriage, provided that the court finds the person mentally and physically mature enough to marry, and that there is a justifiable reason for marriage. In addition, a person incapable of discernment may not enter into marriage. Marriage may not be contracted between persons of lineal consanguinity or collateral consanguinity between a sister and a brother, a stepsister and a stepbrother, the child and its sister or stepsister or brother or stepbrother, or between the children of sisters and brothers or stepsisters and stepbrothers. This shall also apply to relationships established by adoption. A marriage may not be entered into by a person who is already married or is in a same-sex life partnership registered under the relevant legislation. A marriage that is contracted contrary to the provisions above is not valid and the provisions for annulment shall apply.

Family Law regulates civil marriage and religious marriage with the effects of a civil marriage. Civil marriage is contracted before a registrar, while religious marriage is contracted before an official of a religious community that has a regulated legal relationship thereof with the Republic of Croatia. The spouses must give notice of their intention to enter into a civil marriage in person to the registrar competent for the place where they wish to enter into marriage. They must enclose relevant documents at the registrar's request. Asylees and foreigners under subsidiary protection, when reporting their intention, have to provide the certificate that they have been granted asylum or subsidiary protection and adequate proof of non-existence of another marriage. Adequate proof is considered to be a statement made before a public notary or before a registrar where they announce their intention to marry.

The registrar shall verify, on the basis of the spouses' consent and by using other means, whether the preconditions for entering into marriage have been met. If a court decision is needed for entering into marriage to take place, the registrar shall ask the spouses to obtain one. After having verified that the preconditions for entering into marriage have been met, the registrar shall take a statement from the spouses on the choice of the surname.

The spouses shall confirm by their signatures that they understand their personal rights and responsibilities in marriage, as well as the possibility of determining property relations.

The registrar shall determine the date of marriage upon the agreement with the spouses who want to enter into a civil marriage usually in the period between the thirtieth and forty-fifth day since the day of giving the notice of the intention to enter into marriage.

A marriage is contracted in the presence of the spouses, the registrar and two witnesses who have to be of full age and have legal capacity. The spouses who want to enter into a religious marriage shall obtain from the registrar competent for the place where they wish to enter into marriage a certificate of having fulfilled all marriage preconditions.

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<sup>477</sup> Official Gazette 103/15.

The official of the religious community before whom the religious marriage has been contracted shall submit the registrar the document signed by the spouses, the witnesses and the religious community official which confirms that the marriage has been contracted. This document must be submitted to the registrar within five days of the date of the contraction of marriage. The registrar is obliged to record the religious marriage into a marriage register within three days of the day of receipt of the document. Immediately upon entering the records on the contracted marriage into a marriage register, the registrar shall submit the marriage certificate to the spouses. The registrar shall inform the spouses that the marriage certificate from a national marriage register is a proof that the religious marriage they entered into is equal in effect to a civil marriage.

### 3. Long-term residence

#### Indicators: Long-Term Residence

1. Number of long-term residence permits issued to beneficiaries in 2018:	15
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Permanent residence may be granted to a foreigner who, before the submission of the application for permanent residence in the Republic of Croatia, has had legal residence in an uninterrupted period of 5 years, including granted temporary residence, asylum or subsidiary protection.<sup>478</sup> Uninterrupted residence in the Republic of Croatia means that within a period of 5 years, a foreigner was absent from the Republic of Croatia on multiple occasions up to 10 months in total, or up to 6 months in the case of a one-time absence.<sup>479</sup>

The 5 years' residence period required for the approval of permanent residence for asylees or foreigners with granted subsidiary protection, shall be calculated also to include the time before international protection was granted i.e. to include a half of the time from the day when application for international protection was submitted until the day when international protection was granted, or the entire period of time if it exceeded 18 months.<sup>480</sup>

A beneficiary shall submit an application for the issuing of a permanent residence permit to the Police Administration or Police Station based on the place of his/her temporary residence. The Ministry of Interior decide on application for approval of permanent residence and an administrative dispute may be initiated against the Ministry's decision.<sup>481</sup>

Permanent residence shall be granted to any foreigner who, along with the above conditions:<sup>482</sup>

1. Has a valid foreign travel document;
2. Has means of supporting him or herself;
3. Has health insurance;
4. Knows the Croatian language and the Latin script,; and
5. Does not pose a danger for public order, national security or public health.

Asylees and foreigners under subsidiary protection are not obliged to meet the condition of having valid foreign travel document.<sup>483</sup>

In 2018, 8 long term residence were granted to asylees and 7 to foreigners under subsidiary protection. A total of 15 long-term residence permits for asylees and 13 for subsidiary protection beneficiaries were valid at the end of the year.<sup>484</sup>

<sup>478</sup> Article 92(1) Law on Foreigners.

<sup>479</sup> Article 92(2) Law on Foreigners.

<sup>480</sup> Article 93(3) Law on Foreigners.

<sup>481</sup> Article 95(1)(3) Law on Foreigners.

<sup>482</sup> Article 96(1) Law on Foreigners.

<sup>483</sup> Article 93(4) Law on Foreigners.

<sup>484</sup> Information provided by the Ministry of Interior, 28 January 2019.

