

# Country Report: Croatia



2019  
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 Administrative Courts, the High Administrative Court, the Croatian Employment Service UNHCR, UNICEF, attorneys at law and relevant organisations, including the Croatian Red Cross, the Centre for Peace Studies, Doctors of the World, Society for Psychological Assistance, as well as from other publicly available sources.

The information in this report is up-to-date as of 31 December 2019, 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 19 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, SI) and 4 non-EU countries (Serbia, Switzerland, Turkey, United Kingdom) 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>CES</b>	Croatian Employment Service   Hrvatski zavod za zapošljavanje
<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>IOM</b>	International Organisation for Migration
<b>JMBG</b>	Unique Identification Number   Jedinstveni matični broj građana
<b>JRS</b>	Jesuit Refugee Service   Isusovačka služba za izbjeglice
<b>LGBTI</b>	Lesbian, gay, bisexual, transsexual and intersex
<b>LITP</b>	Law on International and Temporary Protection   Zakon o međunarodnoj i privremenoj zaštiti
<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   Društvo za psihološku pomoć
<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 2019 can be found on the website of the Ministry of Interior.<sup>1</sup>

### Applications and granting of protection status at first instance: 2019

	Applicants in 2019	Pending at end 2019	Refugee status	Subsidiary protection	Rejection	Refugee rate	Subs. Prot. rate	Rejection rate
<b>Total</b>	1,400	-	55	0	265	17%	0%	83%

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

Iraq	310	-	10	0	15	40%	0%	60%
Afghanistan	250	-	0	0	20	0%	0%	100%
Syria	185	-	30	0	5	86%	0%	14%
Iran	170	-	5	0	25	17%	0%	83%
Algeria	110	-	0	0	90	0%	0%	100%

Source: Eurostat. The number of rejections includes inadmissibly decisions.

The website of the Ministry of Interior further indicates that a total of 1,986 persons expressed their intention to apply for international protection in 2019.<sup>2</sup> According to the latter, the top 6 nationalities represented were Iraq (577), Afghanistan (295), Syria (288), Iran (218), Turkey (132) and Algeria (117). The number of applications for international protection lodged are not available however. It should be noted, however, that the Ministry of interior indicated that a total of 157 persons were granted refugee status (asylum) and that one person was granted subsidiary protection in 2019.

<sup>1</sup> Ministry of Interior, *Statistics*, available in Croatian at: <https://bit.ly/33QsFhI>.

<sup>2</sup> Ibid.

#### Gender/age breakdown of the total number of applicants: 2019

	Number	Percentage
<b>Total number of applicants</b>	1,400	100%
Men	930	66.4%
Women	470	33.6%
Children	-	-
Unaccompanied children	-	-

Source: Eurostat. According to the Ministry of Interior's statistics, a total of 70 unaccompanied children expressed their intention to apply for international protection in 2019.

#### Comparison between first instance and appeal decision rates: 2019

	First instance		Appeal		Onward appeal	
	Number	Percentage	Number	Percentage	Number	Percentage
<b>Total number of decisions</b>	-	-	-	-	27	-
Positive decisions	158	-	-	-	2	-
• <i>Refugee status</i>	157	-	-	-	-	-
• <i>Subsidiary protection</i>	1	-	-	-	-	-
Negative decisions	-	-	-	-	25	-

Source: Ministry of Interior and Administrative Courts in Zagreb, Rijeka, Split and Osijek; Only in-merit decisions are included. On top of the 27 in-merit decisions at second instance, it should be noted that one appeal case was dismissed as inadmissible in 2019 and that another appeal was pending at the end of 2019.



## 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/1K1I8fv">http://bit.ly/1K1I8fv</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> <i>Amended: Official Gazette 66/19</i>	Zakon o strancima NN 130/2011, 74/2013, 69/2017, 46/2018, 66/19 (Zakon o državljanima država članica Europskog gospodarskog prostora i članovima njihovih obitelji)	Law on Foreigners	<a href="http://bit.ly/1RfI8Kg">http://bit.ly/1RfI8Kg</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) <a href="https://bit.ly/2QLt5jM">https://bit.ly/2QLt5jM</a> (HR)

Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia  Official Gazette 80/2013  <i>Amended:</i> Official Gazette 15/2018	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)
Law on Free Legal Aid Official Gazette 143/2013 <i>Amended:</i> Official Gazette 98/2019	Zakon o besplatnoj pravnoj pomoći NN 143/2013, 98/2019	Law on Free Legal Aid	<a href="http://bit.ly/1lojGRf">http://bit.ly/1lojGRf</a> (HR) <a href="https://bit.ly/3bDiHD5">https://bit.ly/3bDiHD5</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 <i>Amended:</i> Official Gazette 61/2019	Pravilnik o ostvarivanju materijalnih uvjeta prihvata NN 135/2015, 61/2019	Ordinance on Material Reception Conditions	<a href="http://bit.ly/2lYZlsm">http://bit.ly/2lYZlsm</a> (HR) <a href="https://bit.ly/3bxCHa9">https://bit.ly/3bxCHa9</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,	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)

for the purpose of joining the education system of the Republic of Croatia Official Gazette 89/2008			
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 subsidiary protection for inclusion into Croatian Society Official Gazette 154/2014	Odluka o programu učenja hrvatskoga jezika, povijesti i kulture za azilante i strance pod supsidijarnom zaštitom radi uključivanja u hrvatsko društvo NN 154/2014	Decision on Croatian Language, History and Culture Programme for Inclusion	<a href="http://bit.ly/1FXstO8">http://bit.ly/1FXstO8</a> (HR)
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/2ITyx3i">http://bit.ly/2ITyx3i</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 <i>Amended:</i> Official Gazette 57/2019	Pravilnik o boravku u Prihvatnom centru za strance NN 101/2018, 57/2019	Detention Centre Ordinance	<a href="https://bit.ly/2S7aCQQ">https://bit.ly/2S7aCQQ</a> (HR)  <a href="https://bit.ly/33TB4AY">https://bit.ly/33TB4AY</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)
Decision on the Establishment of a Permanent Commission for the Implementation of the Integration of Foreigners into Croatian Society Official Gazette 110/2019	Odluka o osnivanju Stalnog povjerenstva za provedbu integracije stranaca u hrvatsko društvo	Decision on the Establishment of a Permanent Commission for Integration	<a href="https://bit.ly/2wCNTTX">https://bit.ly/2wCNTTX</a> (HR)
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)
Ordinance on the Status and Work of Third-Country Nationals: Official Gazette 52/2012 <i>Amended:</i> Official Gazette 81/2013 <i>Amended:</i> Official Gazette 38/2015 <i>Amended:</i> Official Gazette 100/2017 <i>Amended:</i> Official Gazette 61/2018 <i>Amended:</i> Official Gazette 116/2018	Pravilnik o statusu i radu državljana trećih zemalja u Republici Hrvatskoj NN 52/2012, 81/2013, 38/2015, 100/2017, 61/2018, 116/2018		<a href="https://bit.ly/39oqcMh">https://bit.ly/39oqcMh</a> (HR)  <a href="https://bit.ly/2WM2BCG">https://bit.ly/2WM2BCG</a> (HR) <a href="https://bit.ly/2QOj9X3">https://bit.ly/2QOj9X3</a> (HR) <a href="https://bit.ly/2QK28Nw">https://bit.ly/2QK28Nw</a> (HR) <a href="https://bit.ly/2JgtU02">https://bit.ly/2JgtU02</a> (HR) <a href="https://bit.ly/2UDsMcc">https://bit.ly/2UDsMcc</a> (HR)

## Overview of the main changes since the previous update

The report was previously updated in **March 2019**.

### Covid 19 related measures

Please note that this report has largely been written prior to the outbreak of COVID-19 in Croatia. The general recommendations related to the outbreak of COVID-19 can be found on the website of Croatian Institute for Public Health available [here](#). The Government further introduced a website on COVID-19 measures and related news available at: <https://www.koronavirus.hr/en>. The National Civil Protection Authority also issued a number of decisions aimed to prevent the spread of COVID-19.<sup>3</sup>

The Centre for Peace Studies published an information sheet on fundamental rights implications in the context of COVID-19 in Croatia which is available on the website of the European Fundamental Rights Agency at: <https://bit.ly/3cq7juG>.

Besides the general measures applicable to all citizens (e.g. social distancing, restriction of movement etc.), this box outlines some of the main measures which directly and/or indirectly affect applicants for international protection as of 20 April 2020.

- ❖ **Access to territory:** Since 19 March 2020, crossing the state borders is temporarily prohibited,<sup>4</sup> except in explicitly indicated cases, and measures restricting social gatherings, working hours of stores, services, sports, and cultural events are ordered.<sup>5</sup> The decision temporarily prohibiting crossings at the border has been extended until 18 May 2020.<sup>6</sup>
- ❖ **Measures relating to the Law on Foreigners:** The Ministry of Interior published a notification according to which no measures prescribed by the Law on Foreigners will be taken against foreigners on short stay as a certain number of persons cannot leave the Republic of Croatia within the time limit prescribed by the Schengen Borders Code.<sup>7</sup> However there is no information available on whether similar measures should apply to rejected applicants for international protection who were ordered to leave Croatia or those who decided to voluntary return. In addition, it is not clear whether rejected applicants for international protection are allowed to stay in the Reception centre for Applicants for International Protection.
- ❖ **Reception conditions:** Access to reception centres of applicants of international protection in Zagreb and Kutina is temporarily restricted, with the exception of persons who ensure the normal functioning of the facilities.<sup>8</sup>

According to information provided by the Initiative Welcome, applicants are not allowed to leave the reception centres, while civil society organisations had to stop their activities in the centres. Only staff of the Croatian Red Cross and Médecins du Monde (Doctors of the World - MdM) can access the facilities.<sup>9</sup>

- ❖ **Access to information:** Applicants accommodated in the reception centres have received information about COVID-19 and the measures that need to be taken to prevent its further spread.

<sup>3</sup> National Civil Protection Authority, *Decisions on Covid-19*, available in Croatian at: <https://bit.ly/2wSOREs>.

<sup>4</sup> National Civil Protection Authority, *Decision temporarily prohibiting crossings at the border crossings of the Republic of Croatia*, available in Croatian at: <https://bit.ly/3aoKwOi>.

<sup>5</sup> National Civil Protection Authority, *Decision on measures restricting social gatherings, working hours of stores, services, sports, and cultural events*, available in Croatian at: <https://bit.ly/351ek2B>.

<sup>6</sup> National Civil Protection Authority, *Decision amending Decision temporarily prohibiting crossings at the border crossings of the Republic of Croatia*, available in Croatian at: <https://bit.ly/2KgiWlu>.

<sup>7</sup> Ministry of Interior, 'Notice to Third-Country Nationals', 30 March 2020, available in Croatian at: <https://bit.ly/3bilKRz>; and in English at: <https://bit.ly/2Vdwj2s>.

<sup>8</sup> Ministry of Interior, 'Applicants for International Protection in the Republic of Croatia are not infected with the coronavirus', 18 March 2020, available in Croatian at: <https://bit.ly/2wFwry2>.

<sup>9</sup> Information provided by Initiative Welcome on 20 March 2020



Leaflets with instructions from the Croatian Institute of Public Health were translated into different languages and posted in visible places in the facilities to raise awareness on the importance of prevention and self-isolation. A doctor is present in the Reception Centre every day and applicants are under the constant supervision of medical staff.

- ❖ **Access to facilities in the social care system:** Access to institutions in the social care system, which are providing accommodation *inter alia* to children and young people, is prohibited according to a letter from the Ministry of Health.<sup>10</sup> Similarly, instructions on the prevention of Covid-19 in Homes for Older Persons and Other Institutions in the Social Welfare System foresee that entry into the facilities is allowed only to employees of the institution and officials for the purpose performing their activities regularly (e.g. doctors), provided that they have no signs of respiratory infections (cough, shortness of breath) and/or fever.<sup>11</sup> Inhabitants are allowed to leave the facility only in necessary and justified circumstances. This applies to children accommodated in social welfare institutions although they are allowed to play outside if other measures are applied (such as social distancing).
- ❖ **Residence permits:** The Government of the Republic of Croatia adopted draft amendments to the Law on Foreigners on 16 April 2020 and referred them to the Croatian Parliament for enactment by emergency procedure.<sup>12</sup> These amendments allow third-country nationals to use their residence permits during the epidemic (i.e. to continue their stay and work in the Republic of Croatia) and enable them to proceed with actions in the administrative procedure which they are required to take no later than 30 days after the outbreak of Covid-19 is over.

### ***Communication to the European Parliament and the Council on the verification of the full application of the Schengen acquis by Croatia***

In October 2019, the European Commission (EC) released a communication to the European Parliament and the Council on the verification of the full application of the Schengen acquis by Croatia.<sup>13</sup> According to the EC, Croatia has taken measures to ensure that the necessary conditions for the full application of the Schengen rules and standards are met. At the same time, the EC highlighted that the protection of human rights of applicants for international protection and other migrants, and the allegations of denial of access to the asylum procedure as well as the use of force by law enforcement officials at the border remain a challenge. Croatia must investigate and closely monitor the allegations of mistreatment at its external borders, and keep the EC informed on progress made.

### ***Croatian Presidency of the Council of the European Union***

Moreover, since 1 January and until 30 June 2020, Croatia is responsible for the Presidency of the Council of the European Union for the first time.<sup>14</sup> Under its programme “A strong Europe in a world of challenges”, the Presidency has set as one of its priorities “A Europe that protects”.<sup>15</sup> This includes “strengthening internal security, providing more effective control of external borders, with the goal to find a comprehensive solution for a sustainable and effective migration and asylum policy.” The programme further foresees that “the Croatian Presidency will work towards comprehensive, effective and humane migration management on all migration routes. In addition to strengthening the system for the supervision

<sup>10</sup> Croatian Institute of Public Health, ‘Recommendations on acting in social care institutions’, 28 February 2020, available in Croatian at: <https://bit.ly/34HriCs>.

<sup>11</sup> Ministry of Demography, Family, Youth and Social Policy, Instructions for Preventing Covid-19 in Homes for Older Persons and Other Institutions in the Social Welfare System, 27 March 2020, available in Croatian at: <https://bit.ly/2yfxlMX>.

<sup>12</sup> Ministry of Interior, ‘The government has adopted amendments affecting foreigners and third-country nationals during the epidemic’, available in Croatian at: <https://bit.ly/2KilLsi>.

<sup>13</sup> European Commission, *Communication to the European Parliament and the Council on the verification of the full application of the Schengen acquis by Croatia*, 22 October 2019, available at: <https://bit.ly/2UkzXHm>.

<sup>14</sup> Croatian Presidency of the Council of the European Union, official website available at: <https://eu2020.hr/>.

<sup>15</sup> Programme of the Croatian Presidency of the Council of the European Union, *A strong Europe in a world of challenges*, available at: <https://bit.ly/2QJuxU8>.

of the EU's borders, Croatia will continue to work on the establishment of a sustainable and efficient framework for the Common European Asylum System. To ensure the effective prevention of illegal migration and a more systematic implementation of the return policies, the Presidency will try to reach an agreement on the list of safe third countries and safe countries of origin. It will continue to work towards the consistent implementation of the readmission agreement and a more coherent implementation of economic, development-related, and other measures in cooperation with the countries of origin and transit of migrants. The Presidency will also work towards the development of policies that will provide an upgraded framework for safe and legal migration".<sup>16</sup>

**At national level,** the main changes since the previous AIDA update are as follows:

#### *Asylum procedure*

- ❖ **Access to the territory:** Numerous reports of push backs and violent police practices at the border have been documented in 2019, thus hindering the access to the asylum procedure. In particular, NGOs and international organisations reported the issue of persons being pushed back from Croatia's border to Bosnia and Herzegovina and Serbia, along with further reports of push-backs to Serbia from other neighbouring states. From January to September 2019, UNHCR and partners in Serbia reported that 384 pushbacks involving 2,674 persons were carried out from Croatia to Serbia; and that 289 pushbacks, involving 2,194 persons, were carried out from Croatia to Bosnia and Herzegovina.<sup>17</sup>
- ❖ **Determining authority:** Since March 2019, the Directorate for immigration, citizenship and administrative affairs is the authority responsible for examining applications for international protection and competent to take decisions at first instance. This used to fall under the responsibility of the Administrative and Inspection Affairs Directorate of the Ministry of the Interior.
- ❖ **Length of appeal procedures:** According to some national organisations concerns as regards the length of the appeal procedure have been raised in 2019 as it currently reaches seven to ten months. According to information provided by Administrative Courts, however, the average processing time for asylum cases in 2019 was 132 days in Zagreb, 32 days in Osijek, and 3 months in Rijeka.
- ❖ **Subsequent applications:** In 2019, the Constitutional Court issued a decision which highlights the importance of examining individual circumstances in subsequent applications and the fact that applicants for international protection must be allowed to clarify inconsistencies. The case concerned an Iraqi national who had first stated that she left Iraq because of the war and her fear of ISIL, but who had then stated in her subsequent application that she was a victim of sexual-based violence and female genital mutilation. Her application for international protection was rejected as the determining authority considered that her statements were contradictory, which was also the view of the Administrative Court and the High Administrative Court. The Constitutional Court, however, found a violation of Article 3 of the European Convention on Human Rights (ECHR) and quashed the judgement of the High Administrative Court and Administrative Court. The case was sent back to the Administrative Court of Zagreb.<sup>18</sup>
- ❖ **Resettlement:** The number of refugees that arrived to Croatia through resettlement schemes increased in 2019. According to the Ministry of Interior, 98 persons were resettled in 2019 and as a result Croatia has fulfilled its pledge within the EU resettlement scheme to effectively resettle 250 Syrian refugees from Turkey according to the Decisions on Relocation and Resettlement of Third-country Nationals or Stateless Persons Eligible for International Protection from 2015 (150 persons) and 2017 (100 persons). The 2019 resettlement operations were achieved through a 13 months Cooperation Agreement on the Integration of Persons resettled from Turkey signed between the

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<sup>16</sup> Ibid.

<sup>17</sup> UNHCR, Desperate Journeys - January to September 2019, available at: <https://bit.ly/2vMkbeG>.

<sup>18</sup> Constitutional Court, Decision 557/2019, 11 September 2019, available in Croatian at: <https://bit.ly/39m7AN7>.



Ministry of Interior and the Jesuit Refugee Service (JRS) at the end of December 2018.<sup>19</sup> In 2019, the Government further stated that it is ready to accept up to 150 third-country nationals or stateless persons on the basis of resettlement schemes or by participating to other forms of solidarity with EU Member States.

- ❖ **Preliminary ruling:** The Supreme Court of the Republic of Croatia recently submitted a request for a preliminary ruling to the Court of Justice of the European Union (CJEU) in a case concerning an order for the applicant's extradition to Russia. The individual submitted an appeal against an order for his extradition to Russia on the grounds that there was a concrete, serious, and reasonably foreseeable risk of torture or ill-treatment in the event of return. The Supreme Court expressed doubts as to whether Iceland, which has also granted nationality to the applicant, must also be informed of the extradition so that it may request the surrender of its national.<sup>20</sup>

#### *Reception conditions*

- ❖ **Reception centre:** In accordance with the decision of the Ministry of Interior of 2018, the Government of the Republic of Croatia had planned to build a Reception Centre for asylum seekers near Petrinja, in Mala Gorica. However, in 2019, due to the opposition from the local population,<sup>21</sup> it was decided that the funds would be invested in the renovation of the existing Reception centers in Zagreb and Kutina instead.<sup>22</sup> As a result, the living conditions in the Reception Centre in Zagreb have significantly improved.
- ❖ **Hate speech:** Hate speech is growing, especially on news portals in the form of unmoderated reader comments.<sup>23</sup> Moreover, the media released a video of policemen near the border police station of Cetingrad forcing migrants to sit on the floor next to a police patrol car and to shout the name of Zagreb's football club as well as the Nazi-fascist regime's salute "Ready for the Homeland".<sup>24</sup> The Ministry of Interior initiated disciplinary procedures and one officer was removed from the police service.<sup>25</sup>

#### *Detention of asylum seekers*

- ❖ **Legal assistance in detention:** The issue of effective access to legal assistance for review of detention was reported by some attorneys at law. They have stressed the lack of individual assessment in the detention decisions as well as limited access to detained clients. In some cases the lack of privacy of conversation with clients was reported as well.

#### *Content of international protection*

- ❖ **Integration:** Beneficiaries of international protection still face significant challenges in exercising their rights in almost all areas, as persisting obstacles are still not solved nor sufficiently addressed at state level, thus rendering the role of civil society organisations crucial. The most important issues still relate to the language barrier, health care, employment, education and housing. As the previous Integration Action Plan expired at the end of 2019, a new Integration Action Plan is under discussion,

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<sup>19</sup> Ministry of the Interior, 'Agreement on cooperation in the field of integration of displaced persons', 27 December 2018, available in Croatian at: <https://bit.ly/33XrNbb>.

<sup>20</sup> EDAL, CJEU: Request for a preliminary ruling from Croatia on the interpretation of Article 18 TFEU in extradition orders, Case C-897/19, available at: <https://bit.ly/2UDaUht>.

<sup>21</sup> N1, 'Petrinja does not want an asylum center', 11 February 2019, available in Croatian at: <https://bit.ly/2vOp9rl>.

<sup>22</sup> Ministry of Interior, Decision on the annulment of the decision on the allocation of funds for the implementation of the project "Establishment of infrastructure and capacity building of the Reception Centre for Asylum seekers in Mala Gorica" and termination of the agreement on direct allocation of funds for the implementation of the said project, 24 May 2019, available in Croatian at: <https://bit.ly/2UCjop9>.

<sup>23</sup> FRA, *Migration: Key Fundamental rights concerns - Quarterly bulletin* 3, October 2019 available at: <https://bit.ly/3dx9Pk4>.

<sup>24</sup> FRA, *Migration: Key Fundamental rights concerns - Quarterly bulletin* 1, April 2019 available at: <https://bit.ly/2QOr72p>.

<sup>25</sup> TPortal, 'Police officers forced migrants to shout 'Dynamo' and recorded them; one fired, the other two disciplinary', 12 March 2019, available in Croatian at: <https://bit.ly/2UC5TWn>.

covering the period 2020-2022. Moreover, on 14 November 2019, the Government adopted a decision on the establishment of the new Permanent Commission for the Implementation of Integration of Foreigners in Croatian Society, which provides *inter alia* for the appointment of a representative of local and regional unit and a representative of non-governmental organisation, which were not part of the previous commission. The Permanent Commission has a president and 17 members.

