

# Country Report: Croatia



2020  
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, IOM, UNHCR, , attorneys at law and relevant organisations, including the Croatian Red Cross, the Centre for Peace Studies, Doctors of the World (MdM), Jesuit Refugee Service, Civil Rights Project Sisak Rehabilitation Centre for Stress and Trauma, Are you Syrious, Institute of Ethnology and Folklore Research , as well as from other publicly available sources.

The information in this report is up-to-date as of 31 December 2020, 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>CPS</b>	Centre for Peace Studies   Centar za mirovne studije
<b>CRC</b>	Croatian Red Cross   Hrvatski crveni križ
<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

Limited asylum statistics for 2020 can be found on the website of the Ministry of Interior.<sup>1</sup> However, they did not provide a detailed breakdown on all grounds by country of origin in 2020.

### Applications and granting of protection status at first instance: 2020

	Applicants in 2020	Pending at end 2020	Refugee status	Subsidiary protection	Rejection	Refugee rate	Sub. Prot. rate	Rejection rate
<b>Total</b>	1,932	N/A	36	6	N/A	N/A	N/A	N/A

Breakdown by countries of origin of the total numbers

Afghanistan	934	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Iraq	435	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Iran	100	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Syria	96	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Turkey	93	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Egypt	56	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Morocco	46	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pakistan	30	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Algeria	23	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Eritrea	18	N/A	N/A	N/A	N/A	N/A	N/A	N/A

While the statistics on granted international protection from the Ministry of Interior do not provide a breakdown by nationality, figures shared by UNHCR indicate that in 2020, international protection was granted to the persons from the following countries: Syria (12), Iran (8), Iraq (7), Turkey (5), Democratic Republic of the Congo (3), Afghanistan (1), other (6).<sup>2</sup> In addition, UNHCR indicated that a total of 378 asylum applications were pending at first and second instance in 2020, i.e. before the Ministry of Interior and administrative courts. According to UNHCR, the total recognition rate (for both refugee status and subsidiary protection) in 2020 was 16.87%.<sup>3</sup>

<sup>1</sup> Ministry of Interior, *Statistics*, available in Croatian at: <https://bit.ly/3acOGM1>.

<sup>2</sup> UNHCR, *Annual Statistical Snapshot - Asylum: Croatia 2020*, available in English: <https://bit.ly/3uV8coD>.

<sup>3</sup> UNHCR, Information provided on 18 May 2021.

#### Gender/age breakdown of the total number of applicants: 2020

	Number	Percentage
<b>Total number of applicants</b>	1,932	N/A
Men (incl. children)	1194	N/A
Women (incl. children)	738	N/A
Children	756	N/A
Unaccompanied children	186	N/A

Source: Ministry of Interior, *Statistics*, available in Croatian at: <https://bit.ly/3acOGM1>; Ombudsperson for Children: *Report on the work of the Ombudswoman for Children in 2020*, March 2021, available online as of 6 April 2021 at : <https://bit.ly/2RAtdFV>.

#### Comparison between first instance and appeal decision rates: 2020

	First instance		Appeal	
	Number	Percentage	Number	Percentage
<b>Total number of decisions on merits</b>	N/A	N/A	N/A	N/A
Decisions granting international protection	42	N/A	1	N/A
Rejection	N/A	N/A	104	N/A

Source: Ministry of Interior, *Statistics*, available in Croatian at: <https://bit.ly/3gh62Lg>.



## 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:</i> Official Gazette 127/2017	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:</i> Official Gazette 143/2012 <i>Amended:</i> Official Gazette 152/2014  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:</i> Official Gazette 29/2017	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, in force until the end of 2020 Official Gazette 130/2011  <i>Amended:</i> Official Gazette 74/2013 <i>Amended:</i> Official Gazette 69/2017 <i>Amended:</i> Official Gazette 46/2018 <i>Amended:</i> Official Gazette 66/19 <i>Amended:</i> Official Gazette 53/2020	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), 53/2020	Law on Foreigners	<a href="http://bit.ly/1Rf18Kg">http://bit.ly/1Rf18Kg</a> (HR)  <a href="http://bit.ly/1CgRDB8">http://bit.ly/1CgRDB8</a> (HR) <a href="https://bit.ly/2lj1ZKv">https://bit.ly/2lj1ZKv</a> (HR) <a href="https://bit.ly/2RSz49b">https://bit.ly/2RSz49b</a> (HR) <a href="https://bit.ly/2QLt5jM">https://bit.ly/2QLt5jM</a> (HR) <a href="https://bit.ly/3aawFOc">https://bit.ly/3aawFOc</a> (HR)
	Zakon o strancima	Law on Foreigners	<a href="https://bit.ly/2OLg8ZC">https://bit.ly/2OLg8ZC</a> (HR)

Law on Foreigners, in force since 1 January 2021 Official Gazette 133/2020	NN 133/2020		
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 <i>Amended:</i> Official Gazette 26/2021	Zakon o obveznom zdravstvenom osiguranju i zdravstvenoj zaštiti stranaca u Republici Hrvatskoj  NN 80/2013, 15/2018, 26/2021	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)  <a href="https://bit.ly/3uJOYl6">https://bit.ly/3uJOYl6</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 health care standards for applicants for international protection and foreigners under temporary protection Official Gazette 28/2020	Pravilnik o standardima zdravstvene zaštite tražitelja međunarodne zaštite i stranca pod privremenom zaštitom NN 28/2020	Ordinance on health care standards	<a href="https://bit.ly/3sbArNC">https://bit.ly/3sbArNC</a> (HR)
Ordinance on the manner of implementing the programme and tests of knowledge of asylum seekers, asylees, foreigners under temporary protection and foreigners under subsidiary protection, for the purpose of joining the education system of the Republic of Croatia Official Gazette 89/2008	Pravilnik o načinu provođenja programa i provjeri znanja tražitelja azila, azilanata, stranaca pod privremenom zaštitom i stranaca pod supsidijarnom zaštitom, radi pristupa obrazovnom sustavu Republike Hrvatske NN 89/2008	Ordinance on Knowledge Tests	<a href="http://bit.ly/1Gm5yGG">http://bit.ly/1Gm5yGG</a> (HR)
Decision on the Programme of Croatian language, history and culture for asylum seekers and asylees Official Gazette 129/2009	Odluka o programu hrvatskog jezika, povijesti i kulture za tražitelje azila i azilante NN 129/2009	Decision on Croatian Language Programme	<a href="http://bit.ly/1SuZQLq">http://bit.ly/1SuZQLq</a> (HR)
Decision on the Programme of Croatian language, history and culture for asylees and foreigners under 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 Prihvatištu 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/2IQNEgT">http://bit.ly/2IQNEgT</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	Rješenje o utvrđivanju cijene dozvole boravka za azilanta i stranca pod supsidijarnom zaštitom NN 98/2016	Decision on the Price of Residence Permits	<a href="http://bit.ly/2kvB0Un">http://bit.ly/2kvB0Un</a> (HR)

Official Gazette 98/2016  Corrigendum Official Gazette 102/2016	Ispravak Rješenja o utvrđivanju cijene dozvole boravka za azilanta i stranca pod supsidijarnom zaštitom NN 102/2016		<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 <i>Amended:</i> Official Gazette 119 /2020	Odluka o osnivanju Stalnog povjerenstva za provedbu integracije stranaca u hrvatsko društvo NN 110/2019, 119 /2020	Decision on the Establishment of a Permanent Commission for Integration	<a href="https://bit.ly/2wCNTTX">https://bit.ly/2wCNTTX</a> (HR)  <a href="https://bit.ly/3wXxALF">https://bit.ly/3wXxALF</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 <i>Amended:</i> Official Gazette 146/2020	Pravilnik o statusu i radu državljana trećih zemalja u Republici Hrvatskoj NN 52/2012, 81/2013, 38/2015, 100/2017, 61/2018, 116/2018, 146/2020		<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) <a href="https://bit.ly/2OLhIA6">https://bit.ly/2OLhIA6</a> (HR)

## Overview of the main changes since the previous update

The report was previously updated in **April 2020**.

In 2020, the main challenge which directly impacted the Croatian asylum system was the COVID-19 pandemic. The Government 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>4</sup> The general recommendations related to the outbreak of COVID-19 can be found on the website of Croatian Institute for Public Health.<sup>5</sup> These measures and recommendations targeted directly and indirectly applicants for and beneficiaries of international protection. In addition a series of strong and devastating earthquakes hit Croatia in the course of 2020, which also influenced the work of institutions as well as the mental health of applicants for international protection and beneficiaries of international protection.

### *Asylum procedure*

- ❖ **Access to the territory:** Access to the territory and to the international protection procedure remains one of the most serious concerns in 2020. This report provides an overview of information on push back practices reported by testimonies, NGOs, human rights bodies, UN bodies, media and other relevant actors scrutinising border practices carried out by national authorities in 2020. According to the Danish Refugee Council (DRC) and UNHCR Serbia, 18,400 persons have been refused access to the territory, including vulnerable groups such as children. This refers to 16,425 push backs from Croatia to Bosnia and Herzegovina (BiH) according to DRC and 1,975 push backs from Croatia to Serbia according to UNHCR Serbia. These incidents also raise serious concerns over the level of violence and the use of force by national law enforcement authorities in many cases.
- ❖ **Key statistics on the asylum procedure:** The number of applicants for international protection in 2020 was slightly lower than in the previous year, decreasing from 1,986 applicants in 2019 to 1,932 in 2020. Although detailed statistics were not made available by national authorities, the recognition rate remained low in 2020, as only 42 persons were granted international protection. Moreover, 103 appeals out of 123 cases were rejected by the Administrative Court of Zagreb in 2020. The total number of pending cases at first and second instance reached 378 at the end of 2020. However, it should be noted that more than 1,600 international protection procedures were suspended because the concerned person left the country, thereby indicating that Croatia remains mainly a transit country.
- ❖ **First instance procedure:** As opposed to the first interview on the lodging of the application where in some cases remote interpretation services were used, substantive in-merit interviews continued to be conducted in person and no particular delays were reported in 2020. While Dublin transfers were suspended due to COVID-19, applications for international protection continued to be processed throughout the year.
- ❖ **Unaccompanied children:** The Ombudswoman for children reported that at least 170 children were expelled in 2020 according to data collected by the Border Violence Monitoring Network (BVMN), and testimonies of violence against them and their family members were recorded. In 2020, 942 children seeking international protection were registered, out of which 186 were unaccompanied which is a significant increase compared to 2019. A total of 17 international protection statuses were granted to children, however none of them to unaccompanied children as they left Croatia before the end of procedure. According to the Ombudswoman for children, conditions in social welfare institutions do not meet the specific needs of unaccompanied children and do not provide adequate protection for

<sup>4</sup> National Civil Protection Authority, *Decisions on Covid-19*, available in Croatian at: <https://bit.ly/2wSOReS>.

<sup>5</sup> Croatian Institute of Public Health, *Recommendations related to COVID-19*, available in Croatian at: <https://bit.ly/3e5IAOs>.



children. There is an insufficient number of professional staff and they are not specially trained to work with foreign children.<sup>6</sup>

- ❖ **Other vulnerable groups:** In 2020, an Ordinance on health care standards for applicants for international protection and foreigners under temporary protection entered into force. The Ordinance regulates amongst other the scope of health care for vulnerable applicants for international protection. It should be further noted that Standard Operational Procedures (SOPs) in Cases of Sexual and Gender-Based Violence in the Reception Centres for Applicants of International Protection are currently in the process of being finalised.