#### 4. Naturalisation

##### Indicators: Naturalisation

- |   |         |
|---|---------|
| 1. What is the waiting period for obtaining citizenship?  | 8 years |
| 2. Number of citizenship grants to beneficiaries in 2018: | 0       |

Requirements for the acquisition and termination of Croatian citizenship are regulated by the Law on Croatian Citizenship.<sup>485</sup>

An application for Croatian citizenship on grounds of naturalisation should be submitted at the competent police administration or police station. Physically handicapped persons can submit the application via their legal representative or attorney. An application can also be submitted at diplomatic missions or consular offices of the Republic of Croatia abroad.<sup>486</sup>

A foreign citizen who submit application for acquiring Croatian citizenship shall acquire Croatian citizenship by naturalisation if he or she:<sup>487</sup>

1. Has reached the age of eighteen years and that his or her legal capacity has not been taken away;
2. Has had his or her foreign citizenship revoked or he or she submits proof that he or she will get a revocation if admitted to Croatian citizenship;<sup>488</sup>
3. Before submitting application, he or she had a registered place of residence for a period of 8 years constantly on the territory of the Republic of Croatia and has been granted permanent residence permit;
4. Is proficient in the Croatian language and Latin script and is familiar with the Croatian culture and social system, following successful completion of a proficiency verification;<sup>489</sup>
5. Is deemed to respect the legal order and customs of the Republic of Croatia.

According to the LITP, if asylees or beneficiaries under subsidiary protection are not able for objective reasons to obtain official documents from their country of origin necessary to acquire Croatian citizenship, official documents of the Republic of Croatia shall be taken into account in the procedure to acquire Croatian citizenship, along with other documents they possess, on the basis of which it may be assessed whether they meet the conditions for the acquisition of Croatian citizenship.<sup>490</sup> A decision to refuse an application for Croatian citizenship may not be based exclusively on the fact that the necessary official documents of the country of origin have not been submitted.

According to the Ministry of Interior, in total 4 persons have been granted Croatian citizenship – 3 asylees and 1 foreigner under subsidiary protection – but none of them in 2018.<sup>491</sup>

<sup>485</sup> Official Gazette 53/91, 70/91, 28/92, 113/93, 4/94, 130/11, 110/15.

<sup>486</sup> Article 24 (3)(4) Law on Croatian Citizenship.

<sup>487</sup> Article 8(1)(5) Law on Croatian Citizenship.

<sup>488</sup> This condition is deemed met if the application was submitted by a stateless person or person would lose his or her existing nationality by naturalisation in Croatia. If a foreign country does not permit dismissal from its citizenship or it places requirements or dismissal which cannot be fulfilled, a statement of the applicant who has submitted a request will be sufficient to renounce his foreign citizenship under the conditions of acquisition of Croatian citizenship.

<sup>489</sup> Persons above the age of 60 are not required to fulfil this condition.

<sup>490</sup> Article 77(1)(2) LITP.

<sup>491</sup> Information provided by the Ministry of Interior, 28 January 2019.

## 5. Cessation and review of protection status

### Indicators: Cessation

1. Is a personal interview of the beneficiary in most cases conducted in practice in the cessation procedure? ☐ Yes ☐ No
2. Does the law provide for an appeal against the first instance decision in the cessation procedure? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☐ Yes ☐ With difficulty ☒ No

Cessation of international protection is regulated by LITP. **Asylum** shall be withdrawn if:<sup>492</sup>

1. The refugee ("asylee") voluntarily accepts the protection of the country of which he/she is a national;
2. The asylee acquires the citizenship of the country whose protection he or she may enjoy;
3. The asylee voluntarily returns and resides in the country he or she left or outside of which he or she has resided due to fear of persecution;
4. The circumstances in the asylee's country of origin, on the basis of which international protection was approved, cease to exist;
5. The asylee voluntarily re-acquires the nationality of his or her country of origin, which he or she had previously lost.

**Subsidiary protection** shall be withdrawn if the circumstances on the basis of which it was granted cease to exist or are altered to such an extent that further protection is no longer necessary.<sup>493</sup> After establishing that the circumstances related to the cessation of international protection referred have ceased to exist in a significant and permanent manner, the Ministry of Interior shall inform the asylee or foreigner under subsidiary protection accordingly and shall allow him or her to make an oral statement for the record.<sup>494</sup>

The Ministry of Interior shall render a decision to revoke the decision approving international protection and a claim may be brought before the Administrative Court within 8 days of the day of delivery of the decision.

However only **asylees** in whose case the circumstances in the country of origin, on the basis of which international protection was approved, cease to exist have the right to free legal assistance, meaning that a legal representative can be paid from the state budget to submit an appeal and represent the beneficiary before the Administrative Court.<sup>495</sup>

According to the Ministry of Interior, there were no cases of cessation of international protection in 2015, 2016, 2017 or 2018.<sup>496</sup> However, the Ministry continuously examines whether the legal requirements for cessation are fulfilled. This provision applies without exception to all categories of foreigners who have previously been granted international protection.

<sup>492</sup> Article 49(1) LITP.

<sup>493</sup> Article 49(2) LITP.

<sup>494</sup> Article 49(3) LITP.

<sup>495</sup> Article 72 LITP.

<sup>496</sup> Information provided by the Ministry of Interior, 2 March 2017; 13 February 2018, 28 January 2019.

## 6. Withdrawal of protection status

### Indicators: Withdrawal

1. Is a personal interview of the beneficiary in most cases conducted in practice in the withdrawal procedure? ☐ Yes ☐ No
2. Does the law provide for an appeal against the withdrawal decision? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☐ Yes ☐ With difficulty ☒ No

According to the LITP, international protection shall be revoked if:<sup>497</sup>

1. Reasons for exclusion are subsequently established;
2. It is established that status was recognised on the basis of incorrectly presented or omitted facts, false presentation of important facts and circumstances, or the use of unreliable documents or other documents which were decisive for the approval of international protection; or
3. The person to whom international protection was granted represents a risk to the national security or public order of the Republic of Croatia.