- ❖ **Access to information:** While beneficiaries of protection receive information on their rights and obligations as soon as they receive a protection status, several additional materials were established in 2019 to improve their access to information. This includes the publication of an amended guide for integration which was prepared by the Croatian Governmental Office for Human Rights and the Rights of National Minorities in 2019.<sup>26</sup> Similarly, the Croatian Red Cross published leaflets containing basic information for beneficiaries of international protection as well as contact details to relevant institutions and NGOs.<sup>27</sup> IOM Croatia has further issued a Guidebook for the stakeholders involved in the integration process of the persons granted the international protection.<sup>28</sup>

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<sup>26</sup> Croatian Government, 'An updated edition of the Integration Guide has been published', 21 January 2019, available in Croatian at: <https://bit.ly/2Xi52wX>.

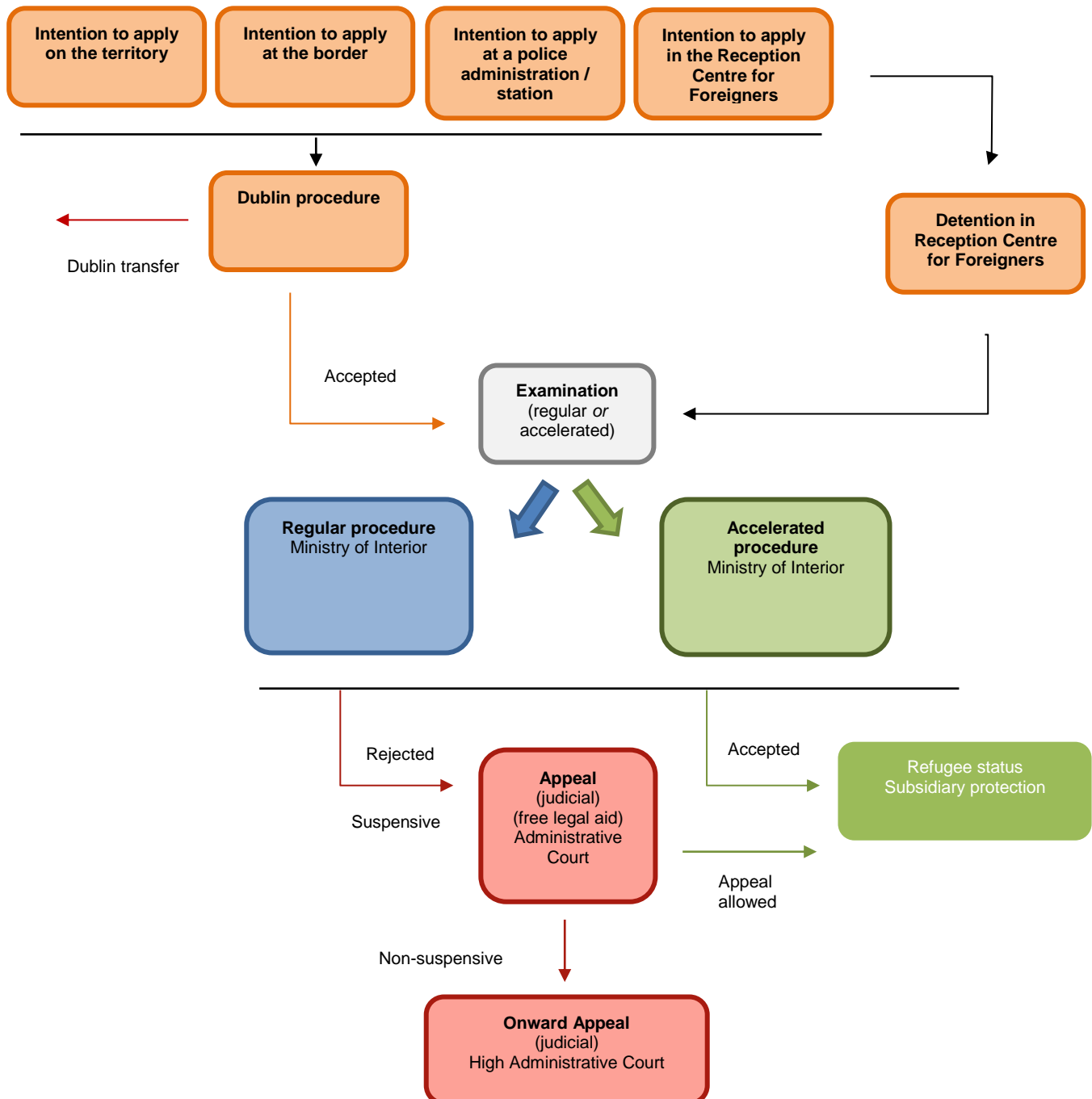
<sup>27</sup> Croatian Red Cross, *Leaflets for beneficiaries of international protection*, available in Croatian, English, French Arabic and Farsi at: <https://bit.ly/2ylqneu>; Information provided by the Croatian Red Cross, 20 December 2019.

<sup>28</sup> IOM, 'IOM Croatia has issued a Guidebook for the stakeholders involved in the integration process of the persons granted the international protection in the Republic of Croatia', available at: <https://bit.ly/39O3LAG/>.

# 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>29</sup> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ▪ Fast-track processing: <sup>30</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 information provided by the Ministry of Interior at the beginning of 2019, no decision has been taken on the implementation of the border procedure or the procedure in transit zones.<sup>31</sup> However there is no information available on whether this has changed in the course of 2019.

## 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 Applicants for International Protection, Ministry of Interior	Prihvatilište za tražitelje međunarodne zaštite, Ministarstvo unutarnjih poslova
Dublin (responsibility assessment)	Department for Dublin procedure, Ministry of Interior	Odjel za dublinski postupak, Ministarstvo unutarnjih poslova
Refugee status determination	Department for international protection procedure, Ministry of Interior	Odjel za postupak međunarodne zaštite, Ministarstvo unutarnjih poslova
Appeal		
❖ First appeal	Administrative Court	Upravni sud
❖ Onward appeal	High Administrative Court	Visoki upravni sud
Subsequent application	Department for international protection procedure, Ministry of Interior	Odjel za postupak međunarodne zaštite, Ministarstvo unutarnjih poslova

<sup>29</sup> For applications likely to be well-founded or made by vulnerable applicants. See Article 31(7) recast Asylum Procedures Directive.

<sup>30</sup> Accelerating the processing of specific caseloads as part of the regular procedure.

<sup>31</sup> Information provided by the Ministry of Interior, 28 January 2019.

#### 4. Determining 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 determining authority?
Department for international protection procedure	N/A	Ministry of Interior	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Reception Centre for applicants for international protection in Zagreb and Kutina	N/A	Ministry of Interior	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Until March 2019, asylum matters were the responsibility of the Administrative and Inspection Affairs Directorate of the Ministry of Interior. The latter had a dedicated Service for Aliens and Asylum which included an Asylum Department and the Reception Centre for Asylum Seekers.

Following the entry into force of the amendments of the Decree on the internal structure of the Ministry of Interior in March 2019,<sup>32</sup> changes have been introduced to the internal organisation of the Ministry of Interior. Asylum matters are now under the responsibility of the Directorate for immigration, citizenship and administrative affairs, under which the Sector for foreigners and international protection is divided into following organisational units dealing with asylum matters:<sup>33</sup>

1. Service for international protection
  - Department for international protection procedure
  - Department for Dublin procedure
  - Department for integration
2. Service for reception and accommodation of applicants for international protection
  - Reception centre for applicants of international protection in Zagreb
  - Reception centre for applicants of international protection in Kutina

The Department for international protection procedure of the Ministry of Interior is an administrative authority responsible for examining applications for international protection and competent to take decisions at first instance.

Croatia has a single asylum procedure: the Department for international protection procedure 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 Department for international protection procedure conduct interviews with applicants for international protection 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 applicant after leaving the country of origin to assess whether these activities might expose him/her 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 applicant to obtain the protection of his or her alleged country of nationality, are also considered when taking a decision.<sup>34</sup>

<sup>32</sup> Decree amending the Decree on the Internal Organisation of the Ministry of the Interior, Official Gazette 24/2019, available in Croatian at: <https://bit.ly/2Wlhbdd>.

<sup>33</sup> This Sector further includes units responsible for other migration-related matters e.g. citizenship, legal residence of foreigners, visas etc.

<sup>34</sup> Articles 27 and 28 LITP.

When deciding on the credibility of the applicant's statements, the person conducting the procedure should abide by the principle of the benefit of the doubt.<sup>35</sup>

## 5. Short overview of the asylum procedure

The procedure for granting international protection 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 procedure, unless otherwise provided by the LITP.

The implementation of asylum policies in Croatia falls under the responsibility of the Ministry of Interior, which is also responsible for the determining authority in charge of examining applications for international protection (see: [Determining authority](#)).<sup>36</sup>

The Service for reception and accommodation of applicants for international protection is in charge of two reception centres located in Zagreb and Kutina respectively. Officials of the determining authority are thus not only responsible for conducting interviews but also for ensuring access to reception of applicants for international protection.

### 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. Immediately following the expression of the intention to apply for international protection, the applicants have access to reception and police officers or officials from the Reception Centre for Applicants 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>37</sup>

Border officers, the police station, police administration or the Reception Centre for International Protection 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>38</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>39</sup>

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>40</sup>

### First instance procedure

After the application has been lodged, the Department for international protection procedures of the Ministry of Interior shall arrange the personal interview with the applicant as soon as possible,<sup>41</sup> and shall issue a decision within 6 months of a duly completed application or a duly completed and admissible subsequent application.<sup>42</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 Department for Dublin procedure is responsible for examining the Dublin criteria and carrying out Dublin transfers to another Member State.

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<sup>35</sup> Article 29 LITP.

<sup>36</sup> Article 32(1) LITP.

<sup>37</sup> Article 33(8) LITP.

<sup>38</sup> Article 33(9) LITP.

<sup>39</sup> Article 33(10) LITP.

<sup>40</sup> Article 34(2) LITP.

<sup>41</sup> Article 35(1) LITP.

<sup>42</sup> Article 40(1) LITP.

The asylum procedure in Croatia is a single procedure, given that applications for international protection cover both requests for asylum and the subsidiary protection, thus allowing the Department for international protection procedures to determine *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 within 2 months from the day the application or an admissible subsequent application is lodged. 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>43</sup>

### Border procedure

Procedures at the border or in transit zones are regulated by the LITP. However, according to the Ministry of Interior's information from the beginning of 2019 they are not applied in practice.<sup>44</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 the 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 applicants 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.

## B. Access to the procedure and registration

### 1. Access to the territory and pushbacks

#### 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
2. Is there a border monitoring system in place? ☒ Yes ☐ No

In 2019, the main challenge continued to be a strict border regime that limits access to the territory and to the asylum procedure in Croatia.

From January to November 2019, 18,815 cases of attempts to cross the Croatian border irregularly were recorded, compared to 7,502 attempts during that same period in 2018.<sup>45</sup> Overall, the Ministry of Interior

<sup>43</sup> Article 41(5) and 51(1)(1) LITP.

<sup>44</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>45</sup> Jutamrji, 'Currently 455 applicants for international protection', 16 December 2019, available in Croatian at: <https://bit.ly/2y7ZJ8V>.



stated that, from January to September 2019, it had prevented 9,487 people in their attempt to irregularly cross the border, which marks a significant increase of 200% compared to the same period in 2018.<sup>46</sup>

As regards returns from the border, the Croatian police applied the use of force for the purpose of return in 1,514 cases from January to November 2019. Out of them, 740 persons were returned on the basis of a readmission agreement, e.g. with Bosnia and Herzegovina (504 returns) and Serbia (197 returns). Some returns (about 250) were not carried out because Bosnia and Herzegovina as well as Serbia refused to accept persons who crossed their territory to reach Croatia.<sup>47</sup>

Reversely, the Slovenian Ministry of Interior reported that, in the first six months of 2019, the Slovenian police returned 3,459 foreigners to Croatia pursuant to international agreements, mainly Pakistanis.<sup>48</sup>

Pushback practices persisted throughout 2019. From January to September 2019, UNHCR and partners in Serbia reported that 384 pushbacks involving 2,674 persons were carried out from Croatia to Serbia; and that 289 pushbacks, involving 2,194 persons, were carried out from Croatia to Bosnia and Herzegovina.<sup>49</sup> Refugees and migrants also reported that pushbacks continued to be applied. They also stated that they faced significant risks in crossing the Croatian border from Bosnia and Herzegovina as it includes crossing areas marked as mine fields.<sup>50</sup>

The situation at the border is particularly worrying where it affects vulnerable groups. In April 2019, IOM staff working in the transit reception centre in Bosnia and Herzegovina reported a higher degree of movement and attempts to cross the Croatian border, including from families with children, unaccompanied children and other vulnerable individuals.<sup>51</sup> Save the Children and their partner organisation from Serbia Praxis also reported about pushbacks and violence against children on the move at the Western Balkans borders in 2019, including from Croatia.<sup>52</sup>

Moreover, in September 2019, the Commissariat for Refugees and Migration of the Republic of Serbia issued a statement according to which the Croatian authorities are responsible for the physical and psychological torture of a minor child from Afghanistan (i.e. he was beaten and tortured by four police officers in a room, including through electric shocks, causing important internal bleeding and fracturing his ribs),<sup>53</sup> Serbian television broadcasted an interview with the minor.<sup>54</sup> The Croatian Ministry of Interior stated that they were not aware of the case and that this was part of a series of unfounded allegations against the Croatian police due to its persistence and determination in protecting the national and external borders of the European Union.<sup>55</sup>

Numerous other international and domestic organisations also reported on the continuation of pushbacks by the Croatian police such as the Council of Europe,<sup>56</sup> the Border Violence Monitoring Network,<sup>57</sup> Are

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<sup>46</sup> Ministry of Interior, 'Responding to allegations of the Commissariat for Refugees and Migration of the Republic of Serbia', 2 September 2019, available in Croatian at: <https://bit.ly/33OpJIB>.

<sup>47</sup> Jutarnji, 'Currently 455 applicants for international protection', 16 December 2019, available in Croatian at: <https://bit.ly/2y7ZJ8V>.

<sup>48</sup> Ministry of Interior of the Republic of Slovenia, *Illegal migration in the Republic of Slovenia – January to June 2019*, available at: <https://bit.ly/3brNmCX>.

<sup>49</sup> UNHCR, *Desperate Journeys - January to September 2019*, available at: <https://bit.ly/2vMkbeG>.

<sup>50</sup> UNHCR, *Interagency operational Update – 1 to 30 January 2019*, available at: <https://bit.ly/33P2ZBL>.

<sup>51</sup> UNHCR, *Interagency operational Update – 1 to 30 April 2019*, available at: <https://bit.ly/33XQ9I7>.

<sup>52</sup> Save the children, *Reports about push backs and violence against children on the move at the western Balkan borders: January – June 2019*, 14 August 2019, available at: <https://bit.ly/2vWBSse>; Save the children, *Reports about push backs and violence against children on the move at the western Balkan borders: July – September 2019*, 11 December 2019, available at: <https://bit.ly/39m1QTu>.

<sup>53</sup> N1, 'Migrants accuse Croatian police of torture, Zagreb claims - we protect borders', 5 September 2019, available in Croatian at: <https://bit.ly/2UnvL9S>.

<sup>54</sup> PTC, 'Migrant boy's testimony to RTS: Croatian police beat me and torture me with electric shocks', 31 August 2019, available in Croatian at: <https://bit.ly/2vRvkLi>.

<sup>55</sup> Ministry of Interior, 'Responding to allegations by the Commissariat for Refugees and Migration of the Republic of Serbia', 22 September 2019, available in Croatian at: <https://bit.ly/2QPXRlp>.

<sup>56</sup> Council of Europe, *Pushback policies and practice in Council of Europe member States*, 8 June 2019, available at: <https://bit.ly/3bxMNI6>.

<sup>57</sup> Border Violence Monitoring Network, *Monthly report*, available at: <https://bit.ly/2vVOLmk>.



You Syrious,<sup>58</sup> Amnesty International,<sup>59</sup> Médecins Sans Frontières (MSF),<sup>60</sup> and Human Rights Watch.<sup>61</sup> The Centre for Peace Studies, Are You Syrious and Welcome Initiative issued their 5<sup>th</sup> report on the violent and illegal pushbacks practices carried out by the Republic of Croatia.<sup>62</sup> Similarly, in January 2020, the Centre for Peace Studies, the Border Violence Monitoring Network, Are You Syrious, Asylum Protection Centre and No Name Kitchen jointly published a report named “What is happening at Croatia’s external border?”.<sup>63</sup> The Border Violence Monitoring Network further analysed data on pushbacks across Croatian borders in the course of 2019 and focused on the increasing violence occurring there.<sup>64</sup>

Human Rights Watch has also raised awareness on the situation at the Croatian borders through the release a video of interviewed persons that have been summarily returned to Bosnia by the Croatian police in August 2019.<sup>65</sup> The video further contains interviews with victims and witnesses of pushback practices, including from the mayor of Bihac, a Bosnian town at the border with Croatia. The Border Violence Monitoring Network also released a recorded footage of Croatian police officers escorting groups of migrants across the border to Bosnia and Herzegovina without following due process.<sup>66</sup> In the summer a letter from a mountaineer who witnessed police violence against migrants also appeared in the media.<sup>67</sup>

Human Rights Watch further sent an open letter to the Croatian president requesting to conduct investigations on pushbacks and pointing out that collective expulsion of people, without individual assessment of their needs for international protection, violates EU law and the UN Refugee Convention.<sup>68</sup>

Amnesty International also reported that human rights violations against refugees and migrants and pushbacks with denial of access to asylum occur regularly at the border between Bosnia and Herzegovina and Croatia.<sup>69</sup> In a letter to Amnesty International, the Croatian Minister of the Interior rejected the allegations of illegal pushbacks and police violence and reiterated that the Croatian acts within the framework of national and EU law. The Minister stated that all reports of alleged police violence against refugees and migrants have been investigated by the Ministry, and that no evidence of unlawful use of force was found.<sup>70</sup>

The UN Special Rapporteur on the human rights of migrants, Felipe González Morales, visited Bosnia and Herzegovina at the end of September 2019 and stated he had received reliable information about violent pushbacks of migrants and asylum seekers by Croatian border police into the territory of Bosnia and Herzegovina. According to these testimonies, many migrants were forcibly escorted back without going through any official procedure. While concrete tactics vary in practice, some common patterns include the capture of people on the move, the confiscation of their properties, especially communication equipment, beating with batons and chasing by dogs with the purpose of physically exhausting migrants

<sup>58</sup> Medium, ‘AYS Special 2019/2020: A Year of Violence — Monitoring Pushbacks on the Balkan Route’, 1 January 2020, available at: <https://bit.ly/33PvWxs>.

<sup>59</sup> Amnesty International, ‘Croatia: EU complicit in violence and abuse by police against refugees and migrants’, 13 March 2019, available at: <https://bit.ly/3bvIjm6>.

<sup>60</sup> MSF, ‘Beaten, cold, sick and stranded: migrants and asylum seekers in Bosnia’, 15 November 2019, available at: <https://bit.ly/3bt9Bsf>.

<sup>61</sup> HRW, ‘EU: Address Croatia Border Pushbacks’, 9 November 2019, available at: <https://bit.ly/2QPigtU>.

<sup>62</sup> Centre for Peace Studies, Are You Syrious and Welcome Initiative, *5th report on the violent and illegal push backs practices carried out by the Republic of Croatia*, 3 April 2019, available at: <https://bit.ly/33Pq2wp>.

<sup>63</sup> See the full report: *What is happening at Croatia’s external border?*, January 2020, available at: <https://bit.ly/2WTpxAd>.

<sup>64</sup> Border Violence Monitoring Network, *Torture and cruel, inhumane, or degrading treatment of refugees and migrants in Croatia in 2019*, available at: <https://bit.ly/2JhB9or>.

<sup>65</sup> HRW, ‘Croatia Slams Door on Migrants’, 8 November 2019, available at: <https://bit.ly/3bsAM6p>.

<sup>66</sup> Border Violence Monitoring Network, ‘New footage of push-backs on the Croatian-Bosnian border’, available at: <https://bit.ly/2QQyzKa>.

<sup>67</sup> Index.HR, ‘Letter from mountaineers: “Specialists beat migrants and shoot them over the heads”’, 19 June 2019, available in Croatian at: <https://bit.ly/2WOSs8i>; Halter, ‘On the side of the beast’, 18 June 2019, available in Croatian at: <https://bit.ly/2QOiAMC>.

<sup>68</sup> HRW, *Human Rights Watch letter to Croatia’s President Kolinda Grabar-Kitarovic*, 15 July 2019, available at: <https://bit.ly/3dBd9dN>.

<sup>69</sup> Amnesty International, *Pushed to the edge – violence and abuse against refugees and migrants along the Balkans route*, 2019, available at: <https://bit.ly/3aqMley>.