#### *Reception conditions*

- ❖ **Impact of COVID-19 on reception:** Due to the spread of COVID-19, Reception Centres for applicants of international protection were adapted to epidemiological measures. The daily presence of a physician was ensured, while the access for persons not necessary to the functioning of these facilities was limited from March until the end of 2020. Throughout the year, a total of 1,348 applicants for international protection were subjected to self-isolation.<sup>7</sup>

#### *Detention of applicants for international protection*

- ❖ **Detention grounds:** On 24 June 2020, the Constitutional Court issued a decision rejecting the proposal to initiate proceedings to review the constitutionality of Article 54 para. 11 of the Law on International and Temporary Protection (LITP). This provision regulates that the Ministry of Interior, the police administration or the police station shall render a decision on the restriction of movement, establishing the type of measure concerned and its duration, which must be proportionate to the aim of the restriction of movement.<sup>8</sup> The applicant considered that said provision is contrary to Article 22 para. 2 of the Constitution,<sup>9</sup> as it stipulates that decisions on restrictions on the freedom of movement of applicants for international protection are issued by an executive body rather than a court. Despite the fact that the Constitutional Court did not initiate proceedings to review the constitutionality, it emphasised in its reasoning that the provisions of the LITP must be interpreted and applied in the light of relevant EU directives and existing case-law of the Court of Justice of the European Union (CJEU).
- ❖ **Detention conditions:** In August 2020, the Council of Europe Committee for the Prevention of Torture (CPT) visited a number of border police stations as well as the reception centre for foreigners (Ježevo) in Croatia to examine the conditions of detention and pre-removal procedures.<sup>10</sup> According to the Croatian Ombudsperson, the report on the CPT visit was adopted in November 2020 and the Council of Europe (CoE) Commissioner for Human Rights urged Croatia to publish it. Yet, the report was still not publicly available as of April 2021.
- ❖ **Access to legal assistance for detained irregular migrants:** In 2020, the Ombudsperson initiated an investigation related to access to free legal aid for irregular migrants detained in the Reception Centre for foreigners in Ježevo. It revealed that detainees did not seem to be aware of the right to free legal aid and do not receive contact details of organisations providing legal information and/or legal assistance. It was therefore recommended that information on free legal aid should be provided in different languages in the Centre and that information should be provided to each migrant that is issued a return decision.

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<sup>6</sup> Ombudsperson for Children: *Report on the work of the Ombudswoman for Children in 2020*, March 2021, available online as of 6 April 2021 at : <https://bit.ly/2RAtdfV>.

<sup>7</sup> Ombudsman, Annual report 2020, available in Croatian at: <https://bit.ly/3aaQXar>.

<sup>8</sup> Constitutional Court, Decision Number: U-I-503/2018, 24 June 2020, available in Croatian at: <https://bit.ly/3wY8SLs>.

<sup>9</sup> Article 22 paragraph 2 of the Croatian Constitution reads: *No one shall be deprived of liberty, nor may liberty be restricted, except when specified by law, upon which a court shall decide.*

<sup>10</sup> Council of Europe, 'Council of Europe anti-torture Committee carries out rapid reaction visit to Croatia to examine treatment of migrants', 18 August 2020, available at: <https://bit.ly/3dlr9ok>.

- ❖ **Lack of integration:** Similarly to previous years, beneficiaries of international protection face significant challenges in exercising their rights. The most important issues still relate to the language barrier, health care, employment, education and housing. Although the previous Integration Action Plan expired at the end of 2019, a new Integration Action Plan was still not adopted in 2020. COVID-19 further hampered the access to the labour market and to housing, thereby putting beneficiaries of international protection at risk of homelessness. A Working Group of the Permanent Commission for the Implementation of Integration of Foreigners in Croatian Society was further established in 2020. Among others things, the Working group prepares proposals for national strategies in the field of integration and ensures the operational implementation of planned tasks, and also reports to the Permanent Commission on the implementation and progress related to the implementation of planned activities.
- ❖ **Hate speech and discrimination:** During 2020, hate speech against applicants for international protection and beneficiaries of international protection continued to be reported.<sup>11</sup> In September 2020, an acceptance Index placed Croatia on the 4th place of the least accepting countries for migrants in the world.<sup>12</sup>

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<sup>11</sup> Ombudsman, *Annual report 2020*, available in Croatian at: <https://bit.ly/3aaQXar>.

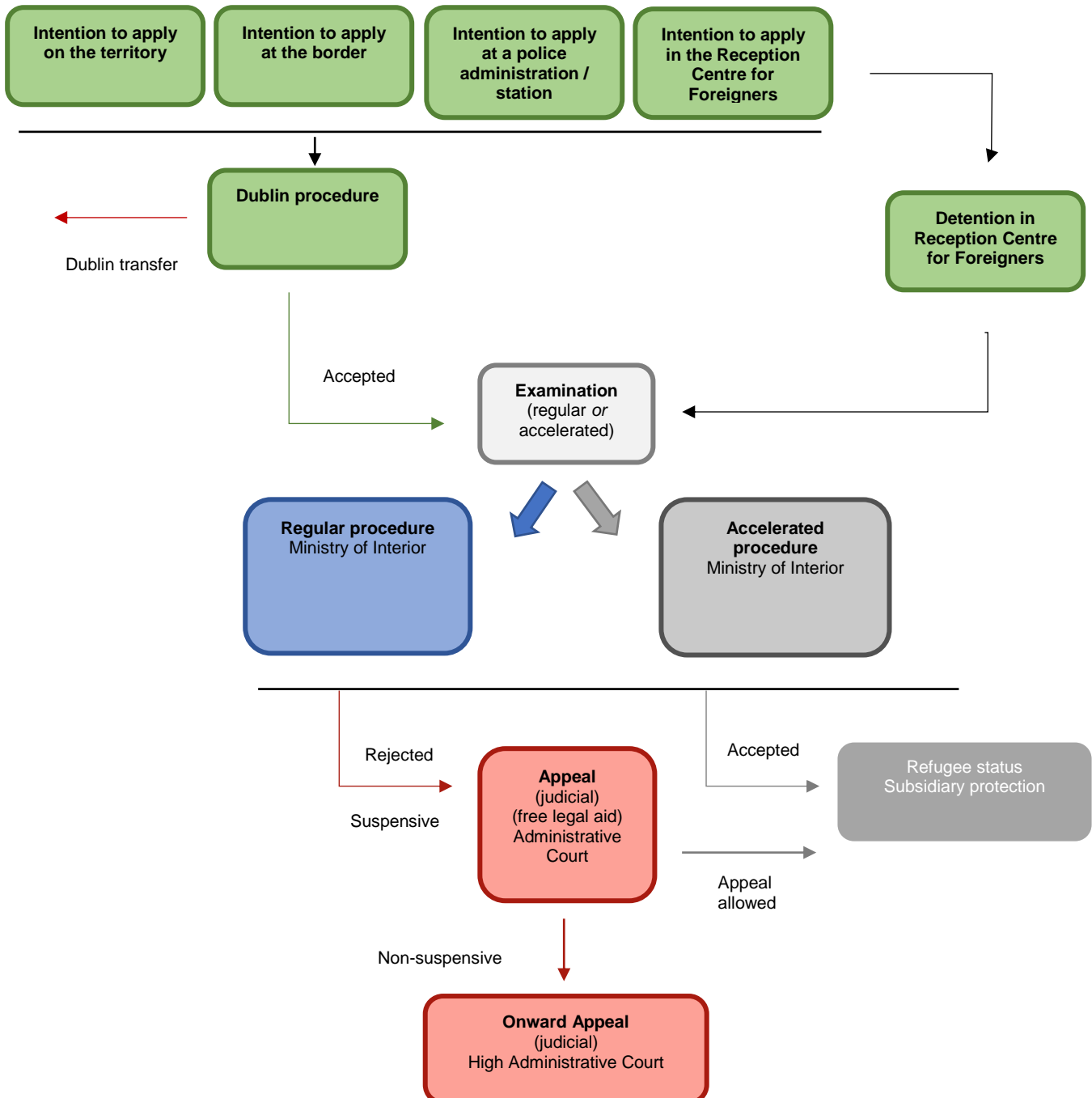
<sup>12</sup> Gallup, *World Grows Less Accepting of Migrants*, available at: <https://bit.ly/3uOYeV9>.



# 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>13</sup> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ▪ Fast-track processing: <sup>14</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>15</sup> However there is no information available on whether this has changed in the course of 2019 or 2020.

## 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>13</sup> For applications likely to be well-founded or made by vulnerable applicants. See Article 31(7) recast Asylum Procedures Directive.

<sup>14</sup> Accelerating the processing of specific caseloads as part of the regular procedure.

<sup>15</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

Following the entry into force of the amendments of the Decree on the internal structure of the Ministry of Interior in March 2019,<sup>16</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>17</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. In September 2020, a new Decree on the internal structure of the Ministry of Interior entered into force.<sup>18</sup> The same organisational units are responsible for asylum related matters.

Croatia has a single procedure for international protection. 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 procedure and, on the basis of all the relevant facts and circumstances arising from the application, the applicant's position and personal circumstances (including sex and age) based on the testimony presented during the interview, the evidence submitted and available country of origin information, as well as the activities of the 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 application for international protection. 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>19</sup>

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>20</sup>

<sup>16</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>17</sup> This Sector further includes units responsible for other migration-related matters e.g. citizenship, legal residence of foreigners, visas etc.

<sup>18</sup> Decree on the internal structure of the Ministry of Interior, Official Gazette 97/2020, available in Croatian at: <https://bit.ly/2Rrj1zK>.

<sup>19</sup> Articles 27 and 28 LITP.

<sup>20</sup> Article 29 LITP.

As far as the Croatian Law Centre is aware, the Head of the Department for international protection procedure reviews all decisions in order to ensure the quality of decisions.

## 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>21</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 international protection. 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>22</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>23</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>24</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>25</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>26</sup> and shall issue a decision within 6 months of a duly completed application or a duly completed and admissible subsequent application.<sup>27</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 the Dublin procedure is responsible for examining the Dublin criteria and carrying out Dublin transfers to another Member State.

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<sup>21</sup> Article 32(1) LITP.

<sup>22</sup> Article 33(8) LITP.

<sup>23</sup> Article 33(9) LITP.

<sup>24</sup> Article 33(10) LITP.

<sup>25</sup> Article 34(2) LITP.

<sup>26</sup> Article 35(1) LITP.

<sup>27</sup> Article 40(1) LITP.

The procedure for international protection 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, although the latter is not used in practice according to Croatian Law Centre's knowledge.

### **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>28</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>29</sup> The border procedure was still not applied in 2020 according to the Croatian Law Centre's knowledge.

### **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.

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<sup>28</sup> Article 41(5) and 51(1)(1) LITP.

<sup>29</sup> Information provided by the Ministry of Interior, 28 January 2019.

## 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
  - ❖ If so, who is responsible for border monitoring? ☐ National authorities ☐ NGOs ☐ Other
  - ❖ If so, how often is border monitoring carried out? ☐ Frequently ☐ Rarely ☐ Never

In 2020, besides the spread of COVID-19, the main challenge continued to be a strict border regime that limits access to the territory and to the procedure for international protection in Croatia, raising serious concerns for the protection of human rights of applicants for international protection.

#### 1.1. Illegal border practices, push-backs and ill-treatment

According to the Ministry of the Interior, there were 29,094 illegal border crossings in 2020, thus marking an increase of 43.5% compared to 2019 when 20,278 illegal border crossing cases were recorded. The main countries of origin of persons apprehended while illegally crossing the border were Afghanistan, Pakistan, Bangladesh and Morocco. The share of citizens of Morocco, Bangladesh and Afghanistan in irregular migration has increased significantly compared to 2019, while the number of Turkish citizens dropped. Out of the total number of irregular migrations, more than 90% refer to young and middle-aged men.<sup>30</sup>

Nationalities	Illegal crossing of the border (persons)			Location of interception			
	2019	2020	Trend in %	Border crossing point	Near the border	Deep into the territory	Accepted by the police of another state
Afghanistan	3,776	8,505	+125.2	1,507	1,008	3,752	2,238
Albania	463	310	-33.0	23	63	156	68
Algeria	1,223	753	-38.4	33	44	288	388
Bangladesh	1,129	2,915	+158.2	35	174	1,361	1,345
Bosnia and Herzegovina	90	100	+11.1	16	27	44	13
Egypt	211	565	+167.8	12	37	404	112
Iraq	1,730	1,651	-4.6	20	349	888	394
Iran	894	1,005	+12.4	60	178	501	266
Kosovo	662	505	-23.7	45	112	228	120
Morocco	829	2,366	+185.4	179	55	766	1,366
Pakistan	4,060	5,923	+45.9	108	308	2,458	3,049
Syria	1,258	1,842	+46.4	62	229	1015	536
Serbia	85	62	-27.1	15	18	17	12
Tunis	241	127	-47.3	12	20	50	45
Turkey	1,874	984	-47.5	71	74	606	233
Other	1,753	1,481	-15.5	128	252	611	490
<b>TOTAL</b>	<b>20,278</b>	<b>29,094</b>	<b>+43.5</b>	<b>2,326</b>	<b>2,948</b>	<b>13,145</b>	<b>10,675</b>

<sup>30</sup> Ministry of Interior, *COVID and crime in 2020 - Commentary on security indicators in the Republic of Croatia*, available at: <https://bit.ly/3u27i8F>, 41.