After establishing that circumstances have arisen relating to the revocation of international protection, the Ministry of Interior shall inform the asylee or beneficiary of subsidiary protection of the reasons for revocation and shall allow him or her to make an oral statement about those circumstances for the record.

The Ministry of Interior renders a decision to revoke the decision approving international protection. An appeal may be brought before the Administrative Court against that decision within 8 days from the day the decision is delivered.

A third-country national or stateless person who represents a risk to the national security or public order of the Republic of Croatia as provided above, whilst in the Republic of Croatia, shall enjoy rights pursuant to the 1951 Convention, especially in relation to the prohibition of discrimination, freedom of religion, access to courts, education, non-punishment of illegal entry or stay, expulsion and respect of the *non-refoulement* principle.

In 2018, the Ministry of Interior revoked international protection for 3 persons (2 asylees and 1 holder of subsidiary protection). Out of those, one asylum status of an Afghan national and one subsidiary protection status of unknown citizenship were revoked on the basis that person to whom international protection was granted represented a risk to the national security or public order of the Republic of Croatia, while one asylum status of an Iraqi national was revoked on the basis that reasons for exclusion were subsequently established.<sup>498</sup>

<sup>497</sup> Article 50 LITP.

<sup>498</sup> Information provided by the Ministry of Interior, 28 January 2019.

## B. Family reunification

### 1. Criteria and conditions

#### Indicators: Family Reunification

1. Is there a waiting period before a beneficiary can apply for family reunification?  
☐ Yes ☒ No  
❖ If yes, what is the waiting period?
2. Does the law set a maximum time limit for submitting a family reunification application?  
☐ Yes ☒ No  
❖ If yes, what is the time limit?
3. Does the law set a minimum income requirement? ☐ Yes ☒ No

In Croatia, family reunification is regulated primarily by the LITP,<sup>499</sup> as well as by the Law on Foreigners.<sup>500</sup> At the moment, no requirements in relation to waiting periods before a beneficiary can apply for family reunification or a maximum time limit for applying for family reunification are prescribed by the legislation, nor is there a minimum income requirement.

A family member for whom reasons exist for exclusion and for reasons of protection of the national security or public order of the Republic of Croatia shall not have the right of family reunification.<sup>501</sup>

#### 1.1. Eligible family members

Both refugees (“asylees”) and beneficiaries of subsidiary protection have the right to family reunification with following family members:

- the spouse or unmarried partner under the regulations of the Republic of Croatia, and persons who are in a union, which under the regulations of the Republic of Croatia may be deemed to be a life partnership or informal life partnership;
- the minor child of the marital or unmarried partners; their minor adopted child; the minor child and minor adopted child of a married, unmarried or life partner who exercises parental care of the child;
- the adult unmarried child of an asylee or beneficiary of subsidiary protection who, due to his or her state of health is not able to take care of his or her own needs;
- the parent or other legal representative of a minor;
- a relative of the first degree in a direct ascending blood line, with whom he or she lived in a shared household, if it is established that he or she is dependent on the care of asylee or foreigner under subsidiary protection.

A minor child of an asylee or beneficiary of subsidiary protection who has not formed their own family shall follow the legal status of their legal representative to whom international protection has been granted, on which the Ministry of Interior shall render a decision.

In the case of family reunification of asylees and foreigners under subsidiary protection, for a person who is unable to obtain official documents to prove a specific family relationship, circumstances shall be taken into consideration on the basis of which it may be assessed whether or not such a relationship exists. A decision to refuse an application for family reunification cannot be based exclusively on the fact that no official document exists to prove a specific family relationship.<sup>502</sup>

<sup>499</sup> Article 66 LITP.

<sup>500</sup> Articles 47-61 Law on Foreigners.

<sup>501</sup> Article 66(5) LITP.

<sup>502</sup> Article 66(6) LITP.

## 1.2. Family reunification procedure

The family reunification procedure shall be initiated at the competent Diplomatic Mission or Consular Office of the Republic of Croatia. In practice, if some problems exist and family members cannot reach the competent Diplomatic Mission, some Diplomatic Missions or Consular Offices of the Republic of Croatia allow applications to be submitted at some other Croatian mission. In addition, the application may also be submitted via email or regular mail, but a person has to appear in person at the Mission once the procedure is over to make an application for a visa to enter Croatia. Once family reunification is granted, the person has to apply for visa to enter Croatia. According to the Ministry of Interior, the legal time limit for issuing the visa is 15 days, but if the Diplomatic Mission or Consular Office considers that the application for a visa should be resolved faster, they may enter the label of urgency and indicate when the application should be resolved.<sup>503</sup>

Other family members of asylees and foreigners under subsidiary protection shall regulate their residence pursuant to the provisions of the Law on Foreigners, which means that they should submit applications for temporary residence.