<sup>70</sup> Ministry of Interior, ‘Minister Bozinovic’s response to Amnesty International’s allegations’, 13 March 2019, available at: <https://bit.ly/3brnEi7>.

and prevent them from attempting another crossing. A number of male migrants were reportedly stripped, beaten and forced to walk back to Bosnia and Herzegovina barefoot.<sup>71</sup>

In April 2019, Members of the European Parliament sent an open letter to the European Commission asking the latter to request from Croatian authorities to immediately halt violent pushback practices and collective expulsions from its territory and to ensure that people who enter Croatia have access to the asylum procedure.<sup>72</sup>

At national level, the Croatian Ombudswoman was denied access to information in 2019, similarly to 2018.<sup>73</sup> In addition, at the end of March 2019, the Ombudswoman received a complaint anonymously filed by a police officer working at a Border Police Station and dealing with unlawful actions conducted by police officers on the basis of orders received from superiors. She informed the State Attorney General who did not respond. As a result, she brought the complaint to the attention of the Croatian Parliament and the relevant parliamentary committees in June 2019, in accordance with the Ombudsman Act and the National Preventive Mechanism Act. Following the absence of response of the Parliament as well, the only remaining institutional option for the Ombudsman was to inform the public under the Article 19 of the Ombudsman Act.<sup>74</sup>

The State Attorney's Office of the Republic of Croatia then announced on its website that it had received an "anonymous complaint" and, after considering it, forwarded it to the competent State Attorney's Office for due proceeding. It is further stated that the Law of Criminal Procedure contains relevant provisions on who is entitled to information on the action taken upon the application filed before the State Attorney's Office and that the Ombudsman is not entitled to this type of information.<sup>75</sup>

The use of a garage inside of a police station compound has been reported several times throughout 2019.<sup>76</sup> It is an informal and unsanitary site of detention for large groups of apprehended people-in-transit before they are being pushed back. The Ministry of Interior rejected accusations and emphasised again that it has a zero tolerance for the use of any form of violence.<sup>77</sup>

National and international media have also reported about the situation at the Croatian border. The German television channel ARD broadcasted a documentary entitled "Death on the Balkan Route". The documentary deals with the deaths of migrants and refugees trying to reach the European Union across the former Yugoslavia and part of the documentary deals with the behaviour of Croatian police towards migrants.<sup>78</sup> In July 2019, the BBC broadcasted an interview of an anonymous police officer who admitted he had taken part in three "pushback" operations and knew persons who have experienced pushbacks.<sup>79</sup>

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<sup>71</sup> OHCHR, *End of visit statement of the UN Special Rapporteur on the human rights of migrants, Felipe González Morales*, 1 October 2019, available at: <https://bit.ly/2Ulwubh>; Index.HR, 'UN rapporteur criticizes Croatian police, says they abuse migrants', 1 October 2019, available at: <https://bit.ly/2Jkeqbq>.

<sup>72</sup> European Parliament, Open letter to European Commission, 2 April 2019, available at: <https://bit.ly/2ycNWX2>.

<sup>73</sup> Croatian Ombudswoman, 'Ombudsman warns the Ministry of Interior to provide NPM representatives with access to information on treatment of irregular migrants', 4 July 2019, available at: <https://bit.ly/3aiNswF>.

<sup>74</sup> Croatian Ombudswoman, 'Institutions without reaction to an anonymous complaint by a police officer about unlawful acts', 16 July 2019, available in Croatian at: <https://bit.ly/2UIFwhJ>; Croatian Ombudswoman, 'No institutional reaction to alleged illegal police treatment of migrants', 25 July 2019, available at: <https://bit.ly/2UIFOFI>.

<sup>75</sup> DORH, 'State Attorney's Office of the Republic of Croatia - Response to journalists' inquiries regarding the Ombudsman's announcement', 2019, available in Croatian at: <https://bit.ly/2vRzK4Q>.

<sup>76</sup> Border Violence Monitoring Network, *Illegal push-backs and border violence reports – Balkan region*, April 2019, available at: <https://bit.ly/2wuXvQJ>; H-alter, 'Migrant Torture Garage', 15 May 2019, available in Croatian at: <https://bit.ly/3dxTqfc>; H-alter, 'Migrante se kuje dok je vruće', 24 September 2019, available in Croatian at: <https://bit.ly/3aqXY4U>; H-alter, 'Torture garage for migrants', 16 October 2019, available at: <https://bit.ly/39mjc2A>.

<sup>77</sup> Ministry of Interior, 'The MoI rejects the allegations of the H-Alter portal', 24 September 2019, available at: <https://bit.ly/2QMnFp2>.

<sup>78</sup> See also: <https://bit.ly/2XD1dmo>.

<sup>79</sup> BBC, 'Beaten and robbed': How Croatia is policing its borders', 29 July 2019, available at: <https://bbc.in/2ydbUS0>.

Similarly in July 2019, an interview with a Croatian police officer was published in which he confirmed allegations on pushbacks brought by numerous organisations and explained how this is organised from part of the Croatian territory.<sup>80</sup> In October 2019, another police officer gave anonymous statement in which he, amongst other, described how police was falsifying written reports on catching irregular migrants at the border in line with national and EU standards, while these migrants were actually intercepted 50 kilometres or more, away from the border.<sup>81</sup>

In December 2019, national media reported about two Nigerians who had stayed in Croatia with valid visas for the purpose of participating to the World Universities Championship. After the Championship was over, they said that the Croatian police apprehended them in Zagreb and forcibly took them to Bosnia and Herzegovina, where they have never been before.<sup>82</sup> The police officers allegedly mistook them for undocumented migrants, put them in a van and transferred them to the border with Bosnia and Herzegovina where, that day, Croatian authorities had gathered together a group of migrants who were intercepted as they were attempting to cross the country.<sup>83</sup> The Ministry of Interior rejected the allegations and highlighted that the two Nigerians had checked out of the hostel and took their documents.<sup>84</sup>

During an interview with Swiss television,<sup>85</sup> the former Croatian president Kolinda Grabar-Kitarović appeared to admit that pushbacks were taking place<sup>86</sup>, although later she denied that statement.<sup>87</sup>

The increasing number of reports concerning the denial of access to the asylum procedures by Croatian authorities and the return of large numbers of applicants for international protection to the border with Bosnia-Herzegovina, where they are forced to leave the country has also been recognised in legal proceedings.<sup>88</sup> In July 2019, the Federal Administrative Court of Switzerland ruled to suspend the transfer of an asylum applicant to Croatia under the Dublin Regulation due to the current situation of summary returns at the Croatian border with Bosnia-Herzegovina.<sup>89</sup>

The level of violence at the border should also be highlighted. Many incidents throughout 2019 have involved reports on shootings, accidents but also reports on deaths of migrants:

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<sup>80</sup> Telegram Croatia, 'The first interview in which a Croatian police officer claims: Chiefs order us to expel migrants illegally', 24 July 2019, available in Croatian at: <https://bit.ly/2QPUD7J>.

<sup>81</sup> Telegram Croatia, 'Another policeman comes forward claiming that Croatian police illegally return migrants to Bosnia and Herzegovina at the behest of chiefs', 21 October 2019, available in Croatian at: <https://bit.ly/2UIT9UR>.

<sup>82</sup> Telegram Croatia, 'If we really came to the conclusion that the Croatian police were deporting foreign students, what's next?', 4 December 2019, available in Croatian at: <https://bit.ly/2JloYa5>; NT Portal, 'Ostojic Asks for Clarification About Two Nigerian Students, 'Shame' Case for Opposition', 4 December 2019, available in Croatian at: <https://bit.ly/2QPkdKm>.

<sup>83</sup> The guardian, 'Nigerian students deported from Croatia had visas to stay', 13 December 2019, available at: <https://bit.ly/3aqWJ62>.

<sup>84</sup> Ministry of Interior, 'Response of the Croatian Ministry of Interior to the announcement of the Bosnia and Herzegovina portal', 4 December 2019, available in Croatian at: <https://bit.ly/33Pqo67>.

<sup>85</sup> Ms. Grabar Kitarović was the Croatian president at that time.

<sup>86</sup> SRF, 'Kroatiens Präsidentin Grabar-Kitarović zur Balkanroute', 9 July 2019, available in German at: <https://bit.ly/2UmzXqh>; The Guardian, 'Croatian police use violence to push back migrants, president admits', 16 July 2019, available at: <https://bit.ly/2WNLxfO>; Index.HR, 'In a shocking interview, Kolinda acknowledged that Croatian police were breaking the law', 10 July 2019, available at: <https://bit.ly/2QOHdJ7>.

<sup>87</sup> Jutarnji, 'Swiss journalist interviewing Grabar-Kitarović: 'We checked the translation three times, she really said it, everything is transparent'', 18 July 2019, available in Croatian at: <https://bit.ly/2Upftxc>; NT.HR, 'Our police force migrants: World media write about President Kolinda's 'shocking' and 'scandalous' confession', 16 July 2019, available in Croatian at: <https://bit.ly/2WQO60r>; Telegram Croatia, 'Again, the president reluctantly attacks the media for misrepresenting her; it did not defend the violence against migrants, translation is poor', 16 July 2019, available in Croatian at: <https://bit.ly/3bn1spk>.

<sup>88</sup> ECRE, 'Report on Illegal Pushback and Border Violence', 30 August 2019, available at: <https://bit.ly/3dy9Q7q>; CMS, 'Swiss court suspends refugee return for threatening to repeat pushback', 23 August 2019, available in Croatian at: <https://bit.ly/2Jn4mOE>.

<sup>89</sup> EDAL, Switzerland: Suspension of Dublin transfer to Croatia due to summary returns at border with Bosnia-Herzegovina, 12 July 2019, available at: <https://bit.ly/3dA690Y>.

- In February 2019, a young man's body, probably a migrant was found in **Istria**, in the inaccessible forest area and it was determined that he died of freezing.<sup>90</sup> The same month, a migrant has drowned in the river.<sup>91</sup>
- In April 2019, a foreign national, probably an irregular migrant originating from the Middle East was severely wounded and injured by hunters during the night.<sup>92</sup> Just a day after that a nineteen-year-old migrant from Pakistan was severely beaten.<sup>93</sup>
- In August 2019, a 23-year-old Afghan female drowned after a van carrying migrants landed in the river, while 10 other people were rescued.<sup>94</sup>
- In November 2019, a police officer in the inaccessible area of Gorski Kotar severely injured one foreign national.<sup>95</sup> The Croatian Minister of Interior said that the migrant had been shot by accident.<sup>96</sup> A few days later, another migrant was shot and wounded while resisting a police officer.<sup>97</sup>

Pushback practices have further been reported at the beginning of 2020.<sup>98</sup>

### 1.1. Criticism and accountability

In February 2019, the mayor of the Bosnian town of **Bihac** accused the Croatian police of illegally entering Bosnia and Herzegovina (BH) in the Una-Sana Canton and bringing irregular migrants that they apprehended on Croatian territory.<sup>99</sup> The Croatian Interior Minister rejected the accusations.<sup>100</sup> Similar allegations were voiced by the mayor in November 2019, but rejected again by the Croatian Ministry of Interior.<sup>101</sup> At several occasions in 2019, the Minister of Security of Bosnia and Herzegovina,<sup>102</sup> and the Bosnian Service for Foreigners stated that they have reliable evidence, including medical records and a large number of migrant statements, that irregular migrants found in Croatian territory are being illegally returned to Bosnia and Herzegovina by Croatian police.<sup>103</sup>

<sup>90</sup> Index, 'Dead migrant found in forest near Istria', 2 February 2019, available in Croatian at: <https://bit.ly/2Uruz5e>.

<sup>91</sup> Index, 'A migrant body was found in a river near Karlovac', 26 February 2019, available in Croatian at: <https://bit.ly/3btZ2oW>.

<sup>92</sup> N1, 'Jasenovac: An alien, allegedly an illegal migrant, is shot dead in a night hunt', 2 April 2019, available in Croatian at: <https://bit.ly/2UsmsVR>.

<sup>93</sup> Novilist.hr, 'Beaten young migrant by iron bar at entrance', 3 April 2019, available in Croatian at: <https://bit.ly/39q5DiR>.

<sup>94</sup> N1, 'Identity of van driver smuggling migrants revealed', 27 August 2019, available in Croatian at: <https://bit.ly/2vZviRD>.

<sup>95</sup> Jutarnji, 'Incident in mountain Qotar: Migrant injured during police intervention, transported to hospital in Rijeka', 16 November 2019, available in Croatian at: <https://bit.ly/2UrKMXW>; Jutarnji, 'Migrant harmfully injured in mountain: 'Probably the use of a firearm'', 17 November 2019, available in Croatian at: <https://bit.ly/2UPTdLR>; Jutarnji, 'Wounded migrant is stable, but still in vital danger. Police release new details on shooting in Gorski kotar', 18 November 2019, available in Croatian at: <https://bit.ly/2WVLFdg>.

<sup>96</sup> Balkan Insight, 'Croatia Suggests Police Unintentionally Shot Migrant', 18 November 2019, available at: <https://bit.ly/3avK7KT>.

<sup>97</sup> N1, 'Illegal migrant shot and wounded while resisting arrest in Croatia, police says', 28 November 2019, available at: <https://bit.ly/2JqV04A>; Tportal, 'New incident with migrants; near Mrkoplje, a police officer shot a man with a gun', 28 November 2019, available in Croatian at: <https://bit.ly/2JCh5NX>; Index, 'Policeman shoots migrant near Fuzin', 28 November 2019, available in Croatian at: <https://bit.ly/2ykyS9T>; N1, 'Policeman shoots migrant: "Resistant to resistance"', 28 November 2019, available in Croatian at: <https://bit.ly/3dBREd7>.

<sup>98</sup> Border Monitoring Violence Network, *Border violence and push-back reports – Balkan region*, January 2020, available at: <https://bit.ly/39tpRIA>.

<sup>99</sup> Index, 'Mayor of Bihac: Croatian special forces return of migrants to Bosnia and Herzegovina illegally, 20 February 2019, available in Croatian at: <https://bit.ly/33XSNa8>.

<sup>100</sup> Ministry of Interior, 'Claims from the police of Bosnia and Herzegovina on migrants are false allegations', 22 February 2019, available in Croatian at: <https://bit.ly/2USQKQW>.

<sup>101</sup> Telegram, 'Bihac mayor accuses Croatian police of entering Bosnia and Herzegovina territory and returning beaten migrants', 29 November 2019, available in Croatian at: <https://bit.ly/2UNISzP>.

<sup>102</sup> Telegram, 'Minister of Security of Bosnia and Herzegovina: 'Croatian police beat migrants, rob them and then enter the armed forces on our territory. We have evidence'', 1 August 2019, available in Croatian at: <https://bit.ly/2WVW03Sr>.

<sup>103</sup> Jutarnji, 'We have numerous and reliable evidence: Bosnia and Herzegovina claims that Croatian police illegally return illegal migrants', 10 September 2019, available in Croatian at: <https://bit.ly/2w2O6Q4>.



In 2019, the Ministry of the Interior has again denied the Ombudswoman access to information regarding police treatment,<sup>104</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. Despite many reports and accusations, the Ministry of Interior has continued to reject allegations on the use of coercion on several occasions.<sup>105</sup>

Moreover, the Centre for Peace studies and Are You Serious reported that their members regularly experience intimidation and threats which they associate with the fact that they are the only organisations that systematically speak about actions by Croatian police.<sup>106</sup> According to Welcome Initiative, volunteers from No Name Kitchen keep being subjected to the criminalisation of their work. This includes deleting unwanted testimonies of applicants.<sup>107</sup> According to a police brief on the criminalization of solidarity which was published by Centre for Peace studies in 2019, several testimonies of local communities who live at the borders with Bosnia and Herzegovina show that the local population is afraid of giving food and water to refugees and migrants because of the police officers who threaten them with disciplinary measures.<sup>108</sup>

At the beginning of the February 2020, the Croatian Parliamentary Domestic Policy and National Security Committee reportedly took the unanimous decision to carry out direct monitoring of police work in the area in which the Committee received complaints regarding the treatment of migrants.<sup>109</sup>

## 1.2. Border monitoring

During 2019, a so-called border monitoring project was implemented by UNHCR and the Croatian Law Centre in cooperation with the Ministry of Interior.<sup>110</sup> This Project is financed exclusively by the UNHCR.

In March 2019, all three parties signed a protocol related to the implementation of the project. The border monitoring activities included:

- Access to the official police files of the Ministry responsible for border control and foreigners (police stations, police administrations), in the presence of the officer conducting the proceedings. These files include documents on the procedure conducted with irregular migrants and/or potential applicants for international protection;
- Interviews of applicants for international protection after their accommodation in the reception centres.

Monitoring visits were carried out by Croatian Law Centre's lawyers and UNHCR staff. The project has not included insight into the actions taken by the Croatian police on the green border, i.e. areas where there are no official border crossing points.

During 2019, the Croatian Law Centre in cooperation with the Ministry of Interior and UNHCR organised and held four workshops for border officials at the Police Academy. A training curriculum was prepared by UNHCR and the Croatian Law Centre (CLC) and presented by representatives of UNHCR, the Ministry of Interior, the CLC as well as CLC's external associate-law professor. The trainings were funded by UNHCR and addressed following topics: human rights of migrants; access to international protection system in international, European and national legislation; responsibility of police officers; Law on International and Temporary Protection and by-laws-practical instructions; identification of applicants for international protection in need of special procedural and reception guarantees; the state of irregular

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<sup>104</sup> Ombudsman, 'Ombudsman warns Ministry of Interior to provide NPM representatives with access to data on treatment of irregular migrants', 4 July 2019, available in Croatian at: <https://bit.ly/340a9Ua>.

<sup>105</sup> Index, 'Bozinovic on Swiss television footage: It's a futile attempt to accuse the Ministry of Interior', 16 May 2019, available in Croatian at: <https://bit.ly/3dHeq3h>.

<sup>106</sup> CMS, 'Are You Syrious and Peace Studies Center response to Minister Bozinovic's letter to Amnesty International representatives', 14 March 2019, available in Croatian at: <https://bit.ly/3bFiz5Z>.

<sup>107</sup> Information provided by Welcome Initiative on 16 February 2019.

<sup>108</sup> CMS, 'Policy brief - Criminalisation of solidarity', available at: <https://bit.ly/39vBQVI>.

<sup>109</sup> CMS, 'Violence at the EU borders does not cease, and its monitoring mechanisms prove to be fictitious', 14 February 2020, available in Croatian at: <https://bit.ly/2UrZJt2>.

<sup>110</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 2019", and is financed by UNHCR.

migration. The lectures were followed by practical workshops in relation to access to international protection, prepared and held by CLC.

Under the Agreement of the Ministry of Interior and within the framework of EMAS funding CLC organized two trainings in April and May 2019 for 21 border police officers. The goal of the trainings was to build capacities of selected police officers, from 4 police administrations (Vukovarsko-Srijemska, Sisačko-Moslavačka, Karlovačka, and Licko-Senjska), in the field of asylum and to teach them basic knowledge on the principles of adult learning, interactive teaching methods and basic principles on how to gain participant's attention and sustainability of their involvement. Also, the CLC prepared a manual on "The right on the access to the asylum system and protection of the fundamental human rights of migrants", which has been foreseen to be used as a learning and training tool for police officers.<sup>111</sup>

The Fundamental Rights Agency (FRA) further provided training to Croatian border guards as part of its cooperation with the Croatian Presidency of the EU Council. The training focused on the Schengen Borders Code, fundamental rights and access to international protection. The training aimed at exploring the borders code, the 1951 Geneva Convention and other instruments of international human rights law, as well as the EU asylum law. It also highlighted the fundamental rights safeguards built into the Schengen Borders Code. The training took place in Zagreb at the General Police Directorate on 25 February 2020.<sup>112</sup>

## 2. Registration of the asylum application

### Indicators: Registration

- |   |  |
|---|--|
| 1. Are specific time limits laid down in law for making an application?<br>❖ If so, what is the time limit for lodging an application?  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No            |
| 2. Are specific time limits laid down in law for lodging an application?<br>❖ If so, what is the time limit for lodging an application? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>15 days |
| 3. Are registration and lodging distinct stages in the law or in practice?  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No            |
| 4. Is the authority with which the application is lodged also the authority responsible for its examination?                            | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No            |

### 1.1. 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 Applicants for International Protection within a reasonable time after entering the country.

As soon as a foreigner expresses the intention to seek protection during a border control at a border crossing point,<sup>113</sup> competent officials will refer him or her to the Reception Centre for Applicants for International Protection,<sup>114</sup> and if necessary determine the time period within which he or she must report to the Reception Centre to lodge the application.

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

<sup>111</sup> CLC, The right of access to the asylum system and the protection of the fundamental rights of migrants - a handbook for police officers, available in Croatian at: <https://bit.ly/3avk2LW>.

<sup>112</sup> FRA weekly newsletter, 9 March 2020.

<sup>113</sup> Article 33(1) LITP.

<sup>114</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.

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, 2018 and 2019 in that regard (see [Access to the Territory](#)).

Border officers, the police station / police administration or the Reception Centre for Applicants for International Protection 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>115</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 in 2018 that according to Standard Operational Procedure (SOP) for police in relation to the asylum procedure police officers are not competent for assessing the reasons why international protection is sought.<sup>116</sup> In addition, in an official note which is sent to the competent organisational unit of the Ministry, 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 Applicants for International Protection to lodge the application; signature of the official; and stamp.<sup>117</sup>

The certificate proves that the person is registered in the information system of the Ministry of 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 Applicants for International Protection if they conducted registration.<sup>118</sup>

## 1.2. Lodging the application

After reporting to the Reception Centre for Applicants for International Protection, 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>119</sup> The authority conducting registration indicates in the registration certificate the time and place where the applicant has to report.

In certain cases, involving vulnerable persons or for other humanitarian reasons, applicants will be accompanied by police officers to the Reception Centre for applicants for international protection.<sup>120</sup>

If, after having expressed the intention to apply for international protection, a foreigner does not report to the Reception Centre for Applicants for International Protection without a justified reason, the Ministry of Interior will *ex officio* discontinue the procedure;<sup>121</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

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<sup>115</sup> Article 33(9) LITP.

<sup>116</sup> Information provided by the Border Directorate, 17 August 2018.

<sup>117</sup> Article 3(2) Ordinance on the forms and data collection in the procedure for international and temporary protection.

<sup>118</sup> Article 3(3)-(5) Ordinance on the forms and data collection in the procedure for international and temporary protection.

<sup>119</sup> Article 34(2) LITP.

<sup>120</sup> Information provided by the Ministry of Interior, 10 August 2018.

<sup>121</sup> Information provided by the Ministry of Interior, 13 February 2018.

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>122</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 Applicants for International Protection 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 Applicants for International Protection, and only exceptionally outside the Reception Centre within an appropriate period, depending on personal circumstances of the applicant,<sup>123</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.

The asylum procedure is initiated by lodging the application.<sup>124</sup> In practice this means that the application is submitted orally by the person seeking protection in front of the state officials of the Reception Centre for Applicants for International Protection'. Officials draft minutes of the interview. The civil servants of the Reception Centre conduct a short interview to collect the following information: personal data of the applicant, 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 Department for international protection procedure 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 Applicants for International Protection 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 applications for international protection 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>125</sup> No information is available for 2019.

After the 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>126</sup> The card is not issued if the person applies at the border.<sup>127</sup>

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<sup>122</sup> Article 39(2)(1) LITP.

<sup>123</sup> Article 34(3) LITP.