Source: Ministry of Interior, *Statistical overview of basic safety indicators and work results in 2020*, available at: <https://bit.ly/3uUnuKh>, 159.

The section below provides an overview of reports and sources of border practices carried out by national authorities in 2020 based on information provided by testimonies, NGOs, human rights bodies, UN bodies, media and other relevant actors in the asylum field. They confirm that over 18,400 persons have been refused access to the territory, while some of them were also denied access to the asylum procedure, including vulnerable groups such as children. This refers to 16,425 push backs from Croatia to Bosnia and Herzegovina (BiH) according to DRC,<sup>31</sup> and 1,975 push backs from Croatia to Serbia according to UNHCR Serbia.<sup>32</sup> These incidents also raise serious concerns over the level of violence and the use of force by national law enforcement authorities.

### **Push-back practices reported by national and European NGOs and other actors**

Pushback practices persisted throughout 2020 as reported by many organisations such as Amnesty International, the Danish Refugee Council (DRC), the Border Violence Monitoring Network (BVMN), Are You Serious? (AYS), Welcome! Initiative', and the Institute of Ethnology and Folklore Research.<sup>33</sup> The Centre for Peace Studies (CPS) also reported pushback practices of children.<sup>34</sup>

The **Centre for Peace Studies (CPS)** reported that push backs practices and denying access to asylum as well as actions of the Croatian police at the borders continued to be the most problematic aspect in relation to access to asylum system in 2020.<sup>35</sup> According to CPS illegal deportations continued and increased in violence. The Border Violence Monitoring Network, of which CPS is a member, recorded 110 testimonies of pushbacks affecting 1,656 persons in 2020. In 58.59% of these cases, persons expressed the intention to seek asylum in Croatia, and in 39% cases persons were under the age of 18. In almost 90% of cases some form of torture or degrading treatment was recorded.

According to **Are You Serious? (AYS)**, before being pushed back, victims were often taken to police stations or were held in informal detention facilities.<sup>36</sup> Of particular concern is the fact that, according to migrants' testimonies, some people have been returned from Croatia to places near minefields. AYS reported that during 2020, the methods of violent and degrading treatment at the Croatian borders intensified compared to previous years and now cover almost 90% of all reported cases. Police dogs' attacks on 136 individual victims were also recorded in 2020, while 31% of victims reported that Croatian border guards threatened them with firearms or even shot at them. In almost 30% of cases recorded by the Border Violence Monitoring Network (co-founded also by AYS), chained push back occurred from **Italy** or **Austria**, via Slovenia, and then from Croatia. According to AYS, this procedure usually begins with return based on bilateral readmission agreements between Slovenia and neighbouring countries. More information on these bilateral agreements and return procedures can be found in the AIDA report on **Slovenia**. The latter report indicates that a total of 9,950 persons were returned to Croatia from Slovenia based on a readmission agreement.<sup>37</sup> After handing migrants over to the Croatian authorities, according to AYS, they were placed in police vans and expelled from Croatian territory without any regular procedure, far from the official border crossings at the so-called green border. 58% of victims reported that they had tried unsuccessfully to seek asylum in Croatia, and some added that they had been told that there was no asylum in Croatia.

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<sup>31</sup> DRC, *Border Monitoring Snapshot December 2020*, available at: <https://bit.ly/3afZuJk>.

<sup>32</sup> AIDA, *Country Report: Serbia—2020 Update*, March 2021, available at: <https://bit.ly/3v5G8ye>, p. 24.

<sup>33</sup> Amnesty International, 'Croatia: Fresh evidence of police abuse and torture of migrants and asylum-seekers', 11 June 2020, available at: <https://bit.ly/3gblJ5z>; Welcome! Initiative: Police shooting and physical marking of refugees marks the week ahead of Victory Day, 8 May 2020, available at: <https://bit.ly/32tSUux>; Information provided by the Institute of Ethnology and Folklore Research, 11 January 2021.

<sup>34</sup> Centre for Peace Studies: *Pushback report on children and unaccompanied children in Croatia*, available at: <https://bit.ly/3txDxg8>.

<sup>35</sup> Information provided by the Centre for Peace studies, 22 January 2021.

<sup>36</sup> Information provided by AYS. 2 February 2021.

<sup>37</sup> AIDA, *Country report Slovenia – 2020 Update*, April 2021, available at, <https://bit.ly/3x5bQxz>, p.20. The statistics were made available by the Slovenian police and are available at : <https://bit.ly/3tGSw7d>.



During 2020, the **Danish Refugee Council (DRC)** was present in Bosnia and Herzegovina (BiH). DRC Outreach Protection Teams monitored pushbacks from Croatia to BiH and documented pushbacks and human rights violations at the Croatia-BiH border.<sup>38</sup> DRC reported that 16,425 people were pushed back from Croatia to BiH in the course of 2020.<sup>39</sup> Pushbacks were recorded irrespectively of people's age, gender or country of origin. A certain number of those who were push backed reported that access to the procedure for international protection was denied to them after explicitly requesting it to Croatian police. Some reported to DRC that they were silenced, laughed at or beaten when requesting asylum. Some of the interviewees reported being pushed back to BiH, despite never having passed through the country to enter Croatia. Push backs and human rights violations were reported not only by men but also by families with children, single women, and UASC. DRC interviewed family members reporting that part of their family (most commonly children, sometimes accompanied by a female family member) were separated as a direct or indirect consequence of pushbacks. Theft and destruction of property, physical violence, and degrading treatment by Croatian officials were also reported to DRC. Persons reported having their possessions (mobile phones, power banks, clothes, footwear, etc.) confiscated and/or destroyed (set on fire) their personal documents (including passports) taken away from them and/or burnt.

Abusive and degrading treatment that was reported to DRC, has included the following:

- being stripped of all clothes while being searched by the police,
- placing men, women and children in confined spaces, such as closed rooms or vehicles,
- confining people in cold spaces,
- not providing water or denying access to toilets,
- violently driving police vans with persons inside,
- being collectively stripped of clothes,
- driven to the border while locked up with dogs,
- forced to walk across the river,
- forced to run a "gauntlet" of police officers with batons,
- firing of shots in the air,
- being required to lie on the ground or kneel for an hour or more,
- intimidation with dogs or dog attacks ,
- taking away people's shoes or shoelaces,
- use of pepper spray or electro-shockers,
- beatings with batons, wooden sticks and metal shafts,
- kicking and punching.

DCR further reported that between 12 and 16 October 2020, medical doctors working in BiH in the Emergency room of the primary healthcare centre in **Velika Kladusa** and medical doctors working in the Reception centre **Miral**, infirmary run by DRC reported 52 cases treated for injuries and trauma associated with the reported events. In all of the cases recorded by the medical teams, Croatian police were reported as being the perpetrators by the patients. The average age of the patients examined was 25, while four of the patients were minors. All of the observed cases showed visible signs and clear patterns of violence applied, namely:

- 71% had contusions (bruises consistent with blunt force trauma);
- 19% had hematomas;
- 15% had wounds;
- Almost 10% (five patients) had fractures 31 patients (60%) had more than one injury on different parts of the body, out of which 18 (35% of total) had multiple injuries (on three or more different parts of the body);
- 67% of the observed cases had injuries on the back side of the body;
- 52% (27) had injuries on the back, out of which 60% in the upper part of the back;
- 44% (23) had injuries on the upper extremities (seven of them on both sides);
- 40% (21) had injuries on the lower extremities (four of them on both sides);
- 27% (14) had injuries of the head and neck;
- 17% (9) had injuries of the gluteal area;
- 11% (6) had injuries of the chest wall.

<sup>38</sup> DRC, *Our work in BiH*, available at: <https://bit.ly/3dgCcou>.

<sup>39</sup> DRC, *Border Monitoring Snapshot December 2020*, available at: <https://bit.ly/3afZuJk>.



- One recorded case had clear physical signs of rape with a foreign object.
- All of the cases observed needed to come back for follow up appointment.

On 18 December 2020, on the occasion of the International Migrants Day, the Border Violence Monitoring Network (BVMN) released its 'Black Book of Pushbacks' which presents detailed evidence on these violations and documents the violence at the EU's external borders.<sup>40</sup>

As already mentioned above, it is important to note that pushback practices also affected vulnerable groups such as children. The Centre for Peace Studies, together with Border Violence Monitoring Network, Society for Psychological Assistance and Welcome Initiative published a „Pushback report on children and unaccompanied children in Croatia“ in 2020.<sup>41</sup> The report contains testimonies of children and their families as well as of unaccompanied children on violent and illegal methods that prevented their access to the international protection procedure. In a similar vein, the Ombudsman for Children also reported on pushbacks of children in 2020.<sup>42</sup> Médecins du Monde-Belgium further noted cases of separation of families at the borders – with mothers and children being sent to reception centres, while fathers were returned to Bosnia.<sup>43</sup>

During the year 2020, reports on deaths of migrants were also reported as dead bodies were found floating in the **Mrežnica River**,<sup>44</sup> and the **Korana River**,<sup>45</sup> near **Karlovac**. As reported in July 2020 by Initiative welcome, nine migrants were buried in the cemetery near the town of **Karlovac** in 2020 according to media reports.<sup>46</sup>

### Push-back practices reported by the media

Several media outlets have also reported on illegal border practices occurring in 2020. In May 2020, the Guardian reported that Croatian police allegedly spray-painted the heads of persons with crosses when they attempt to cross the border from Bosnia.<sup>47</sup> The Ministry of Interior denied these accusations.<sup>48</sup>

In July 2020, the Bosnian Border Police officers returned to Croatia migrants that were previously "transferred" to BiH territory by the Croatian police.<sup>49</sup> During the year, Bosnian media reported on the violent treatment of migrants by the Croatian police.<sup>50</sup>

In October 2020, a new article of the Guardian was published specifying that the Danish Refugee Council (DRC) has documented a series of brutal pushbacks at the Bosnia-Croatian border. The Guardian has obtained photographs and medical reports that support the accounts, described by aid workers as "sickening" and "shocking". "The testimonies collected from victims of pushbacks are horrifying," said Charlotte Slente, DRC secretary general. "More than 75 persons in one week have all independently

<sup>40</sup> BVMN, *Launch event of the Black Book of pushbacks*, 18 December 2020, available at: <https://bit.ly/3gltQ0l>.

<sup>41</sup> CMS, BVMN et al., *Pushback report on children and unaccompanied children in Croatia*, available at: <https://bit.ly/3dzQJvP>.

<sup>42</sup> Ombudsperson for Children, *Report on the work of the Ombudsman for Children in 2020*, March 2021, available online as of 7 April 2021 at: <https://bit.ly/3swZOtt>.

<sup>43</sup> FRA, *Migration Quarterly bulletin 4*, November 2020, available at: <https://bit.ly/3dk1XUZ>.

<sup>44</sup> Radio Mreznica, 'U Mrežnici pronađena tijela još dvojice migranata, 25 June 2020', available in Croatian at: <https://bit.ly/2P1vaL3>.

<sup>45</sup> Radio Mreznica, 'U Korani pronađen leš, najvjerojatnije migrant', 29 June 2020, available in Croatian at: <https://bit.ly/2QBWC2i>.

<sup>46</sup> Information provided by Initiative Welcome, 4 July 2020.

<sup>47</sup> The Guardian, *Croatian police accused of spray-painting heads of asylum seekers*, available at: <https://bit.ly/3mMCwP1>, May 2020.

<sup>48</sup> Ministry of Interior, *Reaction of the Croatian Ministry of the Interior to the article of the British news portal The Guardian*, available at: <https://bit.ly/3tpdNm8>, 13 May 2020.

<sup>49</sup> Klix.ba, 'Croatian police transferred migrants to BH, and BH border guards immediately returned them to neighbours', available at: <https://bit.ly/3tljYYH>.