Family members of asylees and foreigners under subsidiary protection who regulate their residence pursuant to the provisions of the Law on Foreigners have to fulfil the following requirements:

- Justification of the purpose of temporary residence;
- Valid travel document;
- Entry and residence in the Republic of Croatia is not prohibited and does not pose a danger for public order, national security or public health.<sup>504</sup>

However, they do not have to have sufficient means of supporting themselves or have health insurance, as prescribed for other foreigners applying for temporary residence.<sup>505</sup>

A temporary residence permit shall be issued for the term of validity of up to one year and the validity of the travel document should be at least three months longer than the time period for which the temporary residence permit is issued.<sup>506</sup>

According to the Ministry of Interior, there were 39 applications for family reunification in 2018:

Applications for family reunification: 2018	
Country	Number of applications
Syria	25
Iraq	9
Egypt	1
Yemen	1
Russia	1
Turkey	1
Sudan	1
Total	39

Source: Ministry of Interior, 28 January 2019.

29 applications were approved and 10 were still pending at the end of 2018.<sup>507</sup>

<sup>503</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>504</sup> Article 54(1) Law on Foreigners.

<sup>505</sup> Article 58 Law on Foreigners.

<sup>506</sup> Article 52(1)-(2) Law on Foreigners.

<sup>507</sup> Information provided by the Ministry of Interior, 28 January 2019.

## 2. Status and rights of family members

A family member of an asylee or beneficiary of subsidiary protection who is legally resident in the Republic of Croatia obtains the same status and shall exercise the same rights as the beneficiary of international protection.<sup>508</sup>

JRS has reported that children coming to Croatia via family reunification do not immediately receive a Personal Identification Number (OIB). This delays their possibility to enrol into a school.<sup>509</sup>

## C. Movement and mobility

### 1. Freedom of movement

Beneficiaries of international protection have freedom of movement within the State and are not allocated to specific geographic regions within the country.

According to the LITP, asylees and beneficiaries of subsidiary protection have the right to social welfare pursuant to the regulations governing the domain of social welfare of Croatian citizens.<sup>510</sup> However some rights from the social welfare system can vary depending on local self-administration and regional self-administration.

### 2. Travel documents

There is a difference in the type and duration of travel documents issued to **refugees** and **beneficiaries of subsidiary protection**. Asylees are issued a passport for refugees valid for 5 years,<sup>511</sup> while foreigners under subsidiary protection are issued special passport for foreigners, valid for 2 years.<sup>512</sup>

Recognised **refugees** can travel within the EU without a visa, while foreigners under **subsidiary protection** may be required to apply for a visa in order to travel to other EU countries.

According to the Ordinance on the Status and Work of Foreigners,<sup>513</sup> a special travel document for foreigners may be issued to a foreigner who has been granted **subsidiary protection** and is unable to obtain a national travel document due to no fault of his or her own. Such a special travel document for foreigners shall for a 2-year period.

The request for both passport for refugees and special passport for foreigners should be submitted to the competent police administration or police station.

In 2018, 248 travel documents were issued to beneficiaries of international protection.<sup>514</sup>

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<sup>508</sup> Article 66(4) LITP.

<sup>509</sup> FRA, *Periodic data collection on the migration situation in the EU*, September 2018, available at: <https://bit.ly/2FT8JBH>.

<sup>510</sup> Article 73 LITP.

<sup>511</sup> Article 75(6) LITP.

<sup>512</sup> Article 75(8) LITP; Article 6(3) Law on Foreigners.

<sup>513</sup> Article 51a Ordinance on the Status and Work of Foreigners.

<sup>514</sup> Information provided by the Ministry of Interior, 28 January 2019.

## D. Housing

### Indicators: Housing

- |  |               |
|--|---------------|
| 1. For how long are beneficiaries entitled to stay in reception centres?       | N/A           |
| 2. Number of beneficiaries staying in reception centres as of 31 December 2018 | Not available |

Beneficiaries of international protection are allowed to stay in the Reception Centre for Asylum Seekers until appropriate accommodation (a flat) is found for them. The Ministry of Interior reported that they do not keep records on the number of beneficiaries who were accommodated in the Reception Centres in **Kutina** and **Zagreb** at the end of 2018.<sup>515</sup>

According to the amendments of the LITP adopted in December 2017, entered into force on 1 January 2018, asylees and foreigners under subsidiary protection have the right to accommodation if they do not possess the financial means or property to support themselves.<sup>516</sup>

The procedure for recognising the right to accommodation is initiated by the submission of a request to the competent social welfare centre. The competent Centre is the centre in the place of domicile of the asylee and foreigner under subsidiary protection. The Centre renders a decision. An appeal may be lodged against the decision within 15 days of the date of delivery of the decision, but appeal does not delay enforcement of decision. The ministry responsible for social welfare renders a decision on the appeal, against which a law suit may be filed with the competent administrative court within eight days of the date of service of the decision. Asylees and foreigners under subsidiary protection have the right to accommodation for a maximum period of two years from the date on which the decision approving international protection is served. With the expiry of 2 years' time limit they have the right to accommodation pursuant to the legislation regulating the field of social welfare.

If the Centre establishes that the asylee or foreigner under subsidiary protection generates the financial means or owns property that could be used to generate funds to participate in the payment of accommodation costs, the decision recognising the right to accommodation shall state that the asylee or foreigner under subsidiary protection is to participate in the payment of accommodation costs by making a payment into the account of the Central State Office for Reconstruction and Housing Care.

If the Centre, in procedures within its remit, establishes, after the decision recognising the right to accommodation becomes enforceable, that the asylee or foreigner under subsidiary protection has the financial means or property to generate funds to participate in the payment of accommodation costs, it shall quash the decision and issue a new decision, recognising the right to accommodation of the asylee or foreigner under subsidiary protection and establishing the obligation to participate in the payment of accommodation costs. An appeal against the decision may be lodged within 15 days of the service of the decision but it does not delay its enforcement. The ministry responsible for social welfare renders a decision on the appeal, against which a claim may be filed with the competent administrative court within eight days of the date of service of the decision.