<sup>124</sup> Article 34(1) LITP.

<sup>125</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>126</sup> Article 62(1) LITP.

<sup>127</sup> Article 62(2) LITP.



## 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>128</sup> | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Backlog of pending cases at first instance as of 31 December 2019:   | Not available   |

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;
- 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 Department for international protection procedure has the obligation to take a decision on the application for international protection 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 may be exceptionally 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>129</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>130</sup> The trend of prolonged procedures, exceeding the 6-month period, were observed in previous years, but no information is available for 2019.

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 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>131</sup>

<sup>128</sup> With the exception of exclusion cases.

<sup>129</sup> Article 40 LITP.

<sup>130</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>131</sup> Article 40 LITP.

## 1.2. Prioritised examination and fast-track processing

Applications by unaccompanied children are prioritised as specified by the LITP.<sup>132</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>133</sup> The Ministry also reported that procedures in cases where applicants were detained in Transit Reception Centre in **Tovarnik** also had priority in 2018. No information is available for 2019.

Additionally, an application which may be approved on the basis of the established facts also has priority in decision-making.<sup>134</sup> According to the Ministry of Interior, special attention is also given to cases of applicants who need special procedural or reception guarantees.

## 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? ☒ Yes ☐ No  
❖ If so, are interpreters available in practice, for interviews? ☒ 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 Applicants for International Protection for the purpose of lodging an application, a substantive interview is conducted by the Department for international protection procedure 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. During the interview, the applicant is obliged to present all circumstances relevant to the application for international protection, 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 international protection.<sup>135</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>136</sup>

The Ministry of Interior reported at the beginning of 2019 that they do not keep records on cases in which a decision was taken without an interview.<sup>137</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>138</sup>

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

<sup>132</sup> Article 17(9) LITP.

<sup>133</sup> *Ibid.*

<sup>134</sup> Article 38(2) LITP.

<sup>135</sup> Article 35(2) LITP.

<sup>136</sup> Article 35(8) LITP.

<sup>137</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>138</sup> Article 35(6) LITP.

### 1.3.1. 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 applicant does not understand the language in which the procedure is conducted.<sup>139</sup> In practice this means that the interpreter is present in all cases, with the only exception of those in which the applicant understands Croatian (for example in past when applicants were nationals of a neighbouring country such as Bosnia and Herzegovina).

There is no specific code of conduct for interpreters in the context of procedure for international protection, 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>140</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.

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 and Tamil). In addition, applicants from African countries are often interviewed in English or French, languages they are considered as being able to understand. Applicants are asked at the beginning of the interview if they understand the interpreter.

The LITP prescribes that interpretation can be provided by means of electronic telecommunications or audio-visual equipment, however there is no available information if this possibility is used in practice.

### 1.3.2. Recording and 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.

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<sup>139</sup> Article 14(2) LITP.

<sup>140</sup> Article 13 LITP.

## 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"/> Some grounds <input type="checkbox"/> No
2. Average processing time for the appeal body to make a decision: Varies depending on Court

### 1.4.1. Appeal before the Administrative Court

Decisions of the Ministry of Interior may be challenged before the Administrative Court.<sup>141</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>142</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>143</sup> In 2019, the Croatian Law Centre organised a one and a half-day seminar on the topic "The burden and standards of proof in the administrative procedure and administrative dispute" for judges of the Administrative Courts in Zagreb, Osijek and Split. The training was organised in cooperation with the Judicial Academy and UNHCR, and funded by the latter.

The court holds a hearing in the presence of the applicant in the majority of cases. Exceptions may occur when the applicant's whereabouts are unknown. Interpreters are provided and paid by the state and available during the administrative dispute. The hearings are not public.

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>144</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.

<sup>141</sup> Article 32(2) LITP.

<sup>142</sup> Article 24(1) Law on Administrative Disputes.

<sup>143</sup> Judges from Administrative Court in Osijek and from the High Administrative Court were invited, but did not participate in the seminar.

<sup>144</sup> Article 33 Law on Administrative Disputes.

In practice, one attorney has informed the Croatian Law Centre that the practice of Administrative Courts has 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>145</sup>

Administrative Courts reported the following decisions in 2019:

Second instance decisions by Administrative Court: 2019					
Category	Zagreb	Rijeka	Osijek	Split	Total
Accepted	3	0	0	0	3
Partially accepted-cases referred back to the Ministry of Interior	2	0	0	0	2
Accepted - cases referred back to the Ministry of Interior	21	1	1	1	24
Rejected	129	3	1	1	134
Dismissed as inadmissible	0	0	0	0	0
Suspended	3	0	0	0	3
Transferred to the Administrative Court in Osijek	1	0	0	0	1
Transferred to the Administrative Court in Split	1	0	0	0	1
<b>Total</b>	<b>160</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>168</b>

Source: Administrative Court of Zagreb, 21 January 2020; Administrative Court of Rijeka, 8 January 2020; Administrative Court of Osijek, 7 January 2020; Administrative Court of Split, 27 January 2020.

The average processing time for asylum cases at second instance in 2019 was 132 days (in case of citizens of Syria, Iraq and Afghanistan - 46 days) in **Zagreb**, 32 days in **Osijek**, and 3 months in **Rijeka**.

The Rehabilitation Centre for Stress and Trauma and the Red Cross expressed concerns regarding the increasing length of proceedings of asylum cases before the Administrative Court.<sup>146</sup> The waiting time for a decision increased from five months in 2018 up to between seven and ten months in 2019.

#### 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>147</sup> During 2019, the High Administrative Court received 29 appeals in international protection cases:

Onward appeal statistics: 2019	
Category	Number
<b>Appeals received in 2019</b>	<b>29</b>
Accepted	2
Rejected	25
Suspended	0
Dismissed as inadmissible	1
<b>Total decisions in 2019</b>	<b>28</b>
Pending	1

Source: High Administrative Court, 15 January 2020.

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

<sup>146</sup> FRA, *Migration flows: Key fundamental rights concerns*, 2019, available at: <https://bit.ly/3dRSyCb>.

<sup>147</sup> Article 51(3) LITP.

In the course of 2019, the High Administrative Court did not have to rule over Dublin cases. It also received 12 appeals lodged in detention cases, out of which 11 were rejected and one was accepted.

### 1.5. Legal assistance

#### Indicators: Regular Procedure: Legal Assistance

1. 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
2. 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

The LITP provides for the possibility of legal information and counselling at first instance procedure before the Ministry of Interior.<sup>148</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 Croatian Law Centre (CLC) was selected as organisation responsible for providing legal counselling for the period of 1 April 2019 to 31 March 2020.<sup>149</sup> The Project "Legal Counselling in the Procedure of Granting International Protection" was financed by AMIF and was aimed at providing legal information on the procedure of granting international protection. As of April 2020, no new public call for providers of legal counselling was published.

Until April 2019, CLC lawyers were provided legal counseling under the project funded by UNHCR every Tuesday in the Reception Centre for Applicants for International Protection- **Porin** usually from 10.00 am to 12.00. As of May 2019, CLC lawyers were providing legal counseling every working day in the Reception Centre in **Zagreb**, while counseling in the Reception Centre in **Kutina** and the Reception Centre for Foreigners in **Ježevo** (detention centre) was organised when needed.

Interested applicants who need legal information out of the scope of the project funded through AMIF are referred to CLC lawyers working on project funded by UNHCR.

#### 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

<sup>148</sup> Article 59(3)-(5) LITP.

<sup>149</sup> Ministry of Interior, Decision on the allocation of funds to the Croatian Law Center for project implementation, available in Croatian at: <https://bit.ly/2JAI2BB>.



administrative court disputes,<sup>150</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>151</sup> Legal assistance may be provided by attorneys at law and lawyers from organisations registered for providing legal assistance.<sup>152</sup> In April 2016, a public call was announced, also allowing lawyers from NGOs to apply for the first time. The next public call was announced in June 2018 and the latest one in January 2020.<sup>153</sup> The new list of providers of free legal aid is available on the website of the Ministry of Interior.<sup>154</sup>

In practice there are no obstacles to accessing attorneys, as applicants 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.

According to information received from an attorney in 2018, a clear procedure for the announcement of the arrival of lawyers in the Reception Centre for Applicants for international protection has been established in 2018.<sup>155</sup> In 2019, however, one attorney reported the lack of adequate rooms in the centre where attorneys could meet with their clients. Instead the visits took place in the lobby of the Reception Centre.<sup>156</sup>

The Administrative Court shall decide on the right to free legal assistance, and the amount of costs of legal assistance.<sup>157</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 applicant, 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 applicant on the other side. In practice that means that at the beginning of the first instance procedure, the applicant has to specify, by completing a form provided to them, if they carry any valuables with them, which is rarely the case.

The reimbursement of costs is still considered problematic by some attorneys representing applicants in Administrative Court disputes as there are no clear rules for some specific situations. One attorney reported issues arising in a case where the client did not inform her about the fact that the client's salary had increased (due to overtime hours etc). The same attorney reported a case where the client withdrew the lawsuit, through another attorney, without informing the initially chosen attorney. The initial attorney was thus not able to access the decision of the Administrative Court as the decision to suspend the administrative dispute was delivered to the other attorney, as a result of which the costs were not reimbursed to initially chosen attorney..<sup>158</sup> Another attorney, who did not face issues with reimbursements, highlighted the issue of the length of reimbursement<sup>159</sup>, as these must be approved by Courts at the end of the court procedure and when the Ministry of Interior is informed that free legal aid was approved i.e when the provider of free legal aid submits the invoice to the Ministry of Interior in accordance with the decision of the administrative court. One attorney reported that courts do not approve the reimbursement of all the necessary costs such as travel costs.<sup>160</sup>

In previous years it was 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.

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<sup>150</sup> Article 60(2) LITP.

<sup>151</sup> Article 60(1) LITP.

<sup>152</sup> Article 60(4) LITP.

<sup>153</sup> Official Gazette 9/2020, Ministry of Interior, Public call, available in Croatian at: <https://bit.ly/2JCZ5mk>.

<sup>154</sup> Ministry of Interior, List of free legal aid providers for Administrative courts (Zagreb, Rijeka, Split, Osijek), available in Croatian at: <https://bit.ly/2ymBF2s>.

<sup>155</sup> Information provided by an attorney-at-law, 31 December 2018.

<sup>156</sup> Information provided by an attorney-at-law, 21 January 2020.

<sup>157</sup> Article 60(3) LITP.

<sup>158</sup> Information provided by an attorney-at-law, 16 January 2020.

<sup>159</sup> Information provided by an attorney-at-law, 16 December 2019.

<sup>160</sup> Information provided by an attorney-at-law, 21 January 2020.



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>161</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>162</sup> This was also reported in 2018.<sup>163</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>164</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>165</sup>

## 2. Dublin

### 2.1. General

#### Dublin statistics: 2019

Outgoing procedure			Incoming procedure		
	Requests	Transfers		Requests	Transfers
<b>Total</b>	:	<b>8</b>	<b>Total</b>	:	<b>99</b>
France	:	3	Germany	:	28
Italy	:	2	Austria	:	21
Denmark	:	1	Switzerland	:	13
Germany	:	1	France	:	11
Switzerland	:	1	Slovenia	:	6
:	:	:	Belgium	:	4
:	:	:	Sweden	:	3
:	:	:	United Kingdom	:	2
:	:	:	Denmark	:	1
:	:	:	Norway	:	1
:	:	:	Luxemburg	:	1

Source: Ministry of Interior, <https://bit.ly/2RdMOco>.

#### 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

<sup>161</sup> Information provided by an attorney-at-law, 3 January 2018.

<sup>162</sup> Information provided by an attorney-at-law, 2 January 2018.

<sup>163</sup> Information provided by an attorney-at-law, 13 December, 2018.

<sup>164</sup> Article 60(5) LITP; Article 11(8)-(9) Ordinance on free legal aid in the procedure of granting international protection.

<sup>165</sup> Article 11(8)-(9) Ordinance on free legal aid in the procedure of granting international protection.

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>166</sup>

No information is available in regard to outgoing and incoming requests in the course of 2019.

## 2.2. Procedure

### Indicators: Dublin: Procedure

1. Is the Dublin procedure applied by the authority responsible for examining asylum applications?  
☒ Yes ☐ No
2. On average, how long does a transfer take after the responsible Member State has accepted responsibility?  
Not available

Within the Department for international protection procedure, officials working within the Unit for Dublin Procedure conduct Eurodac and Dublin procedures.

According to the information provided by the Ministry of Interior in January 2019, there are eight stationery LiveScan machines for taking fingerprints for Eurodac purposes, two new and one old in the Reception Centre for Applicants for International Protection in **Zagreb** (1 currently at Border Police Station in Cetingrad in Police administration Karlovačka), one in the Reception Centre for Applicants for International Protection 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 Applicants for International Protection 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 applicant 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 Applicants for International Protection once person arrives there.<sup>167</sup>

Where fingerprinting is temporarily impossible due to medical or other reasons, fingerprints of an applicant shall be taken as soon as those impediments cease to exist.<sup>168</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>169</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>170</sup>

According to the Ministry of Interior, applicants 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

<sup>166</sup> CJEU, Case C-646/16 *Jafari* and Case C-490/16 *A.S.*, Judgment of 26 July 2017.

<sup>167</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>168</sup> Article 33(6) LITP.

<sup>169</sup> Article 33(7) LITP.

<sup>170</sup> Article 41(1)(10) LITP.

application for international protection.<sup>171</sup> Information is available in Arabic, English, Farsi, French, Croatian, Somali, Turkish, and Urdu.<sup>172</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 applicant for international protection understands.

According to the Ministry of Interior, there have been changes in the practice in relation to the CJEU ruling in Case C-670/16 *Mengesteab*. Authorities apply the Dublin procedure before application for international protection is lodged i.e. from the registration of the intention to apply for international protection<sup>173</sup> and the 3-month deadline for issuing a “take charge” request starts running from the moment they receive the notification of registration of intention to apply for international protection 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”.

## Transfers

In practice, if another EU Member State accepts responsibility for the 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>174</sup>

The transfer to the responsible Member State is organised by the Unit for Dublin procedure 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>175</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 international protection before the police, and also of the first interview that is conducted by the officials of the Reception Centre for Applicants for international protection 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 applicant 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](#)).

<sup>171</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>172</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>173</sup> Information provided by the Ministry of Interior, 10 August 2018.

<sup>174</sup> *Ibid.*

<sup>175</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>176</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,<sup>177</sup> 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.

## 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>178</sup> if requested by the applicant.

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

<sup>177</sup> Information provided by the attorney at law, 21 January 2020.

<sup>178</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 applicants for international protection 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 provided by the Ministry of Interior, this has changed in 2017. The Ministry of Interior 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>179</sup> No information is available for 2019.

## 2.7. The situation of Dublin returnees

Applicants who are returned from other Member States in principle do not have any obstacles to access the procedure for granting international protection in Croatia. However, those who had left Croatia before the end of procedure and therefore had their case suspended, have to re-apply for international procedure (if they wish) once they return to Croatia, and thereby re-enter their initial 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>180</sup>

Transfers to Croatia have not been suspended by national courts on account of conditions facing returnees.<sup>181</sup> This has been echoed by the Court of Justice of the European Union (CJEU) in early 2017.<sup>182</sup>

In a report published in February 2019, Médecins du Monde highlighted that mental health support is especially lacking for applicants returned to Croatia under the Dublin Regulation, who are reportedly facing a lower quality of life than other asylum applicants.<sup>183</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 Department for International Protection procedure to take a decision without entering into a further in-depth examination of the 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>184</sup>

<sup>179</sup> Information provided by the Ministry of Interior, 10 August 2018.

<sup>180</sup> ECRE, *Balkan route reversed*, December 2016, 30.

<sup>181</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>182</sup> CJEU, Case C-578/16 PPU C.K. v. Republic of Slovenia, Judgment of 16 February 2017, para 71.

<sup>183</sup> MdM, *Nearing a point of no return? Mental health of asylum seekers in Croatia*, February 2019, available at: <https://bit.ly/2UC9sLf>.

<sup>184</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>185</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, however no information is available for 2019.

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.

### 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?
 

☐ Yes ☒ No

❖ If so, are questions limited to identity, nationality, travel route? ☐ Yes ☒ No  
 ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

<sup>185</sup> Article 47 LITP.

The interview is conducted by the Ministry of Interior (i.e. by decision makers from the Department for International Protection Procedure). According to the LITP, the personal interview would not be undertaken if the admissibility of a subsequent application is being assessed.<sup>186</sup> In such cases, usually only the applicant makes application in writing i.e. fills in form 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

❖ If yes, is it suspensive

☒ Yes

☒ Judicial

☐ Yes

☐ No

☐ Administrative

☒ Some grounds ☐ 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>187</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 applicant has refugee status in another country<sup>188</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?

☐ Yes

☐ With difficulty

☒ No

❖ Does free legal assistance cover:

☐ Representation in interview

☐ Legal advice

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

☒ Yes

☐ With difficulty

☐ No

❖ Does free legal assistance cover

☒ Representation in courts

☒ 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>189</sup> if requested by the applicant (see section on [Regular Procedure: Legal Assistance](#)).

<sup>186</sup> Article 35(8)(3) LITP.

<sup>187</sup> Article 43(3) LITP.

<sup>188</sup> Article 51(1)(2)-(3) LITP, citing Article 43(1)(1)-(2) and Article 43(2) LITP.

<sup>189</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. According to information provided by the Ministry of Interior at the beginning of 2019 it was still not clear when the implementation of the border procedure would start.<sup>190</sup> However no information is available whether this has change in the course of 2019.

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>191</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>192</sup>

### 4.2. Personal interview

As it is unclear whether border procedures are conducted at the moment, no information can be provided on personal interviews.

### 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?  
☒ Yes ☐ No  
❖ If yes, is it ☒ Judicial ☐ Administrative  
❖ If yes, is it suspensive ☒ Yes ☐ Some grounds ☐ No

The border procedure is foreseen by the LITP, but is unknown whether it is applied in practice. By law appeals against decisions in the border 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 procedure must be

<sup>190</sup> Information provided by the Ministry of Interior, 2 March 2017; 13 February 2018.; 28 January 2019.

<sup>191</sup> Article 42(1) LITP.

<sup>192</sup> Article 42(4)-(5) LITP.

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>193</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>194</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?
 

<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

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>195</sup>

#### 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>196</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;

<sup>193</sup> Article 42(6) LITP.

<sup>194</sup> Article 42(3) LITP.

<sup>195</sup> Article 42(3) LITP.

<sup>196</sup> Article 41(1) LITP.

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 Department for International Protection Procedure 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.

There is no available information on the number of the cases that were handled in accelerated procedure in the course of 2019.

## 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? ☒ Yes ☐ No
  - ❖ If so, are questions limited to nationality, identity, travel route? ☐ Yes ☒ No
  - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ 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;
- 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>197</sup>

The Department for International Protection Procedure 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?
  - ☒ Yes ☐ No
  - ❖ If yes, is it ☒ Judicial ☐ Administrative
  - ❖ If yes, is it suspensive ☐ Yes ☐ Some grounds ☒ 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>198</sup>

<sup>197</sup> Article 35(8) LITP.

<sup>198</sup> Article 41(5) LITP.

Moreover, complaints against negative decisions in the accelerated procedures do *not* have suspensive effect.<sup>199</sup> The applicant 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>200</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?
 

☐ Yes
 ☐ With difficulty
 ☒ No

❖ Does free legal assistance cover:
 

☐ Representation in interview
 ☐ Legal advice
2. 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 same provisions from the LITP as regards access to free legal assistance for applicants in the regular procedure for international protection 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 applicant (see section on [Regular Procedure: Legal Assistance](#)).

### 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>201</sup>

#### 1.1. Screening of vulnerability

The LITP has introduced special procedural and reception guarantees.<sup>202</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

<sup>199</sup> Article 51(1)(1) LITP.

<sup>200</sup> Article 51(1)(2) LITP, citing Article 41(1)(6) LITP.

<sup>201</sup> Article 4(1)(14) LITP.

<sup>202</sup> Article 15 LITP.

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.

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. Police then accordingly inform the Reception Centre for Applicants for International Protection and further identification during the procedure for international protection is done by social workers of the Reception Centre as well as employees of NGOs with which the Ministry has cooperation agreements and who come into first contact with applicants when they arrive in the centres.<sup>203</sup> 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>204</sup> The Rehabilitation Centre for Stress and Trauma reported that there was still no appropriate mechanism for the identification of torture victims.<sup>205</sup>

The Government adopted a Protocol on the treatment of unaccompanied children on 30 August 2018.<sup>206</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>207</sup>

In May 2019, the coordinating body of the Interdepartmental Commission for unaccompanied minors held a meeting that was attended by representatives of the competent central authorities of the State administration and other stakeholders involved in the protection of unaccompanied children.<sup>208</sup> UNICEF reported that they participated in the work of Commission which met twice during 2019, however without significant and concrete results.<sup>209</sup>

Médecins du Monde (MDM-Belgique) published a study on the mental health of applicants for international protection in Croatia.<sup>210</sup> The aim of this study was to examine the level of psychological distress, anxiety, depression and post-traumatic symptoms on the sample of applicants accommodated at the Reception Centre for Applicants for international protection in **Zagreb**. A further aim of the study was to examine the possible differences in the domain of psychological distress, anxiety, depression, post-traumatic symptoms and subjectively assessed quality of life between the population of applicants who arrived in Republic of Croatia under the Dublin III Regulation and of those who arrived to Croatia through non-EU countries (mostly Bosnia and Herzegovina or Serbia). An additional goal was to examine the possibility

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<sup>203</sup> ECRE, *Balkan route reversed*, December 2016, 26.

<sup>204</sup> *Ibid*, 24.

<sup>205</sup> FRA, *Migration flows: Key fundamental rights concerns* – Q2, 2019, available at: <https://bit.ly/2V9a8ZO>.

<sup>206</sup> Protokol o postupanju prema djeci bez pratnje, 30 August 2018, available in Croatian at: <https://bit.ly/2DEgBEu>.

<sup>207</sup> Information provided by UNICEF, 20 December 2018.

<sup>208</sup> EMN, *Bulletin*, July 2019 available at: <https://bit.ly/39MwSV1>.

<sup>209</sup> Information provided by UNICEF, 8 January 2020.