<sup>50</sup> Disturbing content, 'Croatian police brutally beat migrants and illegally transferred them to BH', available at: <https://bit.ly/3dk3TGd>.

reported inhumane treatment, savage beatings and even sexual abuse”.<sup>51</sup> Nevertheless, the Croatian Ministry of interior rejected the allegations again.<sup>52</sup>

In November 2020, Der Spiegel published an article and videos demonstrating that the Croatian police expelled migrants from Croatian territory.<sup>53</sup> Similarly, a video published on the website of the Institute of Ethnology and Folklore Research shows approximately hundred people, including a significant number of children, who unsuccessfully sought protection and assistance from the Croatian police at the **Bosanska Bojna / Veliki Obljaj** border crossing in December 2020.<sup>54</sup>

### Reactions from UN bodies and European human rights bodies

This situation has drawn attention from UN bodies as well as the Council of Europe. In June 2020, Felipe González Morales, the UN Special Rapporteur on the human rights of migrants, and Nils Melzer, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, issued a joint statement stressing that Croatia must immediately investigate reports of excessive use of force by law enforcement personnel against migrants, including acts amounting to torture and ill-treatment, and sanction those responsible.<sup>55</sup> UNHCR Serbia reported on pushback practices from Croatia to Serbia as well,<sup>56</sup> referring to a total of 1,975 persons pushed back from Croatia to Serbia.<sup>57</sup> Additional information on pushbacks from Croatia to Serbia can be found in the 2020 AIDA report on [Serbia](#).

In August 2020, the Council of Europe Committee for the Prevention of Torture (CPT) completed a five-day rapid reaction visit to Croatia to examine the treatment of persons attempting to enter the country and apprehended by the police.<sup>58</sup> The delegation visited several temporary reception centres and informal migrant settlements in north-west **Bosnia and Herzegovina** where it interviewed and medically examined many migrants who claimed they were apprehended by Croatian law enforcement officials within the territory of Croatia and forcibly returned to Bosnia and Herzegovina. In Croatia, beside the Reception Centre for Foreigners in **Ježevo**, the delegation visited the **Cetingrad** Border Police Station, the **Donji Lapac** Border Police Station, the **Korenica** Border Police Station, the Intervention Police Unit of the Karlovac Police Administration (**Mali Erjavec**). The preliminary observations of the delegation were presented to the Croatian authorities at the end of the visit. According to the Croatian Ombudsperson, the report on the CPT visit was adopted in November and the CoE Commissioner for Human Rights urged to Croatia to publish it, as it is common practice for CPT reports to be made public, with exceptions being very rare.<sup>59</sup> As of the end of April 2021, the report was still not available.

In August 2020, Amnesty International prepared its submission for the Universal Periodic Review (UPR) of Croatia in November 2020.<sup>60</sup> It evaluated the implementation of recommendations made to Croatia in its previous UPR, including in relation to serious concerns about pushbacks and collective expulsions of refugees and migrants attempting to enter the country and in particular the allegations of violence perpetrated by the Croatian police. As reported by Initiative Welcome, in November 2020 during the sessions on the third cycle of the Universal Periodic Review (UPR), several UN member states made recommendations to Croatia regarding investigations into the use of excessive force against refugees and

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<sup>51</sup> The Guardian, Croatian police accused of 'sickening' assaults on migrants on Balkans trail, 21 October 2020, available at: <https://bit.ly/32j0SWY>.

<sup>52</sup> N1, Croatian police reject new allegations of violence against migrants, available at: <https://bit.ly/3dk6yXf>.

<sup>53</sup> N1: German Der Spiegel accuses Croatian police, 19 September 2020 available in Croatian at: <https://bit.ly/3v1cmL9>.

<sup>54</sup> Information provided by Institute of Ethnology and Folklore Research, 11 January 20221; video available at: <https://bit.ly/3aoy4Rn>.

<sup>55</sup> OHCHR, *Croatia: Police brutality in migrant pushback operations must be investigated and sanctioned – UN Special Rapporteurs*, 19 June 2020, available at: <https://bit.ly/3e5RKKS>.

<sup>56</sup> UNHCR Serbia, *Snapshots*, available at: <https://bit.ly/3v8faX7>.

<sup>57</sup> AIDA, *Country Report: Serbia—2020 Update*, March 2021, available at: <https://bit.ly/3v5G8ye>, p. 24.

<sup>58</sup> Council of Europe, 'Council of Europe anti-torture Committee carries out rapid reaction visit to Croatia to examine treatment of migrants', 18 August 2020, available at: <https://bit.ly/32gXsEs>.

<sup>59</sup> Ombudsman, *Annual report 2020*, available in Croatian at: <https://bit.ly/3aaQXar>.

<sup>60</sup> Amnesty International, *Croatia: Existing laws are failing victims of domestic violence – Submission for the UN Universal periodic review, 2-13 November 2020*, available at: <https://bit.ly/3sln1yo>.

migrants.<sup>61</sup> They recommended inter alia to stop illegal deportations, to improve border management in line with international human rights standards, and to combat discrimination against refugees and other migrants.<sup>62</sup> The UN Report of the Working Group on the Universal Periodic Review specifies that Croatia will examine recommendations in due time, but no later than the forty-sixth session of the Human Rights Council.<sup>63</sup>

In October 2020, the Council of Europe Commissioner for Human Rights, called on Croatia's authorities to stop violence against migrants at its border with Bosnia and Herzegovina and to start investigations against the police officers responsible for inhumane treatment of irregular migrants.<sup>64</sup>

In November 2020, the Slovenian Asylum Work Group and the Counselling Office of Workers submitted information under Article 20(1) of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and invited the Committee against Torture to open an inquiry into **Slovenia's** practice of push-backs of migrants and refugees to **Croatia**, a practice that results in illegal chain returns to **Bosnia and Herzegovina** and the systematic torture of returned migrants and refugees.<sup>65</sup> Furthermore, also in November, the director of the EU Fundamental Rights Agency (FRA) visited Croatia to get a better understanding about the allegations of fundamental rights violations at the external EU border.<sup>66</sup>

### Litigation on pushback practices and relevant complaints

Important litigation and relevant developments in relation to illegal border practices were reported in 2020. In March 2020, the ECtHR asked the Croatian government a series of questions about its push-back practices, on the grounds of individual complaints against Croatia, which the Syrians *SB*, *AA* and *AB* filed with the assistance of the European Center for Constitutional and Human Rights (ECCHR) and PRO ASYL in April 2019.<sup>67</sup> This is the first time that the Croatian government must answer in court for its practice of pushing back refugees and migrants to **Bosnia and Herzegovina** (BiH). On 25 May 2020, the ECtHR published a communication on the individual complaints brought by three Syrian refugees. The applicants – one of whom was an unaccompanied minor at the time – were denied an individual assessment of their case as they were summarily and collectively expelled from Croatia to BH in October 2018.

The Council of Europe Commissioner for Human Rights intervened as a third-party in the case *S.B and others v Croatia*.<sup>68</sup> The Commissioner emphasised that available information points to the existence of an established practice of collective returns of migrants from Croatia to Bosnia and Herzegovina, which are carried out outside of any formal procedure and without assessing their individual situation. The Commissioner also indicates that the practice is preventing individuals from properly exercising their right to seek international protection. Based on her own observations and numerous reports, the Commissioner also highlights widespread ill-treatment of migrants by Croatian law enforcement officers who continue to enjoy impunity, in the context of collective returns.<sup>69</sup> Another intervention in the case *SB v Croatia* was

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<sup>61</sup> Information provided by the Initiative Welcome, 13 November 2020.

<sup>62</sup> UN TV, *Croatia Review - 36th Session of Universal Periodic Review*, available at: <https://bit.ly/2RxGfEp>.

<sup>63</sup> United Nations, General Assembly, *Report of the Working Group on the Universal Periodic Review*, 16 December 2020; available at: <https://bit.ly/3wWYyAzE>.

<sup>64</sup> N1, Mijatovic calls on Croatia to stop violence against migrants on Bosnian border, 22 October 2020, available at: <https://bit.ly/3gh6R6X>.

<sup>65</sup> Slovenian Asylum Work Group and the Counselling Office of Workers, Information under Article 20(1) of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 29 November 2020, available at: <https://bit.ly/3uR8nkb>.

<sup>66</sup> FRA, FRA Director discusses border management in Croatia, 25 November 2020, available at: <https://bit.ly/3dhMeW>.

<sup>67</sup> ECtHR, *S.B. v. CROATIA and 2 other applications*, Application no.18810/19, 26 March 2020, available at <https://bit.ly/3gaGFuP>.

<sup>68</sup> ECtHR, *S.B. against Croatia - Third party intervention by the Council of Europe Commissioner for Human Rights*, 26 March 2020, available at: <https://bit.ly/2Q5OvuT>.

<sup>69</sup> ELENA Weekly Legal Update- 15 January 2021, available at: <https://bit.ly/2ORb6ej>.

submitted by the AIRE Centre, ECRE, the Dutch Council on Refugees, the Hungarian Helsinki Committee and the International Commission of Jurists (ICJ).<sup>70</sup>

In addition, the Syrian applicant, supported by ECCHR and PRO ASYL submitted a complaint to the UN Human Rights Committee (HRC) urging it to examine Croatia's practice of expulsions. This is the first time a complaint on push-backs was submitted to HRC. The case was registered and communicated to Croatia on 11 December 2020.<sup>71</sup> The case involves 21-year-old Syrian applicant who left BiH in 2018. He crossed the Croatian border and was subject to six push-backs which grew in violence and cruelty over the three-month period. Allegedly, the applicant was also subjected to acts of humiliation and electric shocks which left him unconscious. Requests for asylum or information were roundly dismissed, no identification or individual assessment was undertaken and the groups, a part of which he was, were ordered to cross irregularly back over the border.

During 2020, a certain number of people reported to DCR that were chained pushbacks from **Slovenia** through Croatia to BiH; from **Italy**, through Slovenia and Croatia to BiH as well as from **Austria**, through Slovenia and Croatia to BiH. Similar observations were made in the 2020 AIDA reports on **Slovenia** and **Austria**. Information provided by interviewees to DRC indicates that there is a level of communication and coordination between authorities of the different EU Member States, with interviewees reporting being "handed over" by the authorities of one state to another.<sup>72</sup> The reports on chained pushbacks were confirmed by a ruling from the Administrative Court of Rome in **Italy**, in January 2021 which concluded that an applicant was subject to an illegal chain pushback from Italy, via Slovenia and Croatia, to Bosnia-Herzegovina.<sup>73</sup> Incidents occurring at the Slovenian border are further documented in the 2020 AIDA report on **Slovenia**.

In January 2021, the civic initiative Info Kolpa from Slovenia, a member of the Border Violence Monitoring Network, reported that the Administrative Court concluded once again in December 2020 that the Republic of Slovenia violated the applicant's right to prohibition of collective expulsions, his right to prohibition of torture and his right to access to the asylum procedure, by following the abbreviated procedure on the basis of the Readmission Agreement between the Republic of Slovenia and the Republic of Croatia, through which it handed the applicant over to the Croatian authorities in August 2019.<sup>74</sup> Info Kolpa was assisting the applicant throughout the court proceedings.

In 2020, the Centre for Peace Studies filed four criminal charges in regard to illegal deportations accompanied by alleged torture and inhuman treatment.<sup>75</sup>

- In June 2020, CPS filed a criminal complaint<sup>76</sup> against unknown police officers on the suspicion of degrading treatment and torture of 33 persons and their push back to Bosnia and Herzegovina. Allegedly, according to their testimonies, all the victims were subject to torture and degrading treatment and their heads were sprayed by the police, amongst other things.
- In July 2020, another complaint was lodged at the State Attorney's Office in Zagreb against the unknown perpetrators due to the suspicion that they tortured, humiliated and pushed back 16 persons from Croatian territory to Bosnia-Herzegovina at the end of May 2020.<sup>77</sup>

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<sup>70</sup> ECtHR, *S.B. against Croatia – Third party intervention by the AIRE Centre, ECRE, DRC, HHC and the ICJ*, 8 December 2020, available at: <https://bit.ly/3adkqAz>.

<sup>71</sup> European Center for Constitutional and Human Rights (ECCHR): Push-backs in Croatia: Complaint before the UN Human Rights Committee, Available at: <https://bit.ly/3dp4Xzz>.

<sup>72</sup> Danish Refugee Council, Border Monitoring Snapshots, January - December 2020 available at: <https://bit.ly/3xhJ2SK>.

<sup>73</sup> Administrative Court of Rome, Decision RG-564202020, 12 January 2021 available in Italian at: <https://bit.ly/3gsnk8F>.

<sup>74</sup> Press release from Infokolpa Civil Initiative, from 11 January 2021, available at : <https://bit.ly/3voT0Ag>, refers to Slovenian Administrative Court, Decision I U 1686/2020-126, 7 December 2020

<sup>75</sup> Information provided by the Centre For Peace studies, 22 January 2021.