The right to accommodation of an asylee and foreigner under subsidiary protection shall cease in the following cases:

- upon the expiry of 2 years' time limit;
- upon personal request;
- if he or she refuses the accommodation provided without justified reason;
- if he or she fails without justified reason to reside at the registered address for a period longer than 30 days;
- if he or she does not meet the conditions for recognition of the right to accommodation;

<sup>515</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>516</sup> Articles 67 and 67a LITP.

- if it is established that he or she fails to take due and responsible care of the accommodation provided;
- if it is established that he or she uses the accommodation provided contrary to its purpose.

Save in the case referred to in item 1 above, the Centre, after establishing in the prescribed procedure the conditions referred to in items 2 to 7 above, shall quash the decision and shall adopt a new decision establishing the termination of the right to accommodation, against which an appeal may be lodged within 15 days from the date on which the decision is served. The appeal does not delay the enforcement of the decision. The ministry responsible for social welfare shall render a decision on the appeal, against which a claim may be filed with the competent administrative court within eight days of the date of service of the decision.

Enforceable decisions shall be delivered to the Central State Office for Reconstruction and Housing Care.

Pursuant to the decision recognising the right to accommodation, the Central State Office for Reconstruction and Housing Care shall secure to asylees and foreigners under subsidiary protection housing units that are the property of the Republic of Croatia or are at the disposal of the Central State Office as per lease agreements concluded with other natural persons.

The Central State Office for Reconstruction and Housing Care shall sign a contract on lease or sublease of the housing unit with the asylee and foreigner under subsidiary protection whose right to accommodation is recognised, for a maximum period of two years from the date on which the decision approving international protection becomes enforceable. The contract on the lease or sublease shall define mutual rights and obligations.

Funds for the costs of accommodation shall be earmarked in the State Budget of the Republic of Croatia under the item for the Central State Office for Reconstruction and Housing Care.

The provision of accommodation also include the process of finding, adapting, furnishing, maintaining, and the settlement of utility costs and leasing costs for the housing unit provided.

The Ministry of Interior in relation to 2017, when accommodation of beneficiaries was still under the competence of the Ministry for Demography, Family, Youth and Social Policy and Centres for Social Welfare, reported the problem of beneficiaries being accommodated in the Reception Centres for Asylum Seekers up to 3 months before appropriate accommodation (a flat) was provided to them.<sup>517</sup> This was also reported by the Rehabilitation centre for Stress and Trauma,<sup>518</sup> JRS,<sup>519</sup> and Are You Syrious.<sup>520</sup>

The Ministry of Interior reported that from the beginning of 2018 when competence was taken over by the Central State Office for Reconstruction and Housing Care, people are less likely to wait for the signing of the contract and moving from the Reception Centre.<sup>521</sup> However, the availability of housing units on the market cannot follow the dynamics of the approvals of international protection, since rental agreements are concluded with landlords.

At the beginning of 2018, JRS had expressed concern in relation to 2018 when approximately 70 beneficiaries would lose their right to accommodation due to the expiration of the 2-year period who are at the same time, due to other problems in integration (such as language courses and employment), unable to paid the rent, among whom are four single mothers. JRS managed to provide assistance to a single mother with two children who were accommodated in an apartment donated to the organisation. For the another single mother with four children, JRS is now in the process of finding a suitable apartment which it would partially pay for. JRS expects that a solution would be found for four more single mothers.<sup>522</sup>

<sup>517</sup> Information provided by the Ministry of Interior, 13 February 2018.

<sup>518</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 3 January 2018.

<sup>519</sup> Information provided by JRS, 3 January 2018.

<sup>520</sup> Information provided by Are You Syrious, 10 January 2019.

<sup>521</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>522</sup> Information provided by JRS, 10 January 2019.

The Ministry, the Rehabilitation Centre for Stress and Trauma and JRS also reported that landlords are reluctant to rent apartments to beneficiaries of international protection and were not prone to signing contracts with the Centres for Social Welfare. Accordingly, an increasing number of people are accommodated in the shelter for homeless people run by the Croatian Red Cross. Among them is for example a family of five, but also single men who are working. As those single men are underpaid, they cannot afford an apartment, so JRS is working with them in order to find a flat in which they can be accommodated together and which they can pay for jointly.<sup>523</sup>

The Rehabilitation Centre for Stress and Trauma also reported the problems in relation to registration of residence address after the expiration of the 2-year period of secured housing, as private landlords of apartments that beneficiaries of international protection can afford often do not allow this. The lack of a registered address can result with a series of legal and administrative barriers.<sup>524</sup>

The New Ordinance on participation of asylees, foreigners under subsidiary protection and foreigners under temporary protection in the payment of accommodation costs entered into force in July 2018.

## E. Employment and education

### 1. Access to the labour market

Beneficiaries of international protection have the right to work in the Republic of Croatia, without a residence and work permit or certificate of registration of work.<sup>525</sup> Both asylees and foreigners under subsidiary protection have access to the labour market, without distinction.

However, access to rights and their exercise in the practical life of each beneficiary is challenging. The main obstacle is still the language barrier, as there are still problems with official language course, which is main precondition for successful integration. No official language course was set up from 2011 until the beginning of June 2015, when the Ministry of Science, Education and Sports organised a language course, but only 12 people enrolled in the first course.