<sup>210</sup> MdM, *Nearing a point of no return? Mental health of asylum seekers in Croatia*, February 2019, available at: <https://bit.ly/2XeDQiD>.

of predicting the level of applicants' psychological distress based on their satisfaction with various aspects of their lives. The analysis of the results showed that 57.83% of participants scored above the cut-off result on the anxiety scale; 67.47% of participants scored above the cut-off result on the scale of depression; while 65.06% of the participants scored above the cut-off result on the scale of overall psychological distress. Similarly, 50.61% of participants scored above the cut-off result on the scale of post-traumatic stress disorder symptoms. Applicants who have been returned to Croatia under the Dublin Regulation have shown more pronounced depressive symptoms and subjectively assessed the lower quality of life as well as lower levels of satisfaction with their own sense of safety in the future.

As part of the project which was implemented by MdM, guidelines on the treatment of cases involving sexual violence against women and children who are refugees and migrants were developed. The guidelines are currently under review by the Ministry of Interior and UNHCR.<sup>211</sup>

According to the Rehabilitation Centre for Stress and Trauma, the number of newly arriving unaccompanied children is rising.<sup>212</sup>

On 1 January 2019 the new Law on Foster Care entered into force, which provides for the possibility of unaccompanied children staying in a foster family.<sup>213</sup> There is no information available however on how this was implemented throughout the year.

## 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>214</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 or 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>215</sup>

According to the Ministry of Interior, in 2017 and 2018, the age assessment procedure was not conducted.<sup>216</sup> No information is available for 2019.

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<sup>211</sup> Information provided by MdM, 20 January 2020.

<sup>212</sup> FRA, *Migration flows: Key fundamental rights concerns* – Q4, 2019, available at: <https://bit.ly/3bMF8FQ>.

<sup>213</sup> Official Gazette 115/18

<sup>214</sup> Article 18 LITP.

<sup>215</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>216</sup> Information provided by the Ministry of Interior, 13 February 2018, 28 January 2019.



## 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>217</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>218</sup> without however specifying what types of guarantees should be provided.

However, the Ministry of Interior does not have a special unit, 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 their officials participated in trainings on how to deal with vulnerable cases, but also at the conferences and round tables in regard to that topic in 2018.<sup>219</sup> However there is no available information in regard to such trainings in the course of 2019.

There are few specific provisions on how to process and assess the cases of vulnerable applicants, and with a few exceptions (enumerated below) the same procedural guarantees are in place for vulnerable categories as for other applicants. There is a general obligation to take into consideration the individual situation and personal circumstances of the applicant,<sup>220</sup> in particular the acts of persecution or serious harm already undergone.<sup>221</sup> The personal interview and decision-making mechanism is the same for all applicants, regardless of their vulnerability.

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

- the possibility to be interviewed by a decision-maker of the same sex;<sup>222</sup>
- to an interpreter of the same sex, if possible;<sup>223</sup>
- to be interviewed as soon as possible upon the submission of the application for international protection;<sup>224</sup>
- in cases where the interview is omitted,<sup>225</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>226</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>227</sup>

### 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

<sup>217</sup> Article 52(2) LITP.

<sup>218</sup> Information provided by the Ministry of Interior, 21 July 2017.

<sup>219</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>220</sup> Article 28(2)(3) LITP.

<sup>221</sup> Article 28(3) LITP.

<sup>222</sup> Article 35(5) LITP.

<sup>223</sup> Article 14(3) LITP.

<sup>224</sup> Article 35 LITP.

<sup>225</sup> Article 35(8)(2) LITP.

<sup>226</sup> Article 35(9) LITP.

<sup>227</sup> Article 17(9) LITP.



to apply the concept of safe country of origin.<sup>228</sup> According to the Ministry of Interior during 2018 applications lodged by unaccompanied children were not processed under the accelerated procedure.<sup>229</sup> However, there is no information available on whether applications lodged by unaccompanied children were processed under the accelerated procedure in the course of 2019.

Procedures at border crossings or in transit zones would not apply to cases of application lodged by an unaccompanied child.<sup>230</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>231</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

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 in the past 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>232</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 no appropriate procedures are implemented in relation to documentation and verification, including medico-legal documentation, of victims of torture.<sup>233</sup>

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

In December 2019, the Croatian Law Centre, in cooperation with UNHCR, organised a panel discussion on the "Expertise in the procedure for granting international protection" which was held at the premises of Faculty of Law in **Zagreb**. The panel was attended by lawyers, psychologists and medical doctors who are at the same time court expert witnesses and UNHCR staff.

<sup>228</sup> Article 17(10) LITP.

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

<sup>230</sup> Article 10(11) LITP.

<sup>231</sup> Article 15(3) LITP.

<sup>232</sup> Article 58(1) Law on General Administrative Procedure.

<sup>233</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>234</sup>

In 2019, 70 unaccompanied children sought international protection in Croatia.<sup>235</sup> This number should be read with caution, however, as the Ombudsperson for Children confirmed that there are discrepancies between authorities as regards the number of unaccompanied children.<sup>236</sup> According to data from the Ministry of Demography, Family, Youth and Social Policy, the Centers for Social Welfare made decisions on the appointment of special guardians for 281 unaccompanied children in 2019, while the Ministry of Interior's data refers to 70 unaccompanied children who sought international protection. There is thus no accurate data on the number of unaccompanied children available.

### 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 out that the child already has a guardian, the official from the Centre for Social Welfare or the police officer will call the appointed guardian to take part in further procedures with the unaccompanied or separated child.

<sup>234</sup> Article 2(1)(17) LITP.

<sup>235</sup> Ministry of Interior, *Statistics 2019*, available in Croatian at: <https://bit.ly/2UMPpMk>.

<sup>236</sup> Ombudsperson for Children, *Report on the work of Ombudsman for Children in 2019*, March 2020, available in Croatian: <https://bit.ly/2VHkC2Z>.

During 2019, the Ombudsperson received 10 allegations of violations of the rights of migrant children (including both children with families and unaccompanied children).<sup>237</sup> This includes unlawful individual and collective expulsions at the border with Bosnia and Serbia. The Ombudsperson also expressed concern regarding the allegations of CSOs and international organisations according to which the Croatian police does not always conduct age assessments, as was the case when they found a group of adolescents and younger men who were subsequently pushed back to Bosnia.

According to the LITP, the Centre for Social Welfare shall appoint a guardian, who has been trained to work with children and who does not have a conflict of interest with the child, unaccompanied children who have expressed the intention to apply for international protection.<sup>238</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. 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 using 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 an 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>239</sup> The Croatian Law Centre confirmed that this issue persisted in 2019.

#### 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.

According to the Report of the Croatian Ombudsperson for Children for 2018, published in March 2019, centres for social work are still appointing guardians for unaccompanied children from the circle of adults that arrive with the child.<sup>240</sup> However, according to the Ministry of Demography, Family, Youth and Social Policy, on average, one guardian is appointed for 2.15 unaccompanied children. Almost all appointed special guardians were employees of social welfare centres, replacing the previous practice of appointing persons who travelled with the child.<sup>241</sup>

In 2019, the Ombudsperson for Children reported that special guardians were generally appointed from the Centres for Social Welfare staff (272 special guardians were appointed in 2019) and from the staff of social welfare institutions in which unaccompanied children were accommodated (7 employees were appointed in 2019).<sup>242</sup> However often, the staff of Centres for Social Welfare are not motivated to take special guardianship of unaccompanied children due to other the obligations arising from their regular tasks.

According to the Ombudsperson for Children guardians are often not available or are not in regular contact with the child; meaning that in certain cases the guardians visit children only when they are invited by the

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<sup>237</sup> Ombudsperson for Children, *Report on the work of Ombudsman for Children in 2019*, March 2020, available in Croatian: <https://bit.ly/2VHkC2Z>.

<sup>238</sup> Article 17(1) LITP.

<sup>239</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>240</sup> FRA, *Migration flows: Key fundamental rights concerns – Q4*, 2019, available at: <https://bit.ly/3bMF8FQ>; Ombusman for children, Report available in Croatian at: <https://bit.ly/3bOsQwy>.

<sup>241</sup> FRA, *Migration flows: Key fundamental rights concerns – Q2*, 2019, available at: <https://bit.ly/3dXREnQ>.

<sup>242</sup> Ombudsperson for Children, *Report on the work of Ombudsman for Children in 2019*, March 2020, available in Croatian: <https://bit.ly/2VHkC2Z>.

Ministry of Interior or other institutions/organisations, or when they are required to attend official interview. The report also states that foreign nationals with whom unaccompanied children were apprehended have continued to be appointed as guardians. This concerned 12 children in 2019.<sup>243</sup>

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>244</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>245</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>246</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>247</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.

Within the project five workshops for special guardian were held and a short leaflet for unaccompanied children was prepared. Leaflets were recorded as mp3 format in 5 languages (Arabic, Croatian, English, Farsi and Pashto)<sup>248</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>249</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>250</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.

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<sup>243</sup> Ombudsperson for Children, *Report on the work of Ombudsman for Children in 2019*, March 2020, available in Croatian: <https://bit.ly/2VHkC2Z>.

<sup>244</sup> Information provided by UNHCR, 17 January 2017.

<sup>245</sup> Information provided by UNICEF, 31 January 2017.

<sup>246</sup> Information provided by the Croatian Red Cross, 13 February 2017, available in Croatian at: <https://bit.ly/2IHtk9a>.

<sup>247</sup> The Project is financed by the Ministry of Demography, Family, Social Affairs and Youth of Republic of Croatia.  
<sup>248</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>249</sup> Supported by the Ministry for Demography, Family, Youth and Social Policy.

<sup>250</sup> Croatian Law Centre, 'Projekt „Zajedno u zaštiti djece bez pratnje“', 30 October 2018, available in Croatian at: <https://bit.ly/2UCIrlx>.

In November, 2018 the Croatian Law Centre started with the implementation of the project “Let’s realise the rights of unaccompanied children”,<sup>251</sup> with Residential Child Care Institutions in **Ivanec, Rijeka and Zagreb**. The project ended in October 2019. The aim of the project was to improve the legal protection of unaccompanied children by providing professional legal assistance and support to unaccompanied children but also to professionals in schools, health centers and ministries responsible for exercising the rights of unaccompanied children. During the project, a roadmap on the family reunification process was prepared and disseminated to relevant stakeholders. The roadmap is a detailed description of the actions that need to be taken during the family reunification process.

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>252</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. In 2019 the majority of counselling services were organised in Zagreb.

In November and December 2019, UNHCR organised four workshops in Croatia on the practical implementation of the 2018 Protocol on procedures for unaccompanied children. The workshops were attended by 154 persons, including 71 police officers for irregular migration and 83 social workers and childcare professionals from centres for social welfare and children’s facilities. The following topics were presented at the workshops: identification of UASC among groups of irregular migrants, initial health assessment, initial best interest assessment, access to international protection and accommodation to children’s facilities, followed by casework and real-life story of an UASC. The topics of the workshops were designed by a Working Group comprising of representatives of respective ministries, international organisations and civil society organisations.<sup>253</sup>

#### 4.3. Capacity and performance of functions

Guardians of unaccompanied children were and still are generally appointed among the social workers of the competent Centre for Social Welfare.

According to the law, the best interests of children should be considered when implementing provisions of LITP,<sup>254</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>255</sup> which can be understood that persons from the age of 16 have the capacity “to perform procedural acts” on their own behalf in procedures for international protection.

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<sup>251</sup> The project is supported by the Ministry for Demography, Family, Youth and Social Policy.

<sup>252</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>253</sup> EMN, *Bulletin*, February 2020, available at: <https://bit.ly/2Rdeuhi>.

<sup>254</sup> Article 10 LITP.

<sup>255</sup> Article 17(3) LITP.

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. Although this no longer applies to the majority of cases, it seems that from time to time such persons are appointed as guardians.

## 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 Department for international protection procedure of the Ministry of Interior, the same authority as in the regular procedure. The Department for international protection procedure 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>256</sup>

If a person decides to submit a subsequent application,<sup>257</sup> an explanation of the subsequent application should be submitted to the Reception Centre for Applicants of International Protection 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.

In practice under the LITP, the interview for lodging the subsequent application can be omitted when the admissibility of a subsequent application is being assessed.<sup>258</sup>

<sup>256</sup> Article 4(1)(13) LITP.

<sup>257</sup> Article 47 LITP.

<sup>258</sup> Article 35(8)(3) LITP.



Under the LITP,<sup>259</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>260</sup> and that in that case appeal to Administrative Court does not have a suspensive effect,<sup>261</sup> (which means that the decision is final)<sup>262</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>263</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>264</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.

There is no information available on how many persons lodged subsequent applications in the course of 2019.

## F. The safe country concepts

### Indicators: Safe Country Concepts

- Does national legislation allow for the use of "safe country of origin" concept? ☒ Yes ☐ No
  - ❖ Is there a national list of safe countries of origin? ☒ Yes ☐ No
  - ❖ Is the safe country of origin concept used in practice? ☒ Yes ☐ No
- Does national legislation allow for the use of "safe third country" concept? ☒ Yes ☐ No
  - ❖ Is the safe third country concept used in practice? ☒ Yes ☐ No
- Does national legislation allow for the use of "first country of asylum" concept? ☒ Yes ☐ No

<sup>259</sup> Article 53(3)-(4) LITP.

<sup>260</sup> Article 43(2) LITP.

<sup>261</sup> Article 51(1)(3) LITP.

<sup>262</sup> Article 4(1)(21) LITP.

<sup>263</sup> Article 51(2) LITP.

<sup>264</sup> Article 53 LITP.



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>265</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 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>266</sup> This is also applied to unaccompanied minors, who are generally exempted from accelerated procedures (see [Special Procedural Guarantees](#)).

In 2016, a Decision on the list of safe countries of origin in the procedure of granting international protection has been adopted.<sup>267</sup> The list includes 10 countries:

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

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<sup>265</sup> Article 44 LITP.

<sup>266</sup> Article 41(1)(9) LITP.

<sup>267</sup> Official Gazette 45/2016, available in Croatian at: <http://bit.ly/2lcRePz>.

- Tunisia
- Turkey

According to information provided by the Ministry of Interior to the Croatian Law Centre and ECRE at the end of November 2016, the concept is not used for applicants from 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>268</sup> No information on decisions based on the concept of safe country of origin is available for 2019.

## 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>269</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. The safe third country concept was applied to 29 persons from Afghanistan in 2018.<sup>270</sup> No information is available for 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>271</sup> In 2018, no decision was taken based on the concept of first country of asylum.<sup>272</sup> No information on decisions taken based on the concept of first country of asylum in 2019 is available.

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<sup>268</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>269</sup> Article 45 LITP.

<sup>270</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>271</sup> Article 43(1)(2) LITP.

<sup>272</sup> Information provided by the Ministry of Interior, 28 January 2019.

## 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 applicant 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>273</sup> This information must be given in the applicant's own language or in a language he or she can be reasonably supposed "to be able to communicate" in.<sup>274</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>275</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>276</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>277</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.

Applicants 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>278</sup>

The decision on the transfer that applicants receive include 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 translation of the Dublin decision, but they do explain it orally in a language that the applicant 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

<sup>273</sup> Article 59(2) LITP.

<sup>274</sup> Article 14 LITP.

<sup>275</sup> Article 59(1) LITP.

<sup>276</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>277</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>278</sup> Information provided by the Ministry of Interior, 28 January 2019.

NGOs also provide information on asylum system. Some NGOs have issued leaflets and brochures which are also available in the Reception Centre for Applicants for International Protection, 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 Applicants for International Protection 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>279</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>280</sup>

The Centre for Missing and Exploited Children has produced and printed leaflets for unaccompanied children, available in Croatian, English, Arabic and Farsi.<sup>281</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>282</sup>

### Information at the border

In the past, foreigners arriving at the borders generally did not have access to information about the 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. At some border crossing points, there is a lack of available interpreters. This prevents effective communication between foreigners (among whom some are potential applicants 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 international protection in a language which they may justifiably be expected to understand and in which they are able to communicate.<sup>283</sup>

In practice, persons may seek international protection 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>284</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, 2018 and 2019 (see [Access to the territory and pushbacks](#)).

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).

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<sup>279</sup> The leaflet may be found at: <https://bit.ly/2HaFZ7I>.

<sup>280</sup> According to the Centre for Peace Studies, the brochure is available in Arabic, Croatian, Farsi, French, English, Russian and Turkish.

<sup>281</sup> Centre for Missing and Exploited Children, *Welcome to Croatia: Guide for unaccompanied children*, available at: <https://bit.ly/2TBXncq>.

<sup>282</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>283</sup> Article 59(1) LITP.

<sup>284</sup> ECRE, *Balkan route reversed*, December 2016, 11-12.

## 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 Applicants for International Protection 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 Applicants for International Protection 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 Applicants for International Protection and the Reception Centre for Foreigners, where they provide free legal information. Croatian Law Centre lawyers are present in the Reception Centre for Applicants for International Protection in **Kutina** and in the Reception Centre for Foreigners when needed, and from May 2019 in the Reception Centre for Applicants for International Protection in **Zagreb** from Monday to Friday. Until May, they were present in the Reception Centre for Applicants for International Protection in **Zagreb** once a week.

The Centre for Peace Studies does not have access to Reception Centres for Applicants for International Protection in **Zagreb** and **Kutina**, so their activities were provided out of the Centres in the course of 2019.<sup>285</sup>

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 2019.

In the course of 2019, Are you Syrious did not have access to Reception Centres for Applicants of International Protection, however Are you Syrious renewed its cooperation agreement with the Ministry of Interior in autumn 2019.<sup>286</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>287</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.

<sup>285</sup> Information provided by the Centre for Peace Studies, 24 December 2019.

<sup>286</sup> H-alter, 'Are You Syrious returns to Porin after nine months: "We have a lot to catch up on"', 12 September 2019, available in Croatian at: <https://bit.ly/2JKmOB3>.

<sup>287</sup> Whether under the "safe country of origin" concept or otherwise.

## Resettlement pledges

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, 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. By way of illustration, another mission took place in February 2019, during which 141 Syrian refugees identified by UNHCR were interviewed and 103 selected for resettlement.<sup>288</sup>

In addition, Croatia continued to implement the 2017 Decision on resettlement of third-country nationals or stateless persons who meet the conditions for approval of international protection, which requires Croatia to accept up to 100 persons.

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>289</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.

In May 2019, in the framework of the Croatian resettlement programme, 50 Syrian citizens arrived in the Reception Centre of **Kutina**. Four representatives of the Ministry of the Interior participated in the study visit from 24-28 June 2019 as part of the resettlement programme. The study visit aimed to exchange experiences and best practices with Portuguese colleagues while Portugal was conducting a selection mission in Turkey, Ankara.<sup>290</sup>

According to the Ministry of Interior, the seventh group of refugees from Turkey arrived in Croatia as part of the European Resettlement Program on 21 August 2019. The group consisted of 8 families i.e 41 citizens of the Syrian Arab Republic, of whom 24 are minors.<sup>291</sup> 7 Syrian nationals (2 families) arrived on 30 August 2019. As a result, Croatia has fulfilled its pledge within the EU resettlement scheme to effectively resettle 250 Syrian refugees from Turkey, according to the Decisions on Relocation and Resettlement of Third-country Nationals or Stateless Persons Eligible for International Protection from 2015 (150 persons) and 2017 (100 persons).<sup>292</sup>

Although the Ministry of Interior reported in previous years 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.

## Resettlement procedure

According to the Ministry of Interior provided at the beginning of 2019 the resettlement procedure is conducted as follows:<sup>293</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.

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<sup>288</sup> SHARE, *Integration Magazine*, April 2019, available in English at: <https://bit.ly/2xyKwOm>.

<sup>289</sup> Official Gazette 16/2019.

<sup>290</sup> EMN, *Bulletin*, July 2019, available at: <https://bit.ly/2xQ8zrO>.

<sup>291</sup> Ministry of Interior, 'The arrival of the seventh group of Syrian refugees from Turkey', 21 August 2019, available at: <https://bit.ly/3c181hL>.

<sup>292</sup> EMN, *Bulletin*, November 2019, available at: <https://bit.ly/34iMWn8>.

<sup>293</sup> Information received from the Ministry of Interior, 28 January 2019.



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 Applicants of International Protection 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.

However, there is no updated official information on the resettlement procedure throughout 2019 from the Ministry of Interior. It is thus unclear whether these 3 steps are still being followed and whether the International Catholic Migration Commission (ICMC) now offers support in activities that were previously supported by IOM.

In January 2019, the Ministry of Interior and the International Catholic Migration Commission (ICMC) signed an agreement that foresees that ICMC will provide its expertise and services for resettlement operations of refugees living in Turkey. The agreement is valid for over 12 months. ICMC staff who specialise in providing cultural orientation to refugees before they departure to Turkey are working with Croatian government officials on a new interactive program to facilitate the successful integration of resettled refugees. The cultural orientation activity is being implemented in cooperation with the Jesuit Refugee Service (JRS) of Croatia and introduces refugees to Croatian culture, while imparting realistic expectations about services, opportunities, and responsibilities. ICMC staff assist Croatian government officials when they interview resettlement candidates in Istanbul, offering interpretation services and coordinating medical screenings. ICMC also coordinates travel to and accommodation in Istanbul, as refugees are spread across the country and need to travel to that city for interviews, medical screenings and cultural orientation.<sup>294</sup>

Moreover, in 2019, integration support for resettled refugees in Croatia was coordinated by a partnership agreement between the Ministry of the Interior and JRS. The agreement foresees co-operation in the field of integration of resettled persons from Turkey at the end of December 2018. The agreement was concluded for 13 months and is the basis for admitting the remaining 100 refugees. According to the agreement, reception and integration activities are to be managed by the JRS, and the Ministry of the Interior co-finances the process through €430,000.00 from European funding.<sup>295</sup> JRS was contracted to provide both pre-departure and post-integration support.<sup>296</sup>

JRS offers a pre-departure cultural orientation programme, developed with the Ministry of Interior and ICMC. Upon arrival in Croatia, refugees live in a reception centre for eight weeks, where they participate in another cultural orientation programme and a basic Croatian language course. The newcomers then move to individual housing in the municipalities of **Sisak** and **Karlovac**, where JRS has worked to prepare the local communities. JRS organised several awareness raising events to ensure that local stakeholders (government, religious organizations, sport associations, etc.) are included in the integration process, and to mobilise a network of volunteers so that local citizens are also involved in providing support. They also informed landlords about refugee resettlement in order to mitigate prejudices. After refugees arrived, JRS hosted a number of community events to bring people together and get to know each other.<sup>297</sup>

<sup>294</sup> ICMC, 'ICMC Assists Croatia's Efforts to Resettle Refugees', available at: <https://bit.ly/3aLFzQt>.