<sup>76</sup> Centre for peace Studies, *Criminal complaint against Croatian policemen for inhumane treatment of refugees*, 5 June 2020, available at: <https://bit.ly/3tuLSBm>.

<sup>77</sup> Centre for Peace Studies, *CPS filed one more criminal complaint: What is the connection between Croatian police and armed men in black?*, 23 July 2020, available at: <https://bit.ly/3gnVaLY>.

- In December 2020, CPS filed another two criminal charges to the State Attorney's Office, for two separate cases against unknown perpetrators. The case involves a total of 13 victims, including two children, who were detained and then handed over to ten armed men dressed in black, with phantoms on their heads. The latter humiliated and pushed back the victims to Bosnia and Herzegovina, and one of the victims was raped by one of the perpetrators.<sup>78</sup> The case was also described in an article in Guardian.<sup>79</sup>

The Croatian government has dismissed allegations of violence, but said that following the latest accusations, it would launch an investigation with the goal of removing any doubt about police conduct and punishing any possible misdemeanours.<sup>80</sup>

The Croatian Ombudswoman has initiated investigations into complaints regarding ill-treatment by the police.<sup>81</sup> During 2020, the Ombudsman's Office opened 39 cases regarding the mistreatment of irregular migrants and applicants for international protection by the Croatian police. For example, two investigation proceedings were initiated in connection with articles published by The Guardian. As a national preventive mechanism, the Ombudsperson was denied access to information, similarly to previous years.<sup>82</sup>

## 1.2. Criticism and accountability

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>83</sup> There is no further information available, however, as to whether this was implemented in practice.

Are You Syrious? (AYS) reported that human rights defenders engaged in their organisation continued to be put under pressure by national authorities in 2020.<sup>84</sup> One of their volunteer, an asylee from Iraq, who is also a partner of the only full-time employee in AYS, was directly targeted. At the end of 2019, he was offered to become an informant for the Ministry of the Interior / Security and Intelligence Agency, with threats that his status would be revoked if he refuses. Given that he still decided to refuse the offer, his refugee status was revoked in May 2020, with the explanation that he had falsely presented the facts in his case, and was declared a threat to national security. Considering that the volunteer is also a partner of AYS employee, AYS believes that this is a continuation of pressure towards their organisation. AYS also sent letters to the relevant parliamentary committees on the case.

A similar case was reported to Jesuit Refugee Service (JRS) as they received a complaint from a beneficiary of international protection who claimed that he was put under pressure by the Security and Intelligence Agency (SIA).<sup>85</sup>

## 1.3. Border monitoring

In previous years, a so-called border monitoring project was implemented by UNHCR and the Croatian Law Centre in cooperation with the Ministry of Interior. The project was financed exclusively by the

<sup>78</sup> Centre for Peace Studies, *New criminal charges on Human Rights Day, CPS demands an investigation into the connection between the Ministry of Interior and men in black uniforms with phantoms!*, 10 December 2020, available at: <https://bit.ly/3glMSEd>.

<sup>79</sup> The Guardian, 'Croatian police accused of 'sickening' assaults on migrants on Balkans trail', 21 October 2020, available at: <https://bit.ly/3dzRODT>.

<sup>80</sup> The Guardian, 'Croatia denies migrant border attacks after new reports of brutal pushbacks', 23 October 2020, available at: <https://bit.ly/32uThVz>.

<sup>81</sup> FRA, *Migration Fundamental Rights Concern - Quarterly bulletin 4-2020*, November 2020, available at: <https://bit.ly/3aoMroR>.

<sup>82</sup> Ombudsman, *Annual report 2020*, available in Croatian at: <https://bit.ly/3aaQXar>.

<sup>83</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>84</sup> Information provided by AYS, 2 February 2020.

<sup>85</sup> Information provided by JRS 12 January 2021.



UNHCR However, the project was not implemented in 2020 and border monitoring activities were not carried out.

Under the Agreement with the Ministry of Interior, CLC organised a 2-days training for border police officers - multipliers in the field of asylum in September 2020. Moreover, the CLC prepared a new updated edition of the 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>86</sup> The updated version includes also an article dealing with the most important case law of the European Court of Human Rights.

In the context of EU funding granted to Croatia for border management operations, Croatia should have set up a ‘monitoring mechanism’ to ensure that border management operations are fully compliant with fundamental rights and EU law. In November 2020, the European Ombudsman Emily O'Reilly launched an investigation into the lack of said mechanism. The European Ombudsman has opened an inquiry into a complaint from Amnesty International against the European Commission. The inquiry focuses on how the Commission seeks to ensure that the Croatian authorities respect fundamental rights in the context of border management operations. Amnesty International and other organisations have raised concerns about border management by the Croatian authorities, drawing attention to alleged human rights violations linked to ‘pushbacks’ of migrants and other border operations.<sup>87</sup> The complainant has raised doubts as to whether such a mechanism has been set up, and claims that the European Commission has failed to verify that the Croatian authorities have implemented border monitoring activities or how the allocated funds have been spent. The Ombudsman has set out a series of questions to the Commission and asked for a response by 31 January 2021. The questions seek to establish the nature of the monitoring mechanism and how the Commission has verified it has been set up. If it has been created, the questions seek to establish how the Commission has verified its effectiveness and, more generally, how the Commission ensures that border management operations that receive EU funds ensure respect for fundamental rights.<sup>88</sup> The Croatian Ombudsman's Office also requested information from the Ministry of Interior on the amount intended for the monitoring mechanism, and on the activities carried out, but no answer was received so far.<sup>89</sup>

In light of the absence of border monitoring activities in Croatia, but also in other countries, ECRE released a statement in cooperation with other NGOs calling for a new monitoring mechanism at European borders which should ensure fundamental rights and accountability.<sup>90</sup>

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<sup>86</sup> CLC, *Updated edition of the manual on “The right on the access to the asylum system and protection of the fundamental human rights of migrants”*, 2020, available in Croatian at: <https://bit.ly/2RMr9Lv>.

<sup>87</sup> Amnesty International: EU: Inquiry into European complicity in Croatian border violence against migrants and refugees ‘significant’, 10 November 2020, available at: <https://bit.ly/3tvKsqt>.

<sup>88</sup> European Ombudsman : Ombudsman inquiry opened on how European Commission seeks to ensure protection of fundamental rights in border management operations by Croatian authorities, 10 November 2020, available at: <https://bit.ly/3swiQQv>.

<sup>89</sup> Ombudsman, *Annual report 2020*, available in Croatian at: <https://bit.ly/3aaQXar>

<sup>90</sup> ECRE, Amnesty International, Danish Refugee Council (DRC), Human Rights Watch, International Rescue Committee (IRC), Oxfam, Refugee Rights Europe, Save the children, *Joint Statement: Turning rhetoric into reality: New monitoring mechanism at European borders should ensure fundamental rights and accountability*, 10 November 2020, available at: <https://bit.ly/3anLNYK>.

## 2. Registration of the asylum application

### Indicators: Registration

1. Are specific time limits laid down in law for making an application?  
❖ If so, what is the time limit for lodging an application? ☐ Yes ☒ No
2. Are specific time limits laid down in law for lodging an application?  
❖ If so, what is the time limit for lodging an application? ☒ Yes ☐ No  
15 days
3. Are registration and lodging distinct stages in the law or in practice? ☒ Yes ☐ No
4. Is the authority with which the application is lodged also the authority responsible for its examination? ☒ Yes ☐ No
5. Can an application be lodged at embassies, consulates or other external representations? ☐ Yes ☒ 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>91</sup> competent officials will refer him or her to the Reception Centre for Applicants for International Protection,<sup>92</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 foreigner expresses the intention to seek international protection at any stage of this procedure, the procedure should 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 since 2017 in accessing the territory and the asylum procedure (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>93</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>94</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

<sup>91</sup> Article 33(1) LITP.

<sup>92</sup> The Reception Centre is also the place where asylum seekers have to report themselves after expressing their intention to lodge an asylum claim and where interviews are conducted.

<sup>93</sup> Article 33(9) LITP.

<sup>94</sup> Information provided by the Border Directorate, 17 August 2018.

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>95</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>96</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>97</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>98</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>99</sup> according to LITP it shall be deemed that the applicant has withdrawn the application if he or she does not appear at the Reception Centre or avoids lodging an application and fails to justify this within 2 days of the time limit set for appearing at the Reception Centre, or for lodging an application.<sup>100</sup>

If the person is apprehended in an irregular situation once the deadline for an appeal has passed as well as the deadline to leave the European Economic Area, the provisions of the Law on Foreigners will apply. In particular, this means that the person 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>101</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.

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<sup>95</sup> Article 3(2) Ordinance on the forms and data collection in the procedure for international and temporary protection.

<sup>96</sup> Article 3(3)-(5) Ordinance on the forms and data collection in the procedure for international and temporary protection.

<sup>97</sup> Article 34(2) LITP.

<sup>98</sup> Information provided by the Ministry of Interior, 10 August 2018.

<sup>99</sup> Information provided by the Ministry of Interior, 13 February 2018.

<sup>100</sup> Article 39(2)(1) LITP.

<sup>101</sup> Article 34(3) LITP.



The procedure for international protection is initiated by lodging the application.<sup>102</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 will 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>103</sup> No information is available for such situations in 2019 and 2020.

Due to the COVID-19 pandemic, some changes have been introduced at the stage of the lodging of the application to adapt it to epidemiological measures. This includes conducting remote interpretation via skype in some cases during interviews for the purpose of lodging the application, due for example to the restriction of movement between countries and limiting access to some institutions. However no changes have been implemented regarding the second substantive personal interview. Besides some cases that were prioritised during the first lockdown from March to April (for example where deadlines needed to be met in manifestly unfounded cases), interviews were not delayed during the rest of the year. In addition during the 2020, all substantive interviews were held face by face and not remotely.

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>104</sup> The card is not issued if the person applies at the border.<sup>105</sup>

However, Croatia is still a transit country as it is estimated that more than 70-80% of applicants for international protection leave the country approximately a few weeks after having lodged their asylum claim. In 2020, the Ministry of Interior suspended a total of 1,674 cases for that reason.

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<sup>102</sup> Article 34(1) LITP.

<sup>103</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>104</sup> Article 62(1) LITP.

<sup>105</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>106</sup> | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Backlog of pending cases at the end of 2020:   | 378 <sup>107</sup>  |

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

- Grants asylum;
- Grants subsidiary protection;
- Rejects the application if the applicant does not meet the conditions for asylum and subsidiary protection;
- 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>108</sup>

At the beginning of 2019, 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, but stressed that most of the cases are processed within the prescribed deadlines, which vary from 6 to 21 months according to the LITP. The Ministry also indicated that they do notify applicants when the decision can be expected.<sup>109</sup> In practice, procedures exceeding the 6-month period were observed in previous years, but no information is available for 2019 and 2020. However according to the knowledge of Croatian Law Centre as well as other organizations, this is still the problem in some cases.<sup>110</sup>

<sup>106</sup> With the exception of exclusion cases.

<sup>107</sup> This refers both to the number of pending cases before the Ministry of Interior and Administrative Courts. UNHCR, Annual Statistical Snapshot - Asylum: Croatia 2020, available in English: <https://bit.ly/32t7ySE>.

<sup>108</sup> Article 40 LITP.

<sup>109</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>110</sup> Information provided by Are You Serious, 2 February 2021; and by Centre for Peace Studies, 22 January 2021.

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>111</sup>

## 1.2. Prioritised examination and fast-track processing

Applications by unaccompanied children are prioritised as specified by the LITP.<sup>112</sup>

According to the Ministry of Interior, priority in the decision-making process is given unaccompanied children, persons with special procedural or reception needs, as well as cases of persons resettled from Turkey.<sup>113</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 official information is available for 2019 and 2020. However, during the first lockdown from March to April 2020, manifestly unfounded cases were prioritised where the 6-months deadline was nearly met.

Additionally, an application which may be approved on the basis of the established facts also has priority in decision-making.<sup>114</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
4. Can the asylum seeker request the interviewer and the interpreter to be of a specific gender? ☒ Yes ☐ No
  - ❖ If so, is this applied in practice, for interviews? No information

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>115</sup>

If possible, applicants shall be provided *ex officio* with a translator/interpreter of the same sex in order to ensure a full explanation of the reasons for the application or for other justified reasons.<sup>116</sup> However, there is no information to what extent is this implemented in practice.