The Ministry of Interior reported that the fact that language courses have not been carried out continuously for a number of years is one of the main problems in integration.<sup>526</sup> On two occasions the course was held for a duration of 70 hours which, according to the Ministry of Interior, was not enough. The problem is the fact that for each semester the competent ministry of education announces public procurement, which affects the fact that the course is not being conducted on a continuous basis while, on the other hand, beneficiaries have to wait for a long period of time for the course to be held. The problem with language courses was also reported by JRS, Centre for Peace Studies, Croatian Red Cross and the Rehabilitation centre for Stress and Trauma. JRS has reported that for example they receive a lot of calls from employers who would like to hire beneficiaries of international protection, however they still expect at least basic knowledge of the Croatian language.

In 2018, as reported by the Ministry of Interior problems persist in relation to Croatian language courses which influence inclusion in the labour market. The Ministry highlighted that beneficiaries of international protection are usually less educated, especially women who mostly only completed elementary school and lack documents demonstrating their degree of education or qualification, and hence also reduce their employment opportunities.<sup>527</sup>

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<sup>523</sup> *Ibid.*

<sup>524</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2019.

<sup>525</sup> Article 68(1) LITP.

<sup>526</sup> Information provided by the Ministry of Interior, 13 February 2018.

<sup>527</sup> Information provided by the Ministry of Interior, 28 January 2019.

As mentioned in [Housing](#), asylees and foreigners under subsidiary protection have the right to accommodation if they do not hold financial resources or possessions of significant value, for no longer than 2 years from the day of the delivery of the decision approving international protection. It is expected that within this period, they would learn the language and find a job to support themselves.

However in practice, many of them after 2 years still do not know the Croatian language and accordingly have problems finding appropriate employment. According to information provided by the Croatian Red Cross, their social workers, in cooperation with the Integration Officer of the Ministry of Interior, provide support to all beneficiaries of international protection during this integration period.<sup>528</sup>

In relation to employment and education for the job market, they provide support in terms of:

- ❖ Establishment of contact with potential employers;
- ❖ Cooperation with relevant institutions and educational agencies, where beneficiaries are enrolled in the vocational training and qualification building programmes;
- ❖ Individual systematic support through mentorship, with encouragement of an active approach to job searching, building skills necessary in the labour market such as communication skills, presentation at job interview, enhancing self-esteem;
- ❖ Involving beneficiaries and interpreters and peer supporters in the Croatian Red Cross activities during the refugee / migrant reception response and activities in the reception centres;
- ❖ Brokering and involving beneficiaries of international protection into other NGOs' projects.

Within the framework of the one-year "Social inclusion of refugees through vocational training / Life Skills", run by the Croatian Red Cross and funded by the European Social Fund, 30 beneficiaries of international protection were included in the activities aimed at their empowerment and preparation for labour market.

The so-called "Integration House" arranged in the premises of the Croatian Red Cross serves as contact and drop-in centre for beneficiaries of international protection, and is run by Croatian Red Cross staff and volunteers. The Integration House is open every working day and offers activities targeting beneficiaries created and implemented by volunteers and persons granted international protection.

Many other NGOs such as JRS, Centre for Peace Studies, Rehabilitation Centre for Stress and Trauma also provide assistance during integration. The JRS "SOL" centre provides support and guidance to individuals and families in the Republic of Croatia, who have been granted international protection, in their integration process. JRS reported that that beside the lack of knowledge of Croatian language, the lack of documents on recognition of qualification from country of origin is the one of the main obstacles when accessing labour market. JRS also reported that only one employee of Croatian Employment Service is in charge for this category of people and all that without interpreter. In addition within the scope of measures of active employment policy, courses are also provided to beneficiaries of international protection, but without interpreters they are not actually available in this category of users.<sup>529</sup>

Are you Syrious helped in networking beneficiaries of international protection with potential employers and provided support in negotiating employment conditions.<sup>530</sup>

The Croatian Employment Service (CES) is responsible for the implementation of measures in the field of employment of foreigners, with particular emphasis on asylees and foreigners under subsidiary protection.

According to CES, at the end of 2018, 119 asylees (of which 41 women) and 20 foreigners under subsidiary protection (of which 10 women) were registered in their records of unemployed persons. In the course of 2018, 248 asylees and 27 foreigners under subsidiary protection were included in individual counselling at CES, while 18 asylees and 2 persons under subsidiary protection were included in active employment policy measures. The majority of those registered were from Syria (68 asylees and 18

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<sup>528</sup> Information provided by the Croatian Red Cross, 13 February 2017.

<sup>529</sup> Information provided by JRS, 3 January 2018, 10 January 2019.

<sup>530</sup> Information provided by Are You Syrious, 10 January 2019.

persons under subsidiary protection) and Iraq (25 asylees).<sup>531</sup> Through the one measure of the CES, five beneficiaries completed education for cooks and they have all become employed.<sup>532</sup>

## 2. Access to education

According to the LITP, beneficiaries of international protection have the right to elementary, secondary and higher education under the same conditions as Croatian citizens, pursuant to separate regulations.<sup>533</sup>

Asylees and foreigners under subsidiary protection shall exercise the right to adult education as well as the right to recognition of foreign qualifications pursuant to the regulations on adult education under the same conditions as Croatian citizens.

For asylees and foreigners under subsidiary protection, who for justified reasons are not able to provide the necessary documentation to prove their foreign qualifications, an assessment shall be conducted of their prior learning. The assessment of the prior learning of beneficiaries of international protection shall be conducted by a competent body, pursuant to the regulations governing regulated professions and recognition of foreign vocational qualifications.