<sup>295</sup> Ministry of Interior, 'Agreement on cooperation in the field of integration of displaced persons', 27 December 2018, available in Croatian at: <https://bit.ly/2yDKqVU>.

<sup>296</sup> SHARE, *Integration Magazine*, April 2019, available at: <https://bit.ly/39MPpQW>.

<sup>297</sup> SHARE, *Expanding Resettlement across Europe: From Policy to Practice*, October 2019 available at: <https://bit.ly/3e0KmiX>.



At the end of March 2019, ICMC, with the support of the Ministry and Jesuit Refugee Service Croatia (JRS), organised a three-day Cultural Orientation Programme providing information on rights, obligations and cultural values, that all accepted refugees need to attend.<sup>298</sup>

In February 2019 Initiative Welcome reported that more effort is needed when it comes to social inclusion of resettled refugees as some who were resettled already left Croatia.<sup>299</sup>

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<sup>298</sup> EMN, *Bulletin*, April 2019, available at: <https://bit.ly/2UMYxRp>.  
<sup>299</sup> Information provided by Initiative Welcome on 1 February 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, applicants do not have the same access to reception conditions, 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 Applicants for International Protection, 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>300</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>301</sup>

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

According to the Ordinance on the Realisation of Material Reception Conditions, applicants are entitled to financial support from the day when they were accommodated in the Reception Centre (i.e. the day on which they express the intention to apply for international protection),<sup>302</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>303</sup>

Applicants are entitled to financial support if, in the month for which they have received support, they have been accommodated in the Reception Centre for Applicants for International Protection for at least 25 consecutive days.<sup>304</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>305</sup>

In practice the assessment of whether or not someone possesses sufficient financial means is determined based on the statement of the applicant about his or her financial status which should be given when applying for international protection.<sup>306</sup>

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

<sup>300</sup> Article 55(4) LITP.

<sup>301</sup> Article 7(1) Ordinance on the Realisation of Material Reception Conditions.

<sup>302</sup> Article 23(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>303</sup> Article 23(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>304</sup> Article 24(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>305</sup> Article 24(3) Ordinance on the Realisation of Material Reception Conditions.

<sup>306</sup> Article 3(7) Ordinance on the Realisation of Material Reception Conditions.

Conditions an applicant who is accommodated in the Reception Centre, will be issued an accommodation certificate that contains information, amongst other, on the date of expression of intention to apply for international protection as well as the date from which the person is accommodated in the Reception Centre.<sup>307</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>308</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**. Information on the year 2019 was not available.

According to the Ordinance on the Realisation of Material Reception Conditions, Reception Centre where applicant is accommodated, confirms the right to financial support and issues certificate approving the right to financial support.<sup>309</sup>

Applicants 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 applicants who have not secured adequate standard of living have a right to material reception conditions,<sup>310</sup> and accommodation in the Reception Centre for Foreigners should be considered as the adequate standard of living is secured.<sup>311</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 2019 (in original currency and in €): HRK 100 / €13.4

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>312</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>313</sup> The amount of financial assistance should be established by the decision of the Minister of Interior.<sup>314</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 applicants 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, applicants in **Zagreb** may use public transport free of charge.

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

<sup>307</sup> Article 7(6) Ordinance on the Realisation of Material Reception Conditions.

<sup>308</sup> Article 62(1) LITP.

<sup>309</sup> Article 25(1)-(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>310</sup> Article 3(1) Ordinance on the Realisation of Material Reception Conditions.

<sup>311</sup> Article 3(4) Ordinance on the Realisation of Material Reception Conditions.

<sup>312</sup> Article 55(1) LITP and Article 1(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>313</sup> Article 55(2) LITP.

<sup>314</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>315</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>316</sup>

There is no information available whether (or how many) decisions on reduction or withdrawal of reception conditions were taken by the Ministry of Interior in the course 2019.

### 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 the owner of the apartment stating that they accept to accommodate the applicant and would provide him or her with the adequate standard of living, or a title deed if the applicant is the owner of the property in which he intends to reside, or a hotel reservation if the applicant is located in a hotel.<sup>317</sup>

For those applicants who are accommodated in the Reception Centres for Applicants of International Protection, 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. According to the amendments of the Ordinance on the Realisation of Material Reception Conditions the Applicant may stay outside the Centre for more than 24 hours with the prior approval of the Reception Centre and for a maximum of 15 days. In this case (except in certain cases such as lack of capacity and occupancy of accommodation facilities), the

<sup>315</sup> Article 55(5) LITP and Article 4(1) Ordinance on the Realisation of Material Reception Conditions.

<sup>316</sup> Article 55(6)-(9) LITP.

<sup>317</sup> Article 10(2) Ordinance on the Realisation of Material Reception Conditions.

allocated room will remain reserved. For any stay longer than 15 days, the applicant must submit the appropriate documents and register his / her residence at a new address.<sup>318</sup>

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.

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>319</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>320</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.

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

## B. Housing

### 1. Types of accommodation

#### Indicators: Types of Accommodation

1. Number of reception centres:<sup>321</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 Applicants of International Protection:

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>

<sup>318</sup> Article 17(1) Ordinance on the Realisation of Material Reception Conditions.

<sup>319</sup> Article 54(5) LITP.

<sup>320</sup> Article 54(2) LITP.

<sup>321</sup> Both permanent and for first arrivals.

Source: Ministry of Interior 28 January 2019.

According to the Ministry of Interior's information from previous years, the total capacity in both Reception Centres is 700.<sup>322</sup> More recent statistics on the maximum capacity and occupancy in 2019 is not available. Nevertheless, in 2019 reconstruction of the Reception Centre in Zagreb was finalised. The Croatian Red Cross assessed that living conditions have been greatly improved thanks to renovation.<sup>323</sup>

Both reception centres are managed directly by the Ministry of Interior. The centre in **Kutina** is aimed at the accommodation of vulnerable applicants, although throughout 2019 the centre accommodated mainly persons who came through resettlement. At the end of the year, when all resettled persons were relocated in other cities and provided with paid apartments, it was decided that vulnerable applicants would again be accommodated in Kutina.

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 Applicants for international protection in Mala Gorica within the Asylum, Migration and Integration Fund".<sup>324</sup> In accordance with this decision, the Government planned to build a Reception Centre for applicants for International Protection in **Mala Gorica**, near Petrinja. However, in 2019, due to the opposition of the local population<sup>325</sup>, it was decided that the funds would be invested in the arrangement of the existing Reception centers for the Applicants of International Protection in **Zagreb** and **Kutina** instead of building new Reception Centre in Mala Gorica.<sup>326</sup>

The project "Reconstruction and Adaptation of the Reception Centre for Applicants for international protection in Zagreb", which restored the accommodation capacity of the centre was completed. The project was of a total value of €1,720,026.38 and was co-financed by AMIF.<sup>327</sup>

## 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 applicants is organised in the two reception centres for applicants of international protection, one in **Zagreb** and the other in **Kutina**.

The Reception Centre in **Kutina** has been renovated and was reopened in June 2014. The Reception Centre in Kutina is primarily aimed at the accommodation of vulnerable applicants, but it also accommodated resettled refugees throughout 2019 until they were allocated to another accommodation place. The Reception Centre in **Zagreb** was renovated in 2019, subsequently improving the living conditions in the centre.

<sup>322</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>323</sup> Information provided by Croatian Red Cross, 20 December 2019.

<sup>324</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>.

<sup>325</sup> N1, 'Petrinja does not want an asylum center', 11 February 2019, available at: <https://bit.ly/2JKWzKZ>.

<sup>326</sup> Ministry of Interior, *Decision on the annulment of the decision on the allocation of funds for the implementation of the project "Establishment of infrastructure and capacity building of the Reception Centre for Asylum seekers in Mala Gorica" and termination of the agreement on direct allocation of funds for the implementation of the said project*, 24 May 2019, available in Croatian at: <https://bit.ly/2UCjop9>.

<sup>327</sup> EMN, *Bulletin*, November 2019, available at: <https://bit.ly/34iMWN8>.

## 2.1. Overall living conditions

Applicants 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>328</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>329</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>330</sup> There are sufficient showers and toilets and facilities are cleaned on a regular basis.

As reported by the Croatian Red Cross, after the renovation of Reception Centre in **Zagreb** in 2019, the overall living conditions have improved greatly

### 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>331</sup>

Kitchens, equipped by the Croatian Red Cross, where applicants can prepare meals by themselves, are provided in the Reception Centres in **Kutina**,<sup>332</sup> and in **Zagreb**.<sup>333</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 applicants to pray. In **Kutina**, applicants can practice their religion in their rooms.

The Islamic Religious Community in Croatia, takes care of the spiritual and other needs of applicants for international protection of the Muslim religion, e.g. by cooperating with officials at the Reception Centres for Applicants for International Protection in **Zagreb** in order to provide psychosocial support, religious ceremonies as well as other activities.<sup>334</sup>

## 2.2. Activities in the centres

The staff of the Ministry of Interior working in the reception centres was generally sufficient. According to information received from the Croatian Red Cross,<sup>335</sup> their staff provide daily psychosocial support and organise social and educational activities with applicants accommodated in **Zagreb** and **Kutina** throughout 2019. The main activities included: creative workshops, sport activities, Croatian language course, learning the basics of computer science, children's playrooms, technical workshops, library, hairdresser, music workshops, intercultural learning workshops. CRC also provided all applicants with the support in reception and continuously provided psychological support. These social activities and psychosocial support were provided by the Croatian Red Cross 7 days a week ...

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<sup>328</sup> Article 56(6) LITP.

<sup>329</sup> Information provided by the Croatian Red Cross, 18 March 2019.

<sup>330</sup> Information provided by the Croatian Red Cross, 18 March 2019.

<sup>331</sup> Article 20 Ordinance on the Realisation of Material Reception Conditions.

<sup>332</sup> Information provided by the Croatian Red Cross, 18 March 2019.

<sup>333</sup> Information provided by the Croatian Red Cross, 20 December 2019.

<sup>334</sup> Ministry of Interior, 'Working together to successfully integrate asylum seekers', 3 March 2019, available in Croatian at: <https://bit.ly/34f1kWp>.

<sup>335</sup> Information provided by the Croatian Red Cross, 20 December 2019.



Nevertheless, the Croatian Red Cross reported that it was challenging to encourage applicants to join the activities and then continuously attend them in 2019. Also most of the applicants did not stay for long periods in the Reception Centres as they were in transit. In addition, the Croatian Red Cross reported that applicants were not interested in some activities (such as health and hygiene educations and language courses) and that the local community also organised several activities.

According to the information available on the website of JRS, the organisation provided following types of activities in the Reception Centre: a workshop on “Women for Women”, dancing and music workshops, plays for children, computer room and Info Room where applicants can get information on all relevant topics from the house rules of the reception centre to international protection procedure.<sup>336</sup>

Are you Syrious (AYS) provided support in learning the Croatian language, as well in support in writing homework and learning for exams for children. Outside the Reception Centre, AYS organised various educational workshops and visits to cultural events for children.<sup>337</sup>

UNICEF reported that, at the end of 2019, a short-term contract was signed with JRS (valid until April 2020) which foresees funding for the re-establishment of a child-friendly space (CFS).<sup>338</sup> Through the CFS, appropriate educational activities for children are provided on a day-to day basis, as well as psychosocial support with a special focus on child protection and effective cooperation with other competent services for the treatment of children in accordance with their best interests. Currently, up to 45 children participate in the work of the CFS daily. UNICEF advocates that special attention should be paid to the needs of children when organising and planning services in the Reception Centres, and that funding should be provided through the AMIF for the functioning of the CFS.

Also, since March 2015, the Centre for Children, Youth and Family (Modus) has started providing free counselling and psychotherapy for applicants and refugees. In 2019, counselling was not organised in the Reception Centres, but in their premises and support was provided by 3 psychologists and 2 interpreters for Farsi and Arabic. One meeting lasts from 45 to 60 minutes and includes all the usual rules applicable to the provision of psychological support, such as confidentiality and the possibility to agree on the topics to be discussed etc.<sup>339</sup>

### 2.3. Duration of stay in the centres

No information on the average length of stay in the reception centres in 2019 is available, while it reached 3 months on average in 2018.

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 application for international protection has been taken and the time for executing the order to leave the country has elapsed, the right to receiving reception conditions ends.

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<sup>336</sup> JRS's website is available at: <http://www.jrs.hr/en/activities-in-organization/>.

<sup>337</sup> Information provided by Are you Syrious, 27 January 2020.

<sup>338</sup> Information provided by UNICEF, 8 January 2020.

<sup>339</sup> Information provided by the Centre for Children, Youth and Family, 20 December 2019.

## 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? ☒ Yes ☐ No  
❖ If yes, when do asylum seekers have access the labour market? 9 months
2. Does the law allow access to employment only following a labour market test? ☐ Yes ☒ No
3. Does the law only allow asylum seekers to work in specific sectors? ☐ Yes ☒ No  
❖ If yes, specify which sectors:
4. Does the law limit asylum seekers' employment to a maximum working time? ☐ Yes ☒ No  
❖ If yes, specify the number of days per year
5. Are there restrictions to accessing employment in practice? ☒ Yes ☐ 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>340</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>341</sup> However, one attorney at law reported a possible problem with this time frame. According to the latter, there were cases where the date of the decision was the date before the expiration of the 9-month deadline. However as the decisions were delivered after the expiration of 10 and half months, it was not possible to verify whether decisions were actually taken on the day indicated on them.<sup>342</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>343</sup>

In 2019, the Administrative Court in **Zagreb** received 8 lawsuits in relation to certificates granting the right to work, which were all rejected.<sup>344</sup>

According to the Croatian Employment Service (CES) registration in the records of the CES is regulated by Law on Labour Market as of 1 January 2019.<sup>345</sup> According to the data of the CES, 2 applicants for international protection were included in individual counselling at CES in 2019.<sup>346</sup>

Applicants can work on a voluntary basis in both Reception Centres.<sup>347</sup> According to the Ordinance on the Realisation of Material Reception Conditions, applicants accommodated in the Reception Centre for Applicants for International Protection 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.

<sup>340</sup> Article 61(1) LITP.

<sup>341</sup> Article 61(5) LITP.

<sup>342</sup> Information provided by the attorney at law, 16 January 2020.

<sup>343</sup> Article 61(2)-(3) LITP.

<sup>344</sup> Information provided by the Administrative Court in Zagreb, 21 January 2020.

<sup>345</sup> Article 14 Law on Labour Market, Official Gazette 118/2018.

<sup>346</sup> Information provided by the Croatian Employment Service, 10 January 2020.

<sup>347</sup> Article 19 Ordinance on the Realisation of Material Reception Conditions.

## 2. Access to education

### Indicators: Access to Education

1. Does the law provide for access to education for asylum-seeking children? ☒ Yes ☐ No
2. Are children able to access education in practice? ☒ Yes ☐ 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>348</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>349</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 Applicants for International Protection, while for those children who are accommodated in social welfare institutions, procedure is carried out by their guardians.

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>350</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.

Are you Serious reported problems related to inclusion of children to preparatory classes. According to Are You Serious, in practice, organisation of preparatory classes is extremely lengthy and children often wait for months before preparatory classes are approved. Also, some children have to go to another school for preparatory classes, and as a result, they cannot attend part of classes at their own school.<sup>351</sup>

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? ☒ Yes ☐ No
2. Do asylum seekers have adequate access to health care in practice? ☐ Yes ☒ Limited ☐ No
3. Is specialised treatment for victims of torture or traumatised asylum seekers available in practice? ☐ Yes ☐ Limited ☒ No
4. If material conditions are reduced or withdrawn, are asylum seekers still given access to health care? ☒ Yes ☐ Limited ☐ 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>352</sup>

<sup>348</sup> Article 58(1) LITP.

<sup>349</sup> Article 58(3) LITP.

<sup>350</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>351</sup> Information provided by Are You Serious, 27 January 2020.

<sup>352</sup> Article 57(1) LITP.

Medical assistance is available in the Reception Centres for Applicants for International Protection in **Zagreb** and **Kutina**. While no information is available for the full year 2019, at the beginning of 2019, the Ministry of Interior reported that health care is also provided by the health care institutions in Zagreb and Kutina designated by the Ministry of Health.<sup>353</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**.

In addition, applicants 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.

A medical team of MdM was present at the Reception Centre in **Zagreb** every working day from 9am to 3pm. and in Reception Centre in **Kutina** depending on the needs.<sup>354</sup>

### Complementary services by NGOs

MdM has a General Practitioner, a nurse and two interpreters for Arabic and one for Farsi who perform health care consultations at the primary health care level and carry out official initial medical examinations of newly-arrived applicants at both locations of the Reception Centre for Applicants for International Protection. In 2019 this included presence in **Zagreb** every working day and in **Kutina** when needed.<sup>355</sup>

In 2019, the MdM's medical team carried out 3,556 medical consultations out of which 1,360 first examinations of newly arrived applicants. Out of the 3,556 medical consultations and examinations: 1,226 were performed with women (34.5%); 904 with children (25.4%). Two MdM's psychologists conducted individual psychological counselling sessions every working day in Zagreb and, when necessary in Kutina. An external associate- psychiatrist visited the Reception Centre in Zagreb three times a month. In 2019, MdM team provided 1,200 individual psychological counselling sessions and 110 specialist psychiatric examinations.<sup>356</sup>

MdM also has a community worker and interpreters who provide interpretation, provision of information and counselling, as well as practical assistance to applicants for international protection when exercising their rights, including making appointments with doctors, transportation of samples and transportation of patients to health facilities where needed. The MdM team also continuously carried out vaccination of children in cooperation with the Ministry of Interior, the Health Centre Zagreb- West, the Andrija Stampar Teaching Institute of Public Health and the Croatian Institute of Public Health. In 2019, a total of 867 transportations of applicants to health care facilities were carried out, including 178 transportations of children for the purpose of vaccination.<sup>357</sup>

A guide called "I want to be healthy" with general guidelines and preventive measures for physical and mental health was created in Arabic, English, Farsi, French and Croatian in October 2019, and a poster of the same name in November 2019. MdM also coordinated a transfer to a gynaecologist and to a paediatrician, and accompanied pregnant women and children when going to medical checks.

Since July 2019, MdM has recorded a significant increase in the number of initial medical examinations. In addition, an increase of applicants staying only for short period of time at the Reception Centre in **Zagreb** was observed. Due to a large increase in the number of newly arrived applicants, a significant increase in the number of children, women, pregnant women, infants and families in general has also been observed. Likewise, there was a significant increase in the incidence of infectious diseases

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<sup>353</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>354</sup> Information provided by MdM, 20 January 2020

<sup>355</sup> Information provided by MdM, 20 January 2020

<sup>356</sup> *Ibid.*

<sup>357</sup> *Ibid.*

associated with long-term stay in poor living and hygiene conditions of the camps in Bosnia and Herzegovina.

## 2. Mental health

Psychological counselling and support were also provided by several other organisations during 2019:

- ❖ The Society for Psychological Assistance, (SPA)<sup>358</sup> provided psychological counselling, organised in their premises. Information on their activities for clients are also available online in English, Arabic, French and Turkish.<sup>359</sup>
- ❖ The Croatian Law Centre provided psychological counselling through project directed to potential and recognised victims of torture among applicants for international protection.
- ❖ Two MdM's psychologists conducted individual psychological counselling sessions every working day in **Zagreb** and, when necessary in **Kutina**. An external associate- psychiatrist visited the Reception Centre in Zagreb three times a month. In 2019, MdM team provided 1,200 individual psychological counselling sessions and 110 specialist psychiatric examinations.<sup>360</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>361</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 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 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 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.

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 is provided by the Croatian Law Centre, psychosocial support is provided by the Croatian Red Cross and psychological counselling is provided by external psychologists both to applicants and refugees. During 2019, 24 persons (12 female, out of which one girl, and 12 male, out of which 2 unaccompanied children) were provided with legal, social and/or psychological assistance under the project. Psychological assistance was offered and provided to 20 persons through 72 counselling, while legal assistance was provided to 18 persons through 56 counselling.

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<sup>358</sup> Information provided by the Society for Psychological Assistance, the Centre for Children, Youth and Family 20 December 2019.

<sup>359</sup> See: <http://bit.ly/2lr77E4>; <http://www.srcro.eu/>; <http://bit.ly/2m2IRVO>.

<sup>360</sup> Information provided by MdM, 20 January 2020

<sup>361</sup> Article 57(2) LITP.

## 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

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>362</sup> The LITP provides special procedural and reception guarantees (see section on [Special Procedural Guarantees](#)).

However, up until now the Ministry of Interior does not have a special unit dealing with vulnerable groups, but accommodates 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>363</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, if accommodation appropriate for their needs cannot be provided in the Reception Centre.<sup>364</sup>

The Ordinance on the Realisation of Material Reception Conditions prescribes that reception conditions should be adapted to the needs of applicants, psychosocial support should be provided, and special care should be given to applicants with special reception needs. The process of identifying those 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 applicants with special reception needs shall notify the Reception Centre of all measures and actions taken.<sup>365</sup>

Applicants with special health care needs shall be provided a special diet, based on the recommendations of the physician.<sup>366</sup>

There is no monitoring mechanism in place with regards to measures for addressing special needs of applicants accommodated in the centres. However, social workers of the Ministry of Interior and the Croatian Red Cross are available daily in the Reception Centres and can provide support. In practice, during their regular work and communication with applicants as well as during 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 applicants 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 in **Kutina**, which is specifically designed for vulnerable applicants).

The Ministry of Interior, depending on the needs of the applicant, cooperates 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 Applicants for International Protection, 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. Applicants accommodated in the Reception Centre are provided with three meals a day and pregnant women, babies

<sup>362</sup> Article 4(1)(14) LITP.

<sup>363</sup> Article 56(4) LITP; Article 6(1) Ordinance on the Realisation of Material Reception Conditions.

<sup>364</sup> Article 7(3) Ordinance on the Realisation of Material Reception Conditions.