The interview may be omitted:

<sup>111</sup> Article 40 LITP.  
<sup>112</sup> Article 17(9) LITP.  
<sup>113</sup> *Ibid.*  
<sup>114</sup> Article 38(2) LITP.  
<sup>115</sup> Article 35(2) LITP.  
<sup>116</sup> Article 14(3) LITP.

- 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>117</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>118</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>119</sup>

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

Employees of the Department for international protection procedure had been working in teams from March to June 2020 due to the pandemic. During that period only vulnerable applicants for international protection were invited for personal interview (e.g. unaccompanied children, single mothers, disabled persons) and other prioritised cases. However, despite pandemic during the whole 2020, interviews were held in person.

### 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>120</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>121</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.

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<sup>117</sup> Article 35(8) LITP.

<sup>118</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>119</sup> Article 35(6) LITP.

<sup>120</sup> Article 14(2) LITP.

<sup>121</sup> Article 13 LITP.

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 some of them 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 Jesuit Refugee Service (JRS) reported in 2020 that they have received complaints on inadequate interpretation for Afghan applicants. While the Ministry of Interior's list of interpreters includes persons who are interpreters for Farsi, the applicant in question spoke Dari. Although those languages are similar, they also have their peculiarities in pronunciation and individual expressions. The JRS also reported about an applicant coming from Nigeria who belongs to the Igbo ethnic group. Thus, he almost exclusively speaks Igbo and only knows some basics of English. As there was no interpreter for Igbo language, the interview of the applicant was extremely difficult and was carried out with interpretation in English. Accordingly, it was difficult to gather facts when deciding on his application.<sup>122</sup>

Within the AMIF fund, in July 2020, the Directorate for European Affairs, International Relations and European Union Funds adopted a Decision on the allocation of funds for the implementation of the project "Interpretation and expansion of the network of interpreters in the procedure for granting international protection".<sup>123</sup>

The LITP prescribes that interpretation can be provided by means of electronic telecommunications or audio-visual equipment. In 2020, due to pandemic in some cases in the stage of lodging the application interpretation was done remotely via Skype.

### 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.

## 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: 159 days<sup>124</sup>

<sup>122</sup> Information provided by Jesuit Refugee Service, 12 January 2021.

<sup>123</sup> Decision on the allocation of funds for the implementation of the project "Interpretation and expansion of the network of interpreters in the procedure for granting international protection", 13 July 2020, available in Croatian at: <https://bit.ly/3x39GyF>.

<sup>124</sup> This refers only to the average processing time at the Administrative Court of Zagreb. Waiting times may vary at other Courts. Nevertheless, in 2020, 123 out of the 124 appeals were dealt by the Administrative Court of Zagreb.

### 1.4.1. Appeal before the Administrative Court

Decisions of the Ministry of Interior may be challenged before the Administrative Court.<sup>125</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>126</sup>

In the Croatian Law Centre's experience, there is no information specifying that applicants face obstacles to appealing a decision in practice, although some issues arise with regard to legal assistance (see [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>127</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.

In 2020, the training of Administrative court judges, financially supported by UNHCR, was held on 1 October 2020. Due to the COVID-19 situation, and in agreement with the Judicial Academy and UNHCR, the training was held online in the form of a webinar. The topic of the webinar was "'Granting International Protection: Medical expertise in Administrative Procedure and Administrative Dispute". A total of 22 participants were present at the webinar, among which five judges from the Administrative courts in **Zagreb, Osijek** and **Split** and one judge from **Serbia**.

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>128</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.

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<sup>125</sup> Article 32(2) LITP.

<sup>126</sup> Article 24(1) Law on Administrative Disputes.

<sup>127</sup> Judges from Administrative Court in Osijek and from the High Administrative Court were invited, but did not participate in the seminar.

<sup>128</sup> Article 33 Law on Administrative Disputes.

Administrative Courts reported the following decisions in 2020:

Second instance decisions by Administrative Courts: 2020					
Category	Zagreb	Rijeka	Osijek	Split	Total
Accepted (international protection not granted)	7	0	0	0	7
Accepted (granted asylum)	1				1
Accepted - cases referred back to the Ministry of Interior- 2 times	1	0	0	0	1
Accepted - cases referred back to the Ministry of Interior	11				11
Rejected	103	1	0	0	104
<b>Total</b>	<b>123</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>124</b>

Source: Administrative Court of Zagreb, 18 February 2021; Administrative Court of Rijeka, 11 January 2021; Administrative Court of Osijek, 15 January 2021; Administrative Court of Split, 11 January 2021.

As indicated above, almost all appeals are dealt with by the Administrative Court of **Zagreb** and the large majority of them were rejected in 2020.

The average processing time for asylum cases at second instance in 2020 was 159 days (in case of citizens of **Syria**, **Iraq** and **Afghanistan** - 180days) in **Zagreb**.

Administrative courts have not reported if any changes were implemented in their work with regard to the pandemic in 2020. However, one attorney reported that there were some changes observed in the work of the Administrative Court in **Zagreb** due to the pandemic in terms of postponement of hearings and the obligation to wear protective masks, but no major problems occurred. It was reported that postponed hearings were held approximately in a period of 2 months.<sup>129</sup> In addition, the website of the Administrative Court in **Zagreb** indicates that from 1 April to May 2020, the court did not work with the parties, documents had to be submitted by post or email, and all hearings were postponed, except the urgent ones.<sup>130</sup>

#### 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. According to the Law on Administrative Disputes, the High Administrative Court shall reject the appeal as unfounded and uphold the first-instance judgment (i.e. the judgment of the Administrative Court ) when determined that there are no reasons for the judgment to be challenged or that the reasons do not affect the adoption of a different decision. In addition, the High Administrative Court shall annul the first-instance judgment and shall solely remedy the deficiencies and resolve the matter by issuing a judgment if it determines that the administrative court has committed a substantial violation of the rules of court procedure, has erroneously or incompletely determined the factual state or has inaccurately applied the substantive law.<sup>131</sup> This means that the High Administrative Court can decide on the merits and can grant international protection.

This appeal, however, does *not* have suspensive effect.<sup>132</sup> During 2020, the High Administrative Court received 29 appeals in international protection cases:

Onward appeal statistics: 2020	
Category	Number

<sup>129</sup> Information provided by an attorney-at-law, 26 January 2021.

<sup>130</sup> Administrative Court, decisions available in Croatian at: <https://sudovi.hr/hr/uszg>.

<sup>131</sup> Article 74 (1) (2) Law on Administrative Disputes.

<sup>132</sup> Article 51(3) LITP.



<b>Appeals received</b>	<b>29</b>
Appeals rejected	26
First instance judgment annulled	3
<b>Total decisions</b>	<b>29</b>

Source: High Administrative Court, 15 January 2021.

As indicated above, the large majority of appeals are also rejected by the High Administrative Court.

## 1.5. Legal assistance

### Indicators: Regular Procedure: Legal Assistance

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

☐ Yes
 ☐ With difficulty
 ☒ No

❖ Does free legal assistance cover:
 

☐ Representation in interview
 ☐ Legal advice
- Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?
 

☒ Yes
 ☐ With difficulty
 ☐ No

❖ Does free legal assistance cover
 

☒ Representation in courts
 ☒ Legal advice

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

### 1.5.1. Legal assistance at first instance

The LITP provides for the possibility of legal information and counselling at first instance procedure before the Ministry of Interior.<sup>133</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>134</sup> The Project "Legal Counselling in the Procedure of Granting International Protection" was financed by AMIF and aimed at providing legal information on the procedure of granting international protection. State funded free legal aid for applicants for international protection before the Ministry of Interior ended on 31 March 2020. A new public call for providers of legal counselling was published in November 2020, and the deadline for project proposals was extended until December 2020. However the public call was annulled in March 2021. This means that there is currently no AMIF funding available for providers of legal counselling before the Ministry of Interior.

In 2020, the Croatian Law Center as an implementing partner and with the financial support of the UNHCR, implemented the project "Legal Support in the Asylum System". Due to COVID-19, there have been changes in the way certain activities were performed. The provision of legal information to targeted

<sup>133</sup> Article 59(3)-(5) LITP.

<sup>134</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>.



groups of beneficiaries including applicants for international protection, was usually provided by telephone, mobile applications (WhatsApp) and e-mail or in compliance with all epidemiological measures and recommendations in the case of direct in person assistance.

In 2020, CLC implemented the project “Croatian Lawyers Asylum Network (CALN), aimed at building a network of lawyers who are working in the field of asylum and migration, financed through the project “STEP UP Fond–capacity-building for NGO on refugee protection and inclusion” and led by the Dutch Council for Refugees. The project was about to end on 30 April 2021, but was extended until the end of May 2021. Within the mentioned project, it is planned to launch an online platform with the aim of connecting all actors who provide legal assistance and support to applicants for international protection and beneficiaries of international protection. The platform will be used as a virtual space for the exchange of legal opinions, practical challenges and problems observed in legislation.

In 2020, Jesuit Refugee Service (JRS) reported that due to measures introduced to combat the spread of the COVID-19, legal assistance was limited as the access to the Reception Centre in Zagreb was restricted.

### 1.5.2. Legal assistance in appeals

According to the LITP, free legal aid includes assistance in the preparation of a law suit to the Administrative Court and representation before the Administrative Court i.e. in the first instance administrative court disputes,<sup>135</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>136</sup> Legal assistance may be provided by attorneys at law and lawyers from organisations registered for providing legal assistance.<sup>137</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>138</sup> The new list of 23 providers of free legal aid is available on the website of the Ministry of Interior.<sup>139</sup>

In practice there are no obstacles to accessing attorneys, as applicants are informed about their right to free legal assistance. In practice when a decision is delivered to applicants, they are also given the list of providers of free legal aid from which they can choose an attorney or lawyer from NGO, who are then notified by the Ministry of Interior. Attorneys and lawyers from NGO 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>140</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>141</sup> No such problems were reported in 2020,

The Administrative Court shall decide on the right to free legal assistance, and the amount of costs of legal assistance.<sup>142</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.

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<sup>135</sup> Article 60(2) LITP.

<sup>136</sup> Article 60(1) LITP.

<sup>137</sup> Article 60(4) LITP.

<sup>138</sup> Official Gazette 9/2020, Ministry of Interior, Public call, available in Croatian at: <https://bit.ly/2JCZ5mk>.

<sup>139</sup> Ministry of Interior, List of free legal aid providers for Administrative courts (Zagreb, Rijeka, Split, Osijek), available in Croatian at: <https://bit.ly/3ao0nzs>.

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

<sup>141</sup> Information provided by an attorney-at-law, 21 January 2020.

<sup>142</sup> Article 60(3) LITP.

In recent years, the reimbursement of costs has been 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>143</sup> Another attorney, who did not face issues with reimbursements, highlighted the issue of the length of reimbursement<sup>144</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>145</sup> There is no updated information available in 2020 as to whether these issues persisted.

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. This is still considered problematic in 2020 as reported by one attorney.<sup>146</sup>

The same attorney reported that the Ministry of Interior still continues to automatically issue a negative decision or decides to annul international protection in cases where the Security and Intelligence Agency (SIA) provides its negative opinion. However, there has been improvements observed in such cases, as certain information is nevertheless made available to the decision-maker and the applicant, which allows argumentation. Despite that, the evidence provided in such cases is sometimes ignored. For example, in one case international protection was annulled because it was subsequently established that the applicant lied when applying for international protection about the essential circumstance that was the reason for granting protection. The applicant proposed different evidence, including a hearing from a witness, but the evidence was rejected. The evidence on the alleged lies was classified as a secret by the SIA.

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>147</sup> No information was received on whether this practice has changed in the course of 2020.

Moreover, 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>148</sup> This was also reported in 2018.<sup>149</sup> More recent information is not available but there are no indications that this has changed in practice.

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.

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<sup>143</sup> Information provided by an attorney-at-law, 16 January 2020.

<sup>144</sup> Information provided by an attorney-at-law, 16 December 2019.

<sup>145</sup> Information provided by an attorney-at-law, 21 January 2020.

<sup>146</sup> Information provided by an attorney-at-law, 26 January 2021.

<sup>147</sup> Information provided by an attorney-at-law, 3 January 2018.

<sup>148</sup> Information provided by an attorney-at-law, 2 January 2018.