A decision to refuse an application for recognition of foreign vocational qualifications cannot be based exclusively on the fact that no official documents exist to prove a specific foreign vocational qualification.

If an asylee or foreigner under subsidiary protection does not have sufficient financial resources available, the translation of foreign documents for the purpose of recognition of foreign qualifications shall be provided from the State Budget of the Republic of Croatia, under the item of the Ministry competent for education. However, the Croatian Law Centre approached the Ministry competent for education with a request for explanation of the process in order for clients to be informed on how to approach the Ministry for translation of foreign documents to be paid by the state for the purpose of recognition of foreign qualifications, but never received an answer.

To the knowledge of the Rehabilitation centre for Stress and Trauma, no language course was organised in 2018 by the Ministry of Science and Education.<sup>534</sup>

As reported by the Croatian Red Cross, most beneficiaries of international protection face the same problems in integration as Croatian language course is not secured in a timely manner. Individuals, who have English language skills or a higher level of education are involved in various Croatian language courses organised by civil society organisations or finance Croatian Language Courses by themselves in order for them to get more chances to find a job. According to the Croatian Red Cross, due to the lack of official Croatian language courses, an increasing number of beneficiaries need help with employment. The Red Cross has set up its network of employers with whom they have developed successful collaboration.<sup>535</sup>

JRS offers language courses in its “SOL” centre.<sup>536</sup> It has also cooperated with public open school “Libra” and managed to include 36 beneficiaries in a 70-hour course of Croatian language.<sup>537</sup> However, JRS reported that approximately 50 beneficiaries of international protection in previous years have not been included in official language courses up until now. JRS has also made its network of employers, with whom they have developed a successful collaboration.

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<sup>531</sup> Information provided by the Croatian Employment Service, 28 January 2019.

<sup>532</sup> Information provided by JRS, 10 January 2019.

<sup>533</sup> Article 70 LITP.

<sup>534</sup> Information provided by the Rehabilitation centre for Stress and Trauma, 18 January 2019.

<sup>535</sup> Information provided by the Croatian Red Cross, 29 November 2018.

<sup>536</sup> Information provided by JRS, 10 January 2019.

<sup>537</sup> JRS, ‘Suradnja JRS-a i Libra u području edukacije iz hrvatskog jezika i kulture za izbjeglice’, 22 May 2018, available in Croatian at: <https://bit.ly/2sWcWvW>.

According to the Ombudswoman's report for 2015, children who are included in the education system only have support for learning Croatian, but not other subjects, and support is particularly lacking in raising awareness on cultural and social differences.<sup>538</sup>

The Rehabilitation Centre for Stress and Trauma reported that preparatory and additional classes in some schools are not sufficient for the children beneficiaries of international protection since practice is not uniform and standardised.<sup>539</sup> JRS noted particular problems in some parts of Croatia in relation to access to education for children. While in some parts of the country children manage to finish their education, in others like **Pula** they were not even included in Croatian language courses.<sup>540</sup>

In addition, access to education is still not fully functional as not all children have access to education namely those under the age of 18 for whom there is no previous data on education. Access to education for children over the age of 14 who for objective reasons have not completed primary education in the country of origin or country of previous residence is particularly difficult. This is not in line with the Integration Action Plan 2017-2019 which states that persons older than 15 years who did not have the opportunity to complete their education in their own countries, should be enabled to finish elementary or high school education free of charge within the adult education system.<sup>541</sup>

UNICEF has also supported the inclusion of children in the education system (see [Reception Conditions: Access to Education](#)).

Positive developments were reported by the Rehabilitation Centre for Stress and Trauma in relation to education of adults, as there is an increased number of persons granted international protection who are involved in adult education programmes, mainly under projects funded by the European Social Fund.<sup>542</sup>

## F. Social welfare

Asylees and foreigners under subsidiary protection have the right to social welfare pursuant to the regulations governing the domain of social welfare of Croatian citizens.<sup>543</sup> The Law on Social Welfare regulates that asylees and foreigners under subsidiary protection beneficiaries as well as members of their family who legally reside in Republic of Croatia, have rights in social welfare system under the conditions set out in the law.<sup>544</sup>

Social welfare activities are performed by social welfare institutions, local and regional self-government units, associations, religious communities, other legal persons, craftsmen and other physical persons performing social welfare activities.

The basic information on welfare benefits can be found on the [WELCOMM](#) website.<sup>545</sup>

The Croatian Red Cross reported inertness on the part of the pension system relating to the child allowance, as beneficiaries who submitted a request for child allowance at the beginning of 2018 waited for more than 6 months for the first payment. The Croatian Red Cross also assisted a few persons who had problems in having their request approved as Croatian Pension Insurance Institute employees were not familiar with the rights of beneficiaries of international protection and refused them upon admission.<sup>546</sup>

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<sup>538</sup> Ombudswoman, *Annual Report 2015*, available at: <http://bit.ly/2lrBQkE>.

<sup>539</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2019.

<sup>540</sup> Information provided by JRS, 10 January 2019.

<sup>541</sup> Office for Human Rights, *Action Plan for the integration of persons who have been granted international protection from 2017 to 2019*, May 2017, available at: <https://bit.ly/2WvhpTC>, Measure 10.5.

<sup>542</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2019.

<sup>543</sup> Article 73 LITP.

<sup>544</sup> Official Gazette 157/13, 152/14, 99/15, 52/16, 16/17, 130/17.