<sup>365</sup> Article 12(1)-(3) Ordinance on the Realisation of Material Reception Conditions.

<sup>366</sup> Article 20(2) Ordinance on the Realisation of Material Reception Conditions.

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>367</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.

MdM implemented a project entitled “Empowering women and children in the migrant population to take action against sexual and gender-based violence – WE ACT”. The project lasted until February 2020. The main objective of the project was the prevention of sexual and gender-based violence faced by children and women. Among other aims, the project was seeking 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>368</sup>

As mentioned above, in 2019, guidelines on cases involving refugee/migrant children and women victims of sexual violence were developed by MdM. The guidelines are currently under review by the Ministry of Interior and UNHCR.<sup>369</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>370</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.

A Protocol on the treatment of unaccompanied children was adopted in August 2018 (see [Identification](#)) which foresees the possibility of accommodation with foster families.

A new Law on Foster Care, which entered into force on 1 January 2019 has opened the possibility for unaccompanied children to be accommodated in the foster families.<sup>371</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>372</sup>

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<sup>367</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>368</sup> Information provided by MdM, 23 December 2018.

<sup>369</sup> Information provided by MdM, 20 January 2020.

<sup>370</sup> Article 10(3) LITP.

<sup>371</sup> Official Gazette 115/2018, available in Croatian at: <https://bit.ly/2xP8gh5>.

<sup>372</sup> Article 57(2) LITP.



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](#).

## 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>373</sup>

In practice, according to the information available to the Croatian Law Centre, this information is given in writing during the submission of the application for international protection.

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 Applicants for International Protection. According to information provided by the Croatian Red Cross in previous years, the House Rules are available in Croatian, English, French, Arabic and Farsi. The Ministry of Interior has also specified back in 2017, that House Rules are also available in Urdu, Pashtu, Somali and Hindi.<sup>374</sup>

Upon their arrival in the Reception Centre, 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 Applicants for International Protection, but in practice family members, legal advisers, UNHCR and NGOs have access to these centres.

Also, both Reception Centres 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>375</sup>

The employees of the Croatian Red Cross, are present in both Reception Centres for Applicants for International Protection.

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 has a cooperation agreement with the Ministry of Interior for the

<sup>373</sup> Article 59(2) LITP.

<sup>374</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>375</sup> Article 56 (2) LITP.

provision of legal assistance which was valid by the end of March 2020. 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 Are you Syrious also encountered problems in 2019 and did not have access to the Reception Centre in **Zagreb** for the first nine month of 2019 as their cooperation agreement with the Ministry of Interior was not renewed. However they managed to renew their agreement with the Ministry of Interior in September 2019.<sup>376</sup> (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 applicants' nationality.

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<sup>376</sup> N1, 'The Ministry of Interior does not allow refugee children to learn Croatian, and they do not want to say why', 30 May 2019, available in Croatian at: <https://bit.ly/2UNqJUK>; N1, 'Are You Syrious returns to Porin, helping children again', 12 September 2019, available at: <https://bit.ly/2JKHBEQ>.

## Detention of Asylum Seekers

### A. General

#### Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2019: <sup>377</sup>	Not available
2. Number of asylum seekers in detention at the end of 2019:	Not available
3. Number of detention centres:	3
4. Total capacity of detention centres:	219

There are no available data on detention of migrants and applicants for international protection in the course of 2019. In 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>378</sup>

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 applicants for international protection 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>379</sup> This brings the total capacity of detention centres to 219.

The use of a garage inside of a police station compound has been reported several times throughout 2019.<sup>380</sup> It is an informal and unsanitary site of detention for large groups of apprehended people-in-transit before they are being pushed back. The Ministry of Interior rejected accusations and emphasised again that it has a zero tolerance for the use of any form of violence.<sup>381</sup>

<sup>377</sup> Including *both* applicants detained in the course of the asylum procedure and persons lodging an application from detention.

<sup>378</sup> Information provided by the Ministry of Interior, Border Directorate, 6 February 2019.

<sup>379</sup> Information provided by the Ministry of Interior, Border Directorate, 6 February 2019.

<sup>380</sup> Border Violence Monitoring Network, *Illegal push-backs and border violence reports – Balkan region*, April 2019, available at: <https://bit.ly/2wuXvQJ>; H-alter, 'Migrant Torture Garage', 15 May 2019, available in Croatian at: <https://bit.ly/3dxTqfc>; H-alter, 'Migrante se kuje dok je vruće', 24 September 2019, available in Croatian at: <https://bit.ly/3aqXY4U>; H-alter, 'Torture garage for migrants', 16 October 2019, available at: <https://bit.ly/39mjc2A>.

<sup>381</sup> Ministry of Interior, 'The Mol rejects the allegations of the H-Alter portal', 24 September 2019, available at: <https://bit.ly/2QMnFp2>.

## 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: ☐ 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>382</sup> Detention may be ordered for 4 reasons,<sup>383</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>384</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>385</sup>

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

<sup>382</sup> Article 54(5) LITP.

<sup>383</sup> Article 54(2) LITP.

<sup>384</sup> Article 54(4) LITP.

<sup>385</sup> Information provided by the Ministry of Interior, 28 January 2019.

of movement.<sup>386</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. However, a few attorneys at law and one legal representative from an NGO have reported that decisions on the restriction of freedom of movement do not contain any reasoning behind the individual assessment. They simply state that the individual assessment has determined that detention is necessary because other measures cannot achieve the purpose of restricting freedom of movement.<sup>387</sup>

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>388</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 applicant for international protection and his or her attitude towards the House Rules of the Reception Centre for Applicants for International Protection.<sup>389</sup>

In practice applicants 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: 2017-2018		
Ground for detention	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	3	0
To protect national security or public order: Article 54(2)(3) LITP	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	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	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	2
<b>Total</b>	<b>134</b>	<b>15</b>

Source: Ministry of Interior. The data on 2018 are not complete due to shortcomings observed by the Ministry of Interior in data collection. The number includes only decisions taken by the Service for Aliens and Asylum, but not those issued by police administrations and stations. Data on the year 2019 is not available.

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 the 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 decision on one of the grounds for asylum detention as specified by LITP. According to the

<sup>386</sup> Article 54(6) LITP.

<sup>387</sup> Information provided by attorneys at law on 3 December 2019, 6 December 2019, 16 December 2019 and 21 January 2020.

<sup>388</sup> Article 54(11) LITP.

<sup>389</sup> Information provided by the Ministry of Interior, 2 March 2017.

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 dealing with applicants for international protection about the intention to seek international protection. The Service for Reception and accommodation of applicants for international protection organises the lodging of the application 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 applicant would be moved to the Reception Centre for Applicants for International Protection. Intentions to apply for international protection that are expressed in the Transit Reception Centres in **Trilj** and **Tovarnik** are received by local police stations based on their territorial jurisdiction.<sup>390</sup>

## 2. Alternatives to detention

### Indicators: Alternatives to Detention

1. Which alternatives to detention have been laid down in the law?
 

<input checked="" type="checkbox"/>	Reporting duties
<input checked="" type="checkbox"/>	Surrendering documents
<input type="checkbox"/>	Financial guarantee
<input checked="" type="checkbox"/>	Residence restrictions
<input type="checkbox"/>	Other
2. Are alternatives to detention used in practice?
 

<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
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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 applicants' 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>391</sup> No information is available for 2019.

## 3. Detention of vulnerable applicants

### Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice?
 

<input type="checkbox"/> Frequently	<input checked="" type="checkbox"/> Rarely	<input type="checkbox"/> 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?
 

<input type="checkbox"/> Frequently	<input checked="" type="checkbox"/> Rarely	<input type="checkbox"/> Never
-------------------------------------	--	--------------------------------

The LITP allows for the detention of vulnerable applicants, if detention is suited to their special needs.<sup>392</sup> Moreover, it provides for detention of unaccompanied children, although for as short a period as possible.<sup>393</sup> No information is available on the number of vulnerable applicants who were detained in the detention centres in the course of 2019.

<sup>390</sup> Information provided by the Ministry of Interior, Border Directorate, 17 August 2018.

<sup>391</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>392</sup> Article 54(7) LITP.

<sup>393</sup> Article 54(8) LITP.

According to the information from the Border Violence Monitoring Network from October 2019, three unaccompanied children, who did not express the intention to apply for international protection, were apprehended when trying to enter Croatia hidden in a van. They were detained and beaten at the **Bajakovo** border-crossing point.<sup>394</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?           | Not available |

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>395</sup>

According to the Ministry of Interior the average duration of detention of applicants in 2018 was 3 months.<sup>396</sup> However no information is available for 2019.

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.

### 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)? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> 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>397</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>398</sup> The centre has capacity to accommodate 68 men, 12

<sup>394</sup> Border Violence Monitoring Network, October 2019, available at: <https://bit.ly/2wnErUo>.

<sup>395</sup> Article 54(10) LITP.

<sup>396</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>397</sup> Article 54(5)-(6) LITP.

<sup>398</sup> Information provided by the Border Directorate, 30 January 2018.



women and 15 vulnerable persons. The special wing for vulnerable groups in Ježevu was finalised at the end of 2015. This wing is aimed at detaining women, families and unaccompanied children.

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>399</sup> Each centre can accommodate 62 migrants, and include a separate wing for vulnerable groups with 12 places.<sup>400</sup>

The activities performed by these centres are defined by the Decree on Internal Organisation of the Ministry of Interior,<sup>401</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 **Ježevu**. This would mean that they are primarily intended for shorter accommodation of foreigners.

## 1.2. Airport transit zones and police stations

According to the information for 2018 provided by the Border Directorate of the Ministry of Interior,<sup>402</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. However, there is no information available for 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 **Ježevu**, 33 in the Transit Reception Centre in **Tovarnik** and 42 in the Transit Reception Centre in **Trilj**.<sup>403</sup> Several complaints were received in relation the behaviour of the staff in the Reception Centre for Foreigners in **Ježevu** in 2018.

A new Ordinance on stay in the Reception Centre for Foreigners ("Detention Centre Ordinance") entered into force in November 2018,<sup>404</sup> and was amended in 2019.<sup>405</sup> The initial text of Ordinance from 2018 foresaw the need for the Ombudsperson, national or international courts, or other state or international supervisory bodies to have concluded agreement with the Ministry of Interior in order to communicate with detainees. This was changed with the amendments so that these stakeholders do not longer need to have agreements concluded with the Ministry of Interior.

<sup>399</sup> ECRE, *Balkan route reversed*, December 2016, 17.

<sup>400</sup> Information provided by the Border Directorate, 6 February 2019.

<sup>401</sup> Official Gazette 70/2012, 140/2013, 50/2014, 32/2015, 11/2017, 129/2017, 5/2018, 66/2018, 109/2018, 24/2019, 66/2019, 79/2019, Article 91, 595a, 303a.

<sup>402</sup> Information provided by the Border Directorate, 6 February 2019.

<sup>403</sup> Information provided by the Ministry of Interior, Border Directorate, 6 February 2019.

<sup>404</sup> Official Gazette 101/2018.

<sup>405</sup> Official gazette 57/2019.

The Ombudsperson's staff conducted an unannounced visit in 2019 to, amongst other, the Transit Reception Centre in **Tovarnik** and Reception Centre for Foreigners in **Ježevo**. It was reported that migrants in Transit Reception Centre in **Tovarnik** have difficult access to attorneys and that they are not adequately informed about their rights.<sup>406</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>407</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>408</sup> Detainees are provided with clothes,<sup>409</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, detained migrants are not allowed to use their mobile phones, which are seized upon admission to the Centre.<sup>410</sup>

If a person is in possession of any cash, it will be temporarily seized and safeguarded by an authorised officer.<sup>411</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>412</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>413</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>414</sup> In practice, quality of food is generally reported to be of a satisfactory level.

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>415</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 during those renovations.<sup>416</sup>

Migrants are entitled to freedom of religion,<sup>417</sup> and one room is used for this purpose.

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<sup>406</sup> Ombudsperson, *Report for 2019*, available in Croatian at: <https://bit.ly/2VaHJUt>.

<sup>407</sup> Article 8 Detention Centre Ordinance.

<sup>408</sup> *Ibid.*

<sup>409</sup> Article 10 Detention Centre Ordinance.

<sup>410</sup> Article 7 Detention Centre Ordinance.

<sup>411</sup> *Ibid.*

<sup>412</sup> Article 24 Detention Centre Ordinance.

<sup>413</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>414</sup> Article 19 Detention Centre Ordinance.

<sup>415</sup> Article 18 Detention Centre Ordinance.

<sup>416</sup> FRA, *Periodic data collection on the migration situation in the EU*, March 2018, available at: <https://bit.ly/2UocZvZ>.

<sup>417</sup> Article 20 Detention Centre Ordinance.

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>418</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.

There is no special mechanism in the detention centre to identify persons with special reception needs. Although vulnerable applicants were rarely detained in the past few years, when that happened, vulnerable persons 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>419</sup>

## 3. Access to detention facilities

### Indicators: Access to Detention Facilities

#### 1. Is access to detention centres allowed to

❖ Lawyers:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Limited	<input type="checkbox"/> No
❖ NGOs:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Limited	<input type="checkbox"/> No
❖ UNHCR:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Limited	<input type="checkbox"/> No
❖ Family members:	<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>420</sup>

Persons are allowed to receive visits at least twice a week.<sup>421</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, 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>422</sup> meaning that visits must be announced two day in advance and may last up to maximum one hour.

<sup>418</sup> ECtHR, *Daraibou v. Croatia*, Application No 84523/17, available at: <https://bit.ly/2RZ2uCl>.

<sup>419</sup> Information provided by the Border Police Directorate, 14 October 2015.

<sup>420</sup> Articles 4 and 21 Detention Centre Ordinance.

<sup>421</sup> Article 22 Detention Centre Ordinance.

<sup>422</sup> Article 26(3) Detention Centre Ordinance, citing Article 22.

### 3.1. Access of lawyers to detention facilities

Attorneys at law reported problems in accessing the Reception Centre **Ježev** as well as problems in relation to privacy with their client.<sup>423</sup>

The Civil Rights Project (CRP), an NGO that provides free legal aid to applicants for international protection in the procedure before Administrative Court reported that they have improved their cooperation with the Reception Centre for Foreigners in **Ježev**. CRP announces every visit two days in advance by e-mail. According to CRP, the privacy of conversations with the client depends on the individual assessment made by police officers of the clients's behaviour, i.e. risks of violence and/or aggression.<sup>424</sup>

### 3.2. Access of NGOs and UNHCR to detention facilities

In practice, some NGOs have faced obstacles to accessing detention centres in 2019. The Centre for Peace Studies reported that their employees did not have access to the Reception Centre for Foreigners in **Ježev** and the Transit Reception Centre for Foreigners in **Tovarnik**.<sup>425</sup>

The Centre for Peace studies tried to gain access to the Centres in **Tovarnik** and **Trilj** in the context of a research on the rights of the victims in detention, however their access was denied. They also tried to gain access to the Reception Centre for Foreigners in **Ježev** in vain, based on the argument that the centre has concluded many agreements on co-operation and was therefore overburdened with the organisation of numerous visits by NGOs and lawyers. Centre for Peace Studies does not have access to Centre in Ježev since 2018.

Are you Syrious (AYS) did not ask for access to Reception Centres in **Ježev**, **Trilj** and **Tovarnik** in the course of 2019. Nevertheless, they emphasized, that, unlike in previous years, it became impossible to find out whether a particular person was detained, for example in situations where AYS was contacted by the family of the person who assumed that a person may be in detention and asked AYS to contact the centre to check accordingly.<sup>426</sup>

The Croatian Red Cross has access to the Reception Centre for Foreigners in **Ježev** when needed.<sup>427</sup> According to information available at JRS website<sup>428</sup>, JRS team is present every week in the Reception Centre for Foreigners where they provide legal counselling, psychosocial support and organise different cultural and sports activities in order to raise the quality of life. UNHCR has also access to the 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?

Applicants for international protection are informed orally by the staff of the Ministry of Interior about the reasons of their detention during the delivery of the decision.

<sup>423</sup> Information provided by attorneys at law, 3 December 2019.

<sup>424</sup> Information provided by Civil Rights Project, 6 December 2019.

<sup>425</sup> Information provided by the Centre for Peace Studies, 24 December 2019.

<sup>426</sup> Information provided by the Are you Syrious, 27 January 2020

<sup>427</sup> Information provided by the Croatian Red Cross, 20 December 2019.

<sup>428</sup> The JRS website is available at: <https://bit.ly/2RiMdWS>.

As decisions are written in complex legal language, the majority of applicants 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 2019 that clients were not informed about the reasons of detention.<sup>429</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.

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 2019 was 43 days (21 days in cases of citizens of Syria, Afghanistan and Iraq) before the Administrative Court of **Zagreb**.

The majority of complaints against detention before Administrative Courts were rejected in 2019:

Administrative Court decisions on “restriction of freedom of movement”: 2019				
Category	Zagreb	Osijek	Split	Total
Accepted	6	0	:	6
Accepted-case referred back to the Ministry of Interior	1	0	0	1
Rejected	51	0	:	51
Dismissed as inadmissible	2	0	:	2
<b>Total</b>	<b>60</b>	<b>0</b>	<b>0</b>	<b>60</b>

Source: Administrative Court of Zagreb, 21 January 2020; Administrative Court of Rijeka, 18 January 2020; Administrative Court of Osijek, 7 January 2020; Administrative Court of Split, 27 January 2020.

In 2019, the High Administrative Court received 12 onward appeals in cases of detention. 11 appeals were rejected and one was accepted.<sup>430</sup>

One attorney at law reported that, in some cases, hearings are not held in due time before the Administrative Court,<sup>431</sup> while another attorney reported that courts do not act urgently in most cases concerning a restriction of movement i.e. the measure has already expired, so hearings are held *pro forma*.<sup>432</sup> A similar issue was reported by a lawyer from an NGO according to which a decision brought by the Administrative Court was delivered to the legal representative at a moment where the client was no longer detained.<sup>433</sup> Another attorney reported that some detained clients were not invited at the hearings before the Administrative Court as only attorneys were allowed to attend the hearing.<sup>434</sup>

<sup>429</sup> Information provided by attorneys-at-law, 3 December 2019.

<sup>430</sup> Information provided by the High Administrative Court, 15 January 2020.

<sup>431</sup> Information provided by attorney-at-law, 3 December 2019.

<sup>432</sup> Information provided by attorney-at-law, 16 December 2019.

<sup>433</sup> Information provided by Civil Rights Project, 6 December 2019.

<sup>434</sup> Information provided by attorney-at-law, 21 December 2020.

## 2. Legal assistance for review of detention

### Indicators: Legal Assistance for Review of Detention

1. Does the law provide for access to free legal assistance for the review of detention?  
☐ Yes ☒ No
2. Do asylum seekers have effective access to free legal assistance in practice?  
☒ Yes ☐ No

In detention cases, applicants are entitled to free legal aid. According to national legislation the measure of accommodation at the reception centre for foreigners (i.e. detention) may be imposed if, following an individual assessment, it is established that other alternative measures would not achieve the purpose of restriction of freedom of movement. However, some attorneys at law and one legal representative from an NGO reported that decisions on the restriction of freedom of movement do not always contain a reasoning behind the individual assessment. They simply state that the individual assessment has determined that detention is necessary because other measures cannot achieve the purpose of restricting freedom of movement.<sup>435</sup>

One attorney reported that in one case, detention was ordered based on criminal proceedings, while at the same time a less severe measure was imposed in that same criminal procedure.<sup>436</sup> Another attorney at law reported that clients in detention were not aware of their rights to appeal the detention decision before the Administrative Court which is why deadline has expired.<sup>437</sup> Another one reported that clients were not informed about the reasons behind the detention.<sup>438</sup>

In the past lawyers and legal representatives could easily contact and meet with their clients. However in 2018 and 2019, they faced difficulties in accessing the Reception Centre for Foreigners in **Ježevo** as well as the Transit Reception Centres. The Centre for Peace Studies in Croatia reported that lawyers providing support to applicants for international protection in the **Ježevo** Reception Centre for Foreigners could not hold confidential conversations with their clients, as a police officer is always in the room.<sup>439</sup>

The Civil Rights Project (CRP) further reported that the privacy of conversations with the client depends on the individual assessment conducted by police officers of the clients' behaviour, i.e. risk of violence and/or aggression.<sup>440</sup> One attorney reported that she was informed that the Reception Centre for Foreigners is a closed and protected facility and that they are obliged to protect visitors; meaning that the attorney was given the choice to have physical protection during the interview with the client. After the attorney informed the police officer that police presence was not needed, the officer left the room.<sup>441</sup>

### 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>435</sup> Information provided by attorneys at law, 3 December 2019, 6 December 2019, 16 December 2019, 21 January 2020.

<sup>436</sup> Information provided by attorney-at-law, 21 December 2020.

<sup>437</sup> Information provided by attorney at law, 21 January 2020.

<sup>438</sup> Information provided by attorneys at law, 3 December 2019.

<sup>439</sup> FRA, *Migration flows: Key fundamental rights concerns – Q2*, 2019, available at: <https://bit.ly/3dXREnQ>.

<sup>440</sup> Information provided by Civil Rights Project, 6 December 2019.

<sup>441</sup> Information provided by attorney at law, 16 January 2020.



## Content of International Protection

The previous Action plan for the integration of beneficiaries of international protection, which covered the period from 2017-2019, foresaw the adoption of a relocation plan once a year to monitor the integration of persons granted international protection based on their needs.<sup>442</sup> This was never applied in practice, however. As the Integration Action Plan expired at the end of 2019, a new one is under development, covering the period from 2020 to 2022.<sup>443</sup>

On 14 November 2019, the Government issued a decision on the composition of the new Permanent Commission for the Implementation of Integration of Foreigners in Croatian Society.<sup>444</sup> The latter will be composed of representatives of: state administration's bodies, Governmental Offices, local and regional self-government units, public institutions as well as of a representative of a non-governmental organisation. The composition of this new commission has been modified insofar as it provides for the appointment of a representative of local and regional unit and a representative of non-governmental organization, which were not part of the previous commission.<sup>445</sup>

Basic information for the Integration of Foreigners can be found in an amended guide for integration which was prepared by the Croatian Governmental Office for Human Rights and the Rights of National Minorities in 2019. The guide is available in 7 languages (Croatian, English, French, Ukrainian, Arabic, Urdu and Farsi).<sup>446</sup> The Croatian Red Cross has also prepared leaflets in 4 languages (English, Arabic, Farsi, French) containing basic information for beneficiaries of international protection as well as contact details to relevant institutions and NGOs.<sup>447</sup>

IOM Croatia has further issued a Guidebook for the stakeholders involved in the integration process of the persons granted the international protection.<sup>448</sup> The manual is available in Croatian and English.<sup>449</sup> IOM Croatia is participating in the European Commission (DG HOME) funded project "COMMIT: Facilitating the integration of resettled refugees in Croatia, Italy, Portugal and Spain". Within this project, IOM Croatia contribute to following project action's: systematising community support, including through building capacity of key stakeholders in receiving communities and piloting community mentorship schemes with specific attention to vulnerable groups, as well as fostering transnational exchange between new and experienced resettlement countries to identify and disseminate lessons learned and best practices beyond the project's geographical scope.<sup>450</sup>

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 sufficiently addressed at state level. The greatest problems are still related to learning the Croatian language, health care, employment, education and accommodation, as detailed in this Chapter.