<sup>149</sup> Information provided by an attorney-at-law, 13 December, 2018.

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>150</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>151</sup>

JRS reported that there should be a mechanism put in place to monitor the competence of persons which are on the list of free legal aid providers before administrative courts. In 2020, JRS received complaints from applicants of international protection pointing to a lack of communication with legal aid providers before initiating an administrative dispute which, according to JRS, frequently occurred. JRS also reported that they received complaints of a difficult communication during the proceedings and in the provision of free legal aid, which reflects on applicant's unpreparedness at the hearings and accordingly affects the outcome of the dispute.<sup>152</sup>

## 2. Dublin

### 2.1. General

#### Dublin statistics: 2020

The Ministry of Interior did not provide statistics on the number of incoming and outgoing requests. Nevertheless, statistics on Dublin transfers were published by the Ministry of Interior and indicate a total of 8 outgoing transfers and 40 incoming transfers in 2020:

Outgoing Dublin transfers from Croatia to EU/EEA Countries		Incoming Dublin transfers to Croatia from EU/EEA countries	
EU/EEA Countries	Transfers	EU/EEA countries	Transfers
Belgium	3	Germany	22
Luxemburg	3	Switzerland	4
Switzerland	1	Austria	4
Spain	1	Belgium	3
-	-	Slovenia	2
-	-	Netherlands	2
-	-	France	2
-	-	Finland	1
<b>Total</b>	<b>8</b>	<b>Total</b>	<b>40</b>

Source: Source: Ministry of Interior, *Statistics*, available in Croatian at: <https://bit.ly/2PaGNzq>.

Outgoing Dublin transfers from Croatia by country of origin		Incoming Dublin transfers to Croatia by country of origin	
Country of origin	Transfers	Country of origin	Transfers
Iran	6	Iraq	17
Pakistan	1	Algeria	6
Turkey	1	Syria	6
-	-	Libya	2
-	-	Iran	2
-	-	Afghanistan	2
-	-	Turkey	1

<sup>150</sup> Article 60(5) LITP; Article 11(8)-(9) Ordinance on free legal aid in the procedure of granting international protection.

<sup>151</sup> Article 11(8)-(9) Ordinance on free legal aid in the procedure of granting international protection.

<sup>152</sup> Information provided by JRS, 12 January 2021.

-	-	Unknown	1
-	-	Pakistan	1
-	-	Morocco	1
-	-	Egypt	1
<b>Total</b>	<b>8</b>	<b>Total</b>	<b>40</b>

Source: Ministry of Interior, *Statistics*, available in Croatian at: <https://bit.ly/2PaGNzq>;

### Application of the Dublin criteria

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

No information is available in regard to the applicable Dublin criteria for the outgoing and incoming requests issued in 2020.

In June 2020, a meeting was held between representatives of the the Ministry of Interior and representatives of the Ministry of Labour, Pension System, Family and Social Policy to improve cooperation in the implementation of family reunification within the Dublin procedure.<sup>153</sup> Following that, a standard operative procedure (SOP) has been drafted to contribute to the coordination in process of family reunification of unaccompanied minors.<sup>154</sup>

## 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. Since 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

<sup>153</sup> At the time of the meeting the name of the Ministry was still the Ministry for Demography, Family, Youth and Social Policy

<sup>154</sup> EMN, *Bulletin number 31*, August 2020, available at: <https://bit.ly/3dy8fR4>.

fingerprints taken by the officials in the Reception Centre for Applicants for International Protection once person arrives there.<sup>155</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>156</sup>

The applicant who refuses to be fingerprinted without justified cause shall have his or her fingerprints taken by police officers without his or her consent.<sup>157</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>158</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 application for international protection.<sup>159</sup> Information is available in Arabic, English, Farsi, French, Croatian, Somali, Turkish, and Urdu.<sup>160</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>161</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”.

In June 2020, the training of trainers for fingerprinting for EURODAC was carried out as part of the EMAS project called "Strengthening of border control activities at the Croatian part of the external border due to increased migratory pressure."<sup>162</sup>

## 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 information provided by the Ministry of Interior in 2018, the time between the day when another Member State accepts responsibility and the transfer being made is approximately 2 months.<sup>163</sup> More recent information is not available. Nevertheless, Dublin transfers were postponed due to COVID-19 in 2020.<sup>164</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>165</sup>

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<sup>155</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>156</sup> Article 33(6) LITP.

<sup>157</sup> Article 33(7) LITP.

<sup>158</sup> Article 41(1)(10) LITP.

<sup>159</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>160</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>161</sup> Information provided by the Ministry of Interior, 10 August 2018.

<sup>162</sup> EMN, Migration Bulletin - Number 31, August 2020 available at: <https://bit.ly/3szPD03>.

<sup>163</sup> Information provided by the Ministry of Interior, 10 August 2018..

<sup>164</sup> EMN, *Special Annex to the 30th EMN Bulletin EU Member States & Norway: responses to COVID-19 in the migration and asylum area, January – March 2020*, available at: <https://bit.ly/3sypjKV>; Ombudsman, Annual report 2020, available in Croatian at: <https://bit.ly/3aaQXar>.

<sup>165</sup> *Ibid.*

## 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](#)).

## 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?  
☒ Yes ☐ No  
❖ If yes, is it ☒ Judicial ☐ Administrative  
❖ If yes, is it suspensive ☒ Yes ☐ 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>166</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>167</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.

<sup>166</sup> Article 43(3) LITP.

<sup>167</sup> Information provided by the attorney at law, 21 January 2020.

The Administrative Court in Zagreb reported that it did not judge in Dublin cases in 2020.<sup>168</sup> However in the course of 2020, the High Administrative Court has ruled in 2 Dublin cases, but there is no further information available<sup>169</sup>

## 2.5. Legal assistance

### Indicators: Dublin: Legal Assistance

☒ Same as regular procedure

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

<input type="checkbox"/> Yes	<input type="checkbox"/> With difficulty	<input checked="" type="checkbox"/> No <sup>170</sup>
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  - ❖ Does free legal assistance cover:
 

<input type="checkbox"/> Representation in interview
<input checked="" 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
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  - ❖ 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>171</sup> if requested by the applicant.

## 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?
 

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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  - ❖ 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>172</sup> No information is available for 2019 and 2020.

According to the Ombudsperson report on 2020, Croatia postponed the transfers of applicants to the state responsible due to the COVID-19 situation.<sup>173</sup>

## 2.7. The situation of Dublin returnees

Applicants who are returned from other Member States in principle do not face 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

<sup>168</sup> Information provided by the Administrative Court in Zagreb, 18 February 2021.

<sup>169</sup> Information provided by the High Administrative Court, 15 January 2021.

<sup>170</sup> State funded free legal aid for applicants for international protection before the Ministry of Interior ended on 31 March 2020.

<sup>171</sup> Article 60(2) LITP.

<sup>172</sup> Information provided by the Ministry of Interior, 10 August 2018.

<sup>173</sup> Ombudsman, Annual report 2020, available in Croatian at: <https://bit.ly/3aaQXar>.



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>174</sup> According to the knowledge of the Croatian Law Centre, Dublin returnees do not face difficulties in accessing the reception system and material reception conditions.

Transfers to Croatia have not been suspended by national courts on account of conditions facing returnees.<sup>175</sup> This has been echoed by the Court of Justice of the European Union (CJEU) in early 2017.<sup>176</sup> Nevertheless, at the end of 2019, the Federal Administrative Court of Switzerland suspended a transfer to Croatia of a Syrian national who travelled via the Balkan route to Italy and from there to Switzerland, where he applied for asylum. According to the EURODAC database, the complainant had been registered in Croatia, but had not submitted an asylum application there. The Federal Administrative Court annulled the decision and referred the matter back to the lower instance for re-evaluation. The State Secretariat for Migration (SEM) had to carry out an individualised examination to determine whether there are substantial grounds for believing that the asylum procedure of the Member State where the applicant shall be transferred to has systemic weaknesses that would entail a risk of inhuman treatment or chain deportation.<sup>177</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>178</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>179</sup>

- (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.

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<sup>174</sup> ECRE, *Balkan route reversed*, December 2016, 30.

<sup>175</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>176</sup> CJEU, Case C-578/16 PPU *C.K. v. Republic of Slovenia*, Judgment of 16 February 2017, para 71.

<sup>177</sup> Swiss Federal Administrative Court (BVG), BVGE 3078/2019, 12 June 2019, available on EDAL at: <https://bit.ly/3tMHmi1>.

<sup>178</sup> MdM, *Nearing a point of no return? Mental health of asylum seekers in Croatia*, February 2019, available at: <https://bit.ly/2UC9sLf>.

<sup>179</sup> Article 43(1) LITP.

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>180</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 and 2020.

### 3.2. Personal interview

#### Indicators: Admissibility Procedure: Personal Interview

☐ Same as regular procedure

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

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
❖ If so, are questions limited to identity, nationality, travel route?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
❖ If so, are interpreters available in practice, for interviews?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2. Are interviews conducted through video conferencing?
 

<input type="checkbox"/> Frequently	<input type="checkbox"/> Rarely	<input checked="" type="checkbox"/> Never
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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>181</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?
 

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

According to the LITP the deadline for appealing a dismissal decision before the Administrative Court is 8 days after the delivery of the decision of the Ministry of Interior.<sup>182</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>183</sup> or when a subsequent application is dismissed.

<sup>180</sup> Article 47 LITP.

<sup>181</sup> Article 35(8)(3) LITP.

<sup>182</sup> Article 43(3) LITP.

<sup>183</sup> Article 51(1)(2)-(3) LITP, citing Article 43(1)(1)-(2) and Article 43(2) LITP.

### 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>184</sup> if requested by the applicant (see section on [Regular Procedure: Legal Assistance](#)).

## 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. Where is the border procedure mostly carried out? ☐ Air border ☐ Land border ☐ Sea border
3. Can an application made at the border be examined in substance during a border procedure? ☐ Yes ☒ No
4. 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
5. Is the asylum seeker considered to have entered the national territory during the border procedure? ☐ Yes ☐ No

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>185</sup> However no information is available whether this has change in the course of 2019 and 2020. Thus, there is currently no border procedure in Croatia according to the knowledge of the Croatian Law Centre.

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

<sup>184</sup> Article 60 LITP.

<sup>185</sup> Information provided by the Ministry of Interior, 2 March 2017; 13 February 2018.; 28 January 2019.

- 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>186</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 regular procedure.<sup>187</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?

- ❖ If yes, is it
- ❖ If yes, is it suspensive

☒ Yes      ☐ No  
☒ Judicial      ☐ Administrative  
☒ Yes      ☐ Some grounds      ☐ No

The border procedure is foreseen by the LITP, but is unknown whether it is applied in practice. By law lawsuits against decisions in the border procedure have suspensive effect,<sup>188</sup> and 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 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>189</sup>

## 4.4. Legal assistance

### Indicators: Border Procedure: Legal Assistance

☒ Same as regular procedure

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

- ❖ Does free legal assistance cover:
  - ☐ Yes      ☐ With difficulty      ☒ No
  - ☐ Representation in interview
  - ☐ Legal advice

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

- ❖ Does free legal assistance cover
  - ☒ Yes      ☐ With difficulty      ☐ No
  - ☒ Representation in courts
  - ☒ Legal advice

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

<sup>186</sup> Article 42(1) LITP.

<sup>187</sup> Article 42(4)-(5) LITP.

<sup>188</sup> Article 51(1) LITP:

<sup>189</sup> Article 42(6) LITP.

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>190</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>191</sup>

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

The 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.<sup>192</sup>

There is no available information on the number of the cases that were handled in accelerated procedure in the course of 2019 and 2020.

### 5.2. Personal interview

#### Indicators: Accelerated Procedure: Personal Interview

☒ Same as regular procedure<sup>190</sup>

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

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

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

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

<sup>190</sup> Article 42(3) LITP.

<sup>191</sup> Article 41(1) LITP.

<sup>192</sup> Article 41(1) LITP.

- 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>193</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?

- |                            |  |  |
|----------------------------|--|--|
| ❖ 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 type="checkbox"/> Yes                 | <input type="checkbox"/> Some grounds <input checked="" type="checkbox"/> No |

The Administrative Court is the competent appeal body in the accelerated procedure, so there is no difference in the authority responsible for handling the appeal compared to regular procedure. However, time limits are shorter: a complaint may be lodged to the Administrative Court within 8 days from the delivery of the decision of the Ministry of Interior.<sup>194</sup>

Moreover, complaints against negative decisions in the accelerated procedures do *not* have suspensive effect.<sup>195</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>196</sup>

### 5.4. Legal assistance

#### Indicators: Accelerated Procedure: Legal Assistance

☒ Same as regular procedure

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

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

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

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

The same provisions from the LITP as regards access to free legal assistance for 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](#)).

<sup>193</sup> Article 35(8) LITP.

<sup>194</sup> Article 41(5) LITP.

<sup>195</sup> Article 51(1)(1) LITP.

<sup>196</sup> Article 51(1)(2) LITP, citing Article 41(1)(6) LITP.

## D. Guarantees for vulnerable groups of asylum seekers

### 1. Identification

#### Indicators: Identification

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

According to the LITP, vulnerable groups include persons without legal capacity, children, unaccompanied children, elderly and infirm persons, seriously ill persons, disabled persons, pregnant women, single parents with minor children, persons with mental disorders and victims of trafficking, as well as victims of torture, rape or other forms of psychological, physical and sexual violence, such as victims of female genital mutilation.<sup>197</sup>

#### 1.1. Screening of vulnerability

The LITP has introduced special procedural and reception guarantees.<sup>198</sup> It specifies that appropriate support must be provided to applicants in relation to their personal circumstances, amongst other things their age, gender, sexual orientation, gender identity, disability, serious illness, mental health, or as a consequence of torture, rape or other serious forms of psychological, physical or sexual violence, for the purpose of exercising the rights and obligations from the LITP. The procedure of recognising the personal circumstances of applicants shall be conducted continuously by specially trained police officers, employees of the Ministry of Interior and other competent bodies, from the moment of the expression of intention to apply for international protection until the delivery of the decision on the application.

At the moment, there is no further detailed guidance available in the law, nor an early identification mechanism in the form of internal guidance.

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>199</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>200</sup> The Rehabilitation Centre for Stress and Trauma (RCT) reported that there was still no appropriate mechanism for the identification of torture victims, so consequently, applicants for international protection who are victims of torture are not provided with the necessary treatment and access to appropriate medical and psychological rehabilitation and care. RCT also reported that specific needs and rights of victims of torture are completely ignored within the health and social care system.<sup>201</sup>

### Unaccompanied children

The Government adopted a Protocol on the treatment of unaccompanied children on 30 August 2018.<sup>202</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

<sup>197</sup> Article 4(1)(14) LITP.

<sup>198</sup> Article 15 LITP.

<sup>199</sup> ECRE, *Balkan route reversed*, December 2016, 26.

<sup>200</sup> *Ibid*, 24.

<sup>201</sup> Information provided by Rehabilitation Centre for Stress and Trauma, 7 February 2021.

<sup>202</sup> Protokol o postupanju prema djeci bez pratnje, 30 August 2018, available in Croatian at: <https://bit.ly/2DEgBEu>.



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 organisations dealing with the protection of the rights of the child or refugee rights and, civil society organisations dealing with the protection of children's rights.

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>203</sup> According to the Ombudsperson for Children, this possibility was not used in 2020.<sup>204</sup> However it should be noted that the Ministry of Demography, Family, Youth and Social Policy prepared, in cooperation with other ministries and agencies, guidelines on the protection of unaccompanied migrant and asylum-seeking children in the context of the COVID-19 pandemic, to fully uphold their best interests.<sup>205</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>206</sup> UNICEF reported that they participated in the work of Commission which met twice during 2019, however without significant and concrete results.<sup>207</sup> In 2020, the Commission met once to discuss the relocation of children from Greece and to plan future activities relating to the protection of unaccompanied children. However, that did not result in a significant change in the quality of protection unaccompanied children or in productive proposals for improving the position of unaccompanied children in Croatia. Also, experts from institutions where unaccompanied children are accommodated do not participate in the work of the Commission and they are mostly acquainted with the problems of these children. The cooperation of the Commission and institutions is only triggered in crisis situations when there is a lack of capacity so it is necessary to find additional accommodation for unaccompanied children.<sup>208</sup>

In 2020, the Croatian Law Centre prepared an update of the paper dealing with different aspects of treatment of unaccompanied children.<sup>209</sup> Beside the legislative and institutional framework, the paper discusses the treatment of unaccompanied children after they are found on the territory of the Republic of Croatia. Part of the paper is devoted to questions that arise when an unaccompanied child is an applicant for international protection, i.e. issues that arise in the procedure for granting international protection. The paper further presents the challenges in working with unaccompanied children as noticed by the Croatian Law Centre in their practice.

At the end of September 2020, the Agreement for the project "New Home" was signed within the AMIF with an estimated project duration of 24 months.<sup>210</sup> The goal of the project is to contribute to the better integration of unaccompanied children into community life, to ensure early integration through reception, accommodation, care and psychosocial support and to support their inclusion in the life of the local community.<sup>211</sup>

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<sup>203</sup> Official Gazette 115/18

<sup>204</sup> Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2020*, March 2021, available online as of 7 April 2021 at : <https://bit.ly/32B5hEQ>.

<sup>205</sup> FRA, *Migration: Key fundamental rights concerns - Quarterly bulletin 3 – 2020* (1.4.2020 - 30.6.2020), available at: <https://bit.ly/3ekErGz>.

<sup>206</sup> EMN, *Bulletin*, July 2019 available at: <https://bit.ly/39MwSV1>.

<sup>207</sup> Information provided by UNICEF, 8 January 2020.

<sup>208</sup> Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2020*, March 2021, available online as of 7 April 2021 at : <https://bit.ly/32B5hEQ>

<sup>209</sup> Croatian Law Centre, *Dealing with unaccompanied children - legal and institutional framework*, 2020, available in Croatian at: <https://bit.ly/3sFhyTr>.

<sup>210</sup> EMN, *Migration Bulletin*, February 2021 available at: <https://bit.ly/2QohgDc>.

<sup>211</sup> Ministry of Labor, Pension System, Family and Social Policy, *Information on the implementation of the project "New Home" co-financed by the Fund for Asylum, Migration and Integration*, available at: <https://bit.ly/3xdi7Y9>.

The number of unaccompanied children increased from 70 UASC in 2019 to 186 UASC in 2020.<sup>212</sup>

### Victims of sexual and gender-based violence

Between October 2018 and March 2020, IOM implemented the project "*PROTECT - Preventing SGBV against migrants and strengthening support to victims*".<sup>213</sup> The project ended at the end of March 2020 and aimed at strengthening the capacity and coordination of existing national support services for sexual and gender based violence. It also aimed to facilitate the access to these services for refugees, migrants and applicants for international protection that are victims and potential victims of SGBV. The project also aimed to raise awareness and empower these communities. During the course of the project IOM Croatia organised sixteen capacity building trainings on SGBV and migration for first responders (i.e. border police, employees of the Ministry of the Interior and NGOs working in the Reception Centre), specialised service providers (i.e. social workers, psychologists, social pedagogists working in the Centres for Social Welfare, Home for Children, NGOs working with the victims of SGBV) and general service providers (i.e. teachers and other school and kindergarten employees, interpreters, various NGOs working with migrants) and reached 216 people. The trainings addressed sexual and gender-based violence in general, its context during migration and impact on the individual/migrant, intercultural difference, while the aim was to strengthen the capacity of the participants to provide the appropriate support and to guide survivors whilst taking care of themselves.

The *PROTECT* project developed country-specific information material on sexual and gender-based violence tailored to adults and children needs. These include:

- 1) a two-minute animated film which explains SGBV, designed for migrant audiences, and with subtitles available in Croatian and other languages (English, Arabic, Farsi, Pashto, Urdu, French, Russian, Italian, Somali, Albanian, Bulgarian, Spanish, Ukrainian, Tigrinya, Turkish, Kurdish (Kurmanji));<sup>214</sup>
- 2) The tailored material presents the services locally available i.e. the leaflet for adults on sexual and gender-based violence in English Arabic, Pashto, and Farsi and the one for children is also available in English, Arabic, Pashto and Farsi.<sup>215</sup>

Moreover, in 2020, as part of the project implemented by MDM-Belgique entitled: "*Empowering Women and Children in the migrant population to take ACTION against sexual and gender-based violence (We ACT)*", guidelines for dealing with cases of sexual violence against women and children was prepared by the MDM-Belgique Team. The content of guidelines was incorporated in the Standard Operational Procedure in Cases of Sexual and Gender-Based Violence in the Reception Centres for Applicants of International Protection".<sup>216</sup>

### Victims of trauma and mental health issues

In 2019, Médecins du Monde (MDM-Belgique) published a study on the mental health of applicants for international protection in Croatia.<sup>217</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 of predicting the level of applicants' psychological distress based on their satisfaction with

<sup>212</sup> Ministry of Interior, *Statistics 2020*, available in Croatian at: <https://bit.ly/2RN2whz>.

<sup>213</sup> Information on the project available at: <https://bit.ly/3at8KcS>.

<sup>214</sup> The videos are available on youtube in all mentioned languages here: <https://bit.ly/3gqYuG7>.

<sup>215</sup> The PROTECT project, see the English versions available at: <https://bit.ly/3yaMVsw>; and for children at: <https://bit.ly/3omPXWB>.

<sup>216</sup> Information provided by MdM, 17 January 2021.

<sup>217</sup> MdM, *Nearing a point of no return? Mental health of asylum seekers in Croatia*, February 2019, available at: <https://bit.ly/2XeDQiD>.

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.

In 2020, MdM published the report „Everyone has the right to healthcare - model of healthcare mediation/support intended for asylum seekers in Croatia”.<sup>218</sup> The report presented the healthcare mediation/support model for applicants for international protection in Croatia which was initiated and set up in 2016 by the organisation Médecins du Monde ASBL - Dokters van de Wereld VZW (MDM-Belgique) in partnership with the Ministry of Health and the Ministry of the Interior of the Republic of Croatia. The report describes the different components of this model as well as its results in terms of improved access to healthcare for applicants in Croatia, but also different challenges tackled between 1 November 2018 and 31 July 2020.

The report stresses that “migration routes have changed since mid-2018, showing high migration influx coming from Bosnia and Herzegovina and a particularly high transit dimension in the asylum seekers’ flow in the country was observed. Among newly arrived persons, a significant raise of the proportion of women, children, and families, patients with chronic diseases or severe illnesses and persons with disabilities has been observed. The situation imposed heavy workload on MdM-BELGIQUE’s team, since the organisation is responsible for initial medical examination of newly arrived persons, as well as distribution of prescribed medication, organisation of transport and transport for referrals, etc. Regarding these changes, the transit dimension of asylum seekers’ flow for the last year and half posed additional challenges, and so did the observed physical and psychological exhaustion of applicants for international protection, who arrived from poor living conditions of temporary reception camps in Bosnia and Herzegovina”.

The report further emphasised that the COVID-19 crisis posed new challenge for MdM team, which required flexibility and adjustment of the living and working conditions according to the recommended preventive epidemiological measures. The report also underlines that long-term exposure of MdM staff to a significantly increased workload in the facility that is not adequately equipped and does not have enough staff to organise an effective quarantine area causes high levels of stress and a sense of disproportionate responsibility among their employees.

## 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>219</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

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<sup>218</sup> Médecins du Monde, „Everyone has the right to healthcare - model of healthcare mediation/support intended for asylum seekers in Croatia”, 2020, available in English at: <https://bit.ly/3sHCIA9>.

<sup>219</sup> Article 18 LITP.

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>220</sup>

According to the Ministry of Interior, in 2017 and 2018, the age assessment procedure was not conducted.<sup>221</sup> No information is available for 2019 and 2020.

## 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>222</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>223</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>224</sup> However there is no available information in regard to such trainings in the course of 2019 and 2020.

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>225</sup> in particular the acts of persecution or serious harm already undergone.<sup>226</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>227</sup>
- to an interpreter of the same sex, if possible;<sup>228</sup>
- to be interviewed as soon as possible upon the submission of the application for international protection;<sup>229</sup>

<sup>220</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>221</sup> Information provided by the Ministry of Interior, 13 February 2018, 28 January 2019.

<sup>222</sup> Article 52(2) LITP.

<sup>223</sup> Information provided by the Ministry of Interior, 21 July 2017.

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

<sup>225</sup> Article 28(2)(3) LITP.

<sup>226</sup> Article 28(3) LITP