<sup>545</sup> The content of this website represents the views of the author only and is his/her sole responsibility. The Croatian Law Centre is not responsible for the accuracy of the information stated on the website and will not be liable for any false, inaccurate, inappropriate or incomplete information presented on the website.

<sup>546</sup> Information provided by the Croatian Red Cross, 29 November 2018.

The Rehabilitation Centre for Stress and Trauma reported that needs of victims of torture are totally ignored in the social welfare system as a result of absence of system of identification.<sup>547</sup>

## G. Health care

According to the LITP, asylees and foreigners under subsidiary protection shall exercise the right to health care pursuant to the regulations governing health insurance and health care of foreigners in the Republic of Croatia.<sup>548</sup> The costs of health care shall be paid from the State Budget under the item of the Ministry competent for health care.

The Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia prescribes that asylees and foreigners under subsidiary protection are not health insured persons, but they have a right to health care,<sup>549</sup> in the same scope as health insured persons under mandatory health insurance.<sup>550</sup>

Amendments to the Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia, which entered into force in February 2018, provide that the right to health care is provided on the basis of a valid document issued by the Ministry of Interior.<sup>551</sup> The competent police administration or police station is obliged to notify the ministry competent for health that the asylum, subsidiary protection or temporary stay was granted to foreigner, at the latest within 8 days from the date when the decision on granted asylum, subsidiary protection or temporary residence became final.<sup>552</sup>

Although the costs of medical treatment for asylees and foreigners under subsidiary protection should be directly borne by the Ministry of Health, the doctors in health centres are frequently insufficiently informed about this, so many problems arise in practice. Problems in the health system were reported by the Croatian Red Cross, JRS, the Rehabilitation Centre for Stress and Trauma, Legal Clinic of the Law Faculty of the University of Zagreb, MdM and were also confirmed by the Ministry of Interior.<sup>553</sup>

In practice, however, beneficiaries of international protection face obstacles in accessing health care according to stakeholders.<sup>554</sup> Besides the language barrier, the fact that they are not health insured persons but use medical services with their identity card is confusing for health care professionals who do not know how to enrol beneficiaries in the system or records, where to send bills, how to write a prescription etc. and most pharmacies also refrain from issuing medicines as the Ministry of Health does not cover costs in time.<sup>555</sup> Coverage of medication that is not included in the basic list of medicines for beneficiaries who are not employed and are not allowed to pay for complementary health insurance is also a problem.<sup>556</sup>

In 2018, MdM assisted 16 beneficiaries of international protection prior to enrolment at doctors, gynaecologists, paediatricians and dentists in health centres.<sup>557</sup>

The specific needs of victims of torture are not taken into account in the health care system due to the absence of a system of identification, according to the Rehabilitation Centre for Stress and Trauma.<sup>558</sup>

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<sup>547</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2019.

<sup>548</sup> Article 69(1)-(2) LITP.

<sup>549</sup> Article 17 Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

<sup>550</sup> Article 21(1) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

<sup>551</sup> Article 21(2) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

<sup>552</sup> Article 21(3) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

<sup>553</sup> Information provided by the Ministry of Interior, 13 February 2018.

<sup>554</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2019; Are You Syrious, 10 January 2019; MdM, 23 December 2018; Croatian Red Cross, 29 November 2018.

<sup>555</sup> Information provided by the Croatian Red Cross, 29 November 2018; Ministry of Interior, 28 January 2019.

<sup>556</sup> Information provided by MdM, 23 December 2018.

<sup>557</sup> *Ibid.*

<sup>558</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2019.

## ANNEX I – Transposition of the CEAS in national legislation

### Directives and other measures transposed into national legislation

Directive	Deadline for transposition	Date of transposition	Official title of corresponding act	Web Link
<b>Directive 2011/95/EU</b> Recast Qualification Directive	21 December 2013	22 November 2013	Amendment to the Law on Asylum Official Gazette 79/07, 88/10, 143/13	<a href="http://bit.ly/1MRaQ5">http://bit.ly/1MRaQ5</a> (HR) <a href="http://bit.ly/1J7yrxu">http://bit.ly/1J7yrxu</a> (HR) <a href="http://bit.ly/1logkxD">http://bit.ly/1logkxD</a> (HR)
<b>Directive 2013/32/EU</b> Recast Asylum Procedures Directive	20 July 2015 Article 31(3)-(5) to be transposed by 20 July 2018	2 July 2015	Law on International and Temporary Protection Official Gazette 70/15, 127/2017	<a href="http://bit.ly/1hlaq3Q">http://bit.ly/1hlaq3Q</a> (HR) <a href="https://bit.ly/2pPntru">https://bit.ly/2pPntru</a> (HR)
<b>Directive 2013/33/EU</b> Recast Reception Conditions Directive	20 July 2015	2 July 2015	Law on International and Temporary Protection Official Gazette 70/15, 127/2017	<a href="http://bit.ly/1hlaq3Q">http://bit.ly/1hlaq3Q</a> (HR) <a href="https://bit.ly/2pPntru">https://bit.ly/2pPntru</a> (HR)
<b>Regulation (EU) No 604/2013</b> Dublin III Regulation	Directly applicable 20 July 2013	2 July 2015	Law on International and Temporary Protection Official Gazette 70/15, 127/2017	<a href="http://bit.ly/1hlaq3Q">http://bit.ly/1hlaq3Q</a> (HR) <a href="https://bit.ly/2pPntru">https://bit.ly/2pPntru</a> (HR)