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<sup>442</sup> The Government of the Republic of Croatia – Office for Human Rights and the Rights of National Minorities, Action plan for integration of persons who have been granted international protection for the period from 2017 to 2019, available at: <https://bit.ly/34i1Eng> and in Croatian at: <https://bit.ly/2Xi0bfd>.

<sup>443</sup> Information provided by Welcome Initiative, 3 March 2020.

<sup>444</sup> Croatian Government, 'Decision on Establishment of the Permanent Commission for Implementation of Integration of Aliens into Croatian Society', 15 November 2019, available in Croatian at: <https://bit.ly/2z5RSJC>.

<sup>445</sup> Croatian Government, 'Information meeting of the Permanent Commission for Implementation of Integration of Aliens into Croatian Society Held', 23 December 2019, available in Croatian at: <https://bit.ly/2UPn6Nu>.

<sup>446</sup> Croatian Government, 'An updated edition of the Integration Guide has been published', 21 January 2019, available in Croatian at: <https://bit.ly/2Xi52wX>.

<sup>447</sup> Croatian Red Cross, *Leaflets for beneficiaries of international protection*, available in Croatian, English, French Arabic and Farsi at: <https://bit.ly/2ylqneu>; Information provided by the Croatian Red Cross, 20 December 2019.

<sup>448</sup> IOM, 'IOM Croatia has issued a Guidebook for the stakeholders involved in the integration process of the persons granted the international protection in the Republic of Croatia', available at: <https://bit.ly/39O3LAG/>.

<sup>449</sup> IOM, 'Practical Guide through the Process of Early Integration for Persons granted International Protection, available at: <https://bit.ly/2xV1feF>; and in Croatian at: <https://bit.ly/2V7cOqZ>.

<sup>450</sup> IOM, 'COMMIT - Facilitating the integration of resettled refugees in Croatia, Italy, Portugal and Spain', available at: <https://bit.ly/2JOXCJC>.



In overcoming those challenges, beneficiaries are assisted by various NGOs:

- The Croatian Red Cross (CRC) has provided psychosocial support for beneficiaries of international protection in 2019 under their integration programme. Support was provided through an individual approach in various forms, such as direct assistance in exercising educational, employment, health and social rights, interpretation services in relation to enrolment in the education system, distribution of humanitarian aid, financial aid, support for children in learning. Beneficiaries can approach CRC in their integration premises every working day from 8.a.m until 4.p.m.<sup>451</sup>
- Are you Syrious (AYS) provides various activities both in their integration centre and outside the centre. The organisation reported that it conducts an informal beginner's Croatian language course as well as an advanced Croatian language course, the latter one being organised in collaboration with Centre for Croatian as a Second and Foreign Language (Croaticum).<sup>452</sup> Other activities include the requalification for scarce occupations, organized educational workshops and visits to cultural events for children under international protection; support for homework for children; provision of information in relation to various areas of integration etc. In 2019, Are You Syrious? printed leaflets related to their Free Social Shop. The leaflets are available in the following languages: English, Farsi, Kurumanji and Arabic. The leaflets were distributed at the Reception Centre for Applicants of International Protection.<sup>453</sup>
- JRS provides language courses. Moreover, together with volunteers and refugees, they established “Staze”, the first newspaper in Croatia for refugees that is written by refugees themselves. “Staze” is published in four languages: Croatian, English, Arabic and Persian/Farsi. The newspaper covers topics relevant to refugees and the challenges they face. The workshop and publication creates a sense of community and gathers volunteer and refugees together to work on the same goal.<sup>454</sup>
- At the end of November 2018, the Platform “Danube Compass” was introduced to help with migrants' economic and social integration into society.<sup>455</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>456</sup> In May 2019, the final conference of the project “The Danube Region Information Platform for Economic Integration of Migrants – DRIM”, was held. The key outcomes were presented at the conference, outlining the information platform “Danube Compass”, which is designed to facilitate migrants' economic and social integration into the community, providing key information on all important aspects of life in an easily accessible way. “Danube Compass” is thus a central place for all integration services that migrants can use, as well as the institutions and organisations that work with migrants.<sup>457</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>458</sup> A [Web platform for integration](#) is also provided by the NGO Mi.

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<sup>451</sup> Information provided by the Croatian Red Cross, 20 December 2019.

<sup>452</sup> Croaticum, available at: <https://bit.ly/2yz2i42>.

<sup>453</sup> Information provided by Are You Syrious, 27 January 2020.

<sup>454</sup> JRS website, available at: <https://bit.ly/2Rko8il>.

<sup>455</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>456</sup> Information provided by Centre for Peace Studies, 27 December 2018. See also: <http://hr.danubecompass.org/>.

<sup>457</sup> EMN, *Bulletin*, July 2019, available at: <https://bit.ly/34GhR5V>.

<sup>458</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2019.

- The lawyers of the Croatian Law Centre provided legal information to beneficiaries of international protection in CLC's premises when needed and in the Integration House run by the Croatian Red Cross once a month in the course of 2019.

## 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>459</sup> and to foreigner under subsidiary protection for a period of 3 years.<sup>460</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>461</sup> The request for issuing residence permit should be submitted to the competent police administration,<sup>462</sup> and the residence permit should be issued within 30 days from submitting the request.<sup>463</sup>

According to the Ministry of Interior 411 residence permits were issued to asylees and 79 to foreigners under subsidiary protection in 2018.<sup>464</sup> However no information is available for 2019.

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>465</sup>

### 2. Civil registration

According to the Law on State Register,<sup>466</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 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 15 days of the birth.

Marriage is regulated by the Family Law.<sup>467</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

<sup>459</sup> Article 75(2) LITP.

<sup>460</sup> Article 75(3) LITP.

<sup>461</sup> Article 55(1)-(2) LITP.

<sup>462</sup> Article 75(1) LITP; Article 10(1) Ordinance on the Forms and Data Collections in the Procedure for International and Temporary Protection.

<sup>463</sup> Article 12(1) Ordinance on the Forms and Data Collections in the Procedure for International and Temporary Protection.

<sup>464</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>465</sup> Article 65(3) LITP.

<sup>466</sup> Official Gazette 96/1993, 76/2013, 98/2019.

<sup>467</sup> Official Gazette 103/15, 98/2019.

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.

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 2019: | Not available |
|---|---------------|

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>468</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>469</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 exceed 18 months.<sup>470</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>471</sup>

Permanent residence shall be granted to any foreigner who, along with the above conditions:<sup>472</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>473</sup>

In 2018, 8 long term residence statuses 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>474</sup> However, no information is available for 2019.

### 4. Naturalisation

#### Indicators: Naturalisation

- |   |               |
|---|---------------|
| 1. What is the waiting period for obtaining citizenship?  | 8 years       |
| 2. Number of citizenship grants to beneficiaries in 2019: | Not available |

Requirements for the acquisition and termination of Croatian citizenship are regulated by the Law on Croatian Citizenship.<sup>475</sup>

An application for Croatian citizenship on grounds of naturalisation should be submitted at the competent police administration or police station, where the place of temporary or permanent residence is located.

<sup>468</sup> Article 92(1) Law on Foreigners.

<sup>469</sup> Article 92(2) Law on Foreigners.

<sup>470</sup> Article 93(3) Law on Foreigners.

<sup>471</sup> Article 95(1)(3) Law on Foreigners.

<sup>472</sup> Article 96(1) Law on Foreigners.

<sup>473</sup> Article 93(4) Law on Foreigners.

<sup>474</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>475</sup> Official Gazette 53/1991, 70/1991, 28/1992, 113/1993, 4/1994, 130/2011, 110/2015, 102/2019.

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>476</sup>

A foreign citizen who submit application for acquiring Croatian citizenship shall acquire Croatian citizenship by naturalisation if he or she:<sup>477</sup>

1. Has reached the age of eighteen years;
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>478</sup>
3. Before submitting application, he or she has lived at 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,
5. Respects the legal order of the Republic of Croatia, has covered all due taxes and other financial obligations towards public bodies and there are no security related restrictions to accessing Croatian citizenship. "

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>479</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.

## 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>480</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.

<sup>476</sup> Article 24 (3)(4) Law on Croatian Citizenship.

<sup>477</sup> Article 8(1)(5) Law on Croatian Citizenship.

<sup>478</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>479</sup> Article 77(1)(2) LITP.

<sup>480</sup> Article 49(1) LITP.

**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>481</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>482</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>483</sup>

According to the Ministry of Interior, there were no cases of cessation of international protection in 2015, 2016, 2017 or 2018.<sup>484</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. No information on cases of cessation of international protection is available for 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>485</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

<sup>481</sup> Article 49(2) LITP.

<sup>482</sup> Article 49(3) LITP.

<sup>483</sup> Article 72 LITP.

<sup>484</sup> Information provided by the Ministry of Interior, 2 March 2017; 13 February 2018, 28 January 2019.

<sup>485</sup> Article 50 LITP.

to the 1951 Convention, especially in relation to the prohibition of discrimination, freedom of religion, access to courts, education, non-punishment of irregular 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>486</sup> No information on cases of revocation of international protection is available for 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>487</sup> as well as by the Law on Foreigners.<sup>488</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>489</sup>

The Croatian Law Centre, in cooperation with UNHCR Croatia, the Ministry of the Interior and the Ministry of Foreign and European Affairs, created leaflets with information on the procedure for family reunification. The leaflet was published in Croatian, and translated into Arabic, Farsi and English.<sup>490</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;

<sup>486</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>487</sup> Article 66 LITP.

<sup>488</sup> Articles 47-61 Law on Foreigners.

<sup>489</sup> Article 66(5) LITP.

<sup>490</sup> CLC, UNHCR, Ministry of Interior and Ministry of Foreign and European affairs, *Family reunification in Croatia - Information for persons granted international protection*, available in Croatian at: <https://bit.ly/2RfNCgY>; in Arabic at: <https://bit.ly/2V7Prh5>; in Farsi at: <https://bit.ly/2whB6Ge>; and in English at: <https://bit.ly/2Xi6lwe>.



- 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>491</sup>

## 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>492</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>493</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>494</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>495</sup>

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<sup>491</sup> Article 66(6) LITP.

<sup>492</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>493</sup> Article 54(1) Law on Foreigners.

<sup>494</sup> Article 58 Law on Foreigners.

<sup>495</sup> Article 52(1)-(2) Law on Foreigners.

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. No information was available in 2019, however.

## 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>496</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. In 2019, a relocation plan for persons who were granted international protection foreseeing their decentralised placement should have been adopted by the Government of the Republic of Croatia. Thus, in March 2019, the Draft Plan has been sent to the State administration bodies for comments. The aim of this Plan is to help facilitate the process of accommodation of the persons who have been granted international protection in Croatia into the state-owned or private housing units across the country.<sup>497</sup> However, there is no information on whether the plan was adopted or not.

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>498</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>499</sup> while foreigners under subsidiary protection are issued special passport for foreigners, valid for 2 years.<sup>500</sup>

<sup>496</sup> Article 66(4) LITP.

<sup>497</sup> EMN, *Bulletin*, April 2019, available at: <https://bit.ly/2Ri0Ut3>.

<sup>498</sup> Article 73 LITP.

<sup>499</sup> Article 75(6) LITP.

<sup>500</sup> Article 75(8) LITP; Article 6(3) Law on Foreigners.

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 the third country nationals,<sup>501</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 is valid 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.

Beneficiaries are requested to notify authorities of their intention to travel or stay abroad, irrespective of the destination as they do not have to mention their destination. If a person stayed abroad longer than the allowed duration, for example 6 months, she or he might lose his or her right to stay in Croatia and would thus have to regulate his or her stay again upon return.<sup>502</sup>

## D. Housing

### Indicators: Housing

- |   |                          |
|---|--------------------------|
| 1. For how long are beneficiaries entitled to stay in reception centres?        | Two years <sup>503</sup> |
| 2. Number of beneficiaries staying in reception centres as of 31 December 2019: | Not available            |

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>504</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 lawsuit 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.<sup>505</sup> With the expiry of 2 years' time limit they have the right to accommodation pursuant to the legislation regulating the field of social welfare.<sup>506</sup> In practice however, beneficiaries of international protection are allowed to stay in the Reception Centre for Applicants for International Protection until appropriate accommodation (a flat) is found for them.

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

<sup>501</sup> Article 51a Ordinance on the Status and Work of the third country nationals.

<sup>502</sup> EMN study, *Beneficiaries of international protection travelling to their country of origin*, November 2019, available at: <https://bit.ly/2Rfztz1>.

<sup>503</sup> This time limit is foreseen by law but does not reflect the reality in practice, as explained further below.

<sup>504</sup> Articles 67 and 67a LITP.

<sup>505</sup> Article 67(4) LITP.

<sup>506</sup> Article 67(5) LITP.

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 delivery of the decision but it does not delay its enforcement.<sup>507</sup> The ministry responsible for social welfare renders a decision on the appeal, against which a lawsuit may be filed with the competent administrative court within eight days of the date of delivery of the decision.

The right to accommodation of an asylee and foreigner under subsidiary protection shall cease in the following cases:<sup>508</sup>

- 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;
- 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 delivered. 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 lawsuit 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.

According to Jesuit Refugee Service, finding apartments has become harder for refugees, especially for single men. This is due to both the reluctance of owners to rent apartments to foreigners and to the increase of renting prices in Zagreb.

The 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.

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<sup>507</sup> Article 67 (7) LITP.

<sup>508</sup> Article 67(8) LITP.

## 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>509</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 and the language courses, which is a precondition for successful integration and accessing the labour market.

In order to carry out the quality integration of asylees and foreigners under subsidiary protection in Croatian society, the Ministry of Science and Education, in cooperation with the Sector for Schengen Coordination and European Union funds of the Ministry of Interior, prepared the project "Integration of refugees and foreigners under subsidiary protection in Croatian society, education and preparation for inclusion in the labour market ". The program aims to provide 280 hours of language courses to refugees and foreigners under subsidiary protection.<sup>510</sup>

At the meeting of the Coordination for Integration, an informal network of NGOs, which was held in April 2019, it was reported that the official Croatian language course had begun in city of **Zadar**, while it was not conducted in other Croatian cities due to public procurement difficulties.

According to information provided by representatives of the Ministry of Science and Education during the national EMN meeting held in November 2019, the language course is organised for interested beneficiaries in **Zagreb**, **Slavonski Brod**, in **Sisak** and **Karlovac**.

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.<sup>511</sup> 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 employees and volunteers provide support to all beneficiaries of international protection during this integration period.<sup>512</sup>

In relation to employment, they provide support in terms of: finding employment, establishing contacts and organising meetings with (potential) employers; as well as coordinating with relevant institutions and the Croatian Employment Service (CES).

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. Once a month lawyers of the Croatian Law Centre are providing legal information in the Integration House to beneficiaries of international protection, including information on employment and their rights within the system.

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<sup>509</sup> Article 68(1) LITP.

<sup>510</sup> European Commission and EMN, *Ad hoc query in 2019 - Early language support*, requested on 29 January 2019, available at: <https://bit.ly/2XnH3fQ>.

<sup>511</sup> Article 67(4) LITP.

<sup>512</sup> Information provided by the Croatian Red Cross, 20 December 2019.

The Croatian Red Cross reported problems in integration of vulnerable beneficiaries of protection (single parents, persons with disability, chronically ill persons) as in many cases they are not able to work. After the 2 years of paid accommodation, they are thus at risk of falling into poverty.<sup>513</sup>

Many other NGOs such as JRS, the Centre for Peace Studies, the Rehabilitation Centre for Stress and Trauma, Are you Syrious also provide assistance during integration. The Integration Centre “SOL”, which is run by JRS and was opened in 2018, provides support and guidance to individuals and families in the Republic of Croatia, who have been granted international protection, in their integration process.<sup>514</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 the Law on the Labour Market asylee and foreigner under subsidiary protection, as well as their family members may apply to the CES. According to this Law, they are equal with Croatian citizens in terms of rights and obligations.

The Ordinance on the records of the CES regulates, among other things, the registration to the CES's records of the beneficiaries of international protection.<sup>515</sup>

According to 2019 figures provided by the CES, 146 asylees (of which 64 women), 12 foreigners under subsidiary protection (of which 5 women) and 13 family members of beneficiaries of international protection (of which 10 women) were registered in their records of unemployed persons.<sup>516</sup> In the course of 2019, 125 persons (100 asylees, 12 foreigners under subsidiary protection and 13 family members of beneficiaries of international protection) were included in individual counselling at CES, while 18 persons (11 asylees, 6 foreigners under subsidiary protection and 1 family member of the beneficiary of international protection) were included in active employment policy measures.

The majority of persons registered were from Syria (117) and Iraq (24). CES highlights the lack of knowledge of Croatian and/or English language as well as the low motivation to learn the language and to be engaged in other programs that can raise the chances of gaining employment as a major obstacle to the integration of beneficiaries of protection. Furthermore, as an additional challenge to integration, CES highlights work attitudes and cultural differences, especially among women.

## 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>517</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.

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<sup>513</sup> Information provided by the Croatian Red Cross, 20 December 2019.

<sup>514</sup> JRS, 'Refuge Integration Centre „SOL“ opened', 2018, available at: <https://bit.ly/3chtSBs>.

<sup>515</sup> Official Gazette 28/2019

<sup>516</sup> Information provided by the Croatian Employment Service, 15 January 2020.

<sup>517</sup> Article 70 LITP.

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.

According to Are you Syrious, in 2019 official Croatian language courses have started only at the beginning of December 2019, and the timelines for the courses (9am-12pm and 4pm-7pm) make it impossible for employed beneficiaries to attend the course.

Are you Syrious (AYS) further reported that children are still facing problems with enrolment in schools, especially in secondary school. AYS illustrated this issue with the example of a child who missed the deadline for enrolment and thus failed to regularly enter the school system. After several months of chasing both the school and the competent Ministry of Science and Education, the child ended up being enrolled in adult education. Additional problem observed by AYS, is that after the expiry of the two years following which beneficiaries have to move from the paid apartment to another address, new documents indicating the new residence are necessary to be able to enrol the children in the new school where they have moved. In 2019, AYS recorded a case where the family did not have sufficient financial resources for obtaining new documents and consequently could not enrol their children in school.

For students who have insufficient knowledge of the Croatian language, the school is obliged to organise preparatory classes, but according to AYS, practice has shown that the process of organising preparatory classes is extremely long and children often wait several months before such classes are approved. Also, some children have to go to another school for preparatory classes, and as a result, they are not attending part of their classes at their own school.<sup>518</sup>

According to the Croatian Red Cross, official Croatian language courses are not organised continuously nor tailored to the needs of the beneficiaries. The Red Cross has set up its network of volunteers with whom they have developed successful collaboration.<sup>519</sup>

JRS offers language courses in its Refugee Integration Centre “SOL” and provides additional activities for persons granted protection such as educational workshops that promote technology and IT literacy. The JRS team, together with volunteers and refugees, also created “Staze”, the first newspaper in Croatia for refugees that is written by refugees themselves. “Staze” is published in four languages: Croatian, English, Arabic and Persian/Farsi. The newspaper covers topics relevant to refugees and the challenges they face. The workshop and publication creates a sense of community and gathers volunteer and refugees together to work on the same goal.<sup>520</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>521</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>522</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.

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<sup>518</sup> Information provided by Are You Syrious, 27 January 2020.

<sup>519</sup> Information provided by the Croatian Red Cross, 20 December 2019.

<sup>520</sup> See JRS's website at: <https://bit.ly/2yHzLtj>.

<sup>521</sup> Article 73 LITP.

<sup>522</sup> Official Gazette 157/2013, 152/2014, 99/2015, 52/2016, 16/2017, 130/2017, 98/2019.



The basic information on welfare benefits can be found on the [WELCOMM](#) website.<sup>523</sup>

The realisation of social rights in Croatia also depends on the place of residence

Following the Amendments to the Decision of Social Welfare in 2019,<sup>524</sup> the social rights provided by the City of **Zagreb** were extend to families of asylees and foreigners under subsidiary protection.<sup>525</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>526</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>527</sup> in the same scope as health insured persons under mandatory health insurance.<sup>528</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>529</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>530</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 Are You Syrious. The Croatian Red Cross (CRC) also reported problems related to health care and provision of services in healthcare facilities. Often, CRC employees are helping beneficiaries of international protection to find a family doctor in the area where they are located. However, according to CRC, doctors are referring beneficiaries to other doctors arguing that they reached their maximum quota of patients.<sup>531</sup>

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<sup>523</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>524</sup> Amendments available in Croatian at: <https://bit.ly/2UQoMXa>.

<sup>525</sup> City of Zagreb, *Social welfare decision*, 4 April 2019, available at: <https://bit.ly/2URy7hj>.

<sup>526</sup> Article 69(1)-(2) LITP.

<sup>527</sup> Article 17 Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

<sup>528</sup> Article 21(1) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

<sup>529</sup> Article 21(2) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

<sup>530</sup> Article 21(3) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

<sup>531</sup> Information provided by the Croatian Red Cross, 20 December 2019.

## ANNEX I – Transposition of the CEAS in national legislation

All legal standards of the CEAS have been transposed in Croatian 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  Law on International and Temporary Protection Official Gazette 70/15, 127/2017	<a href="http://bit.ly/1MRraQ5">http://bit.ly/1MRraQ5</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)  <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 2013/32/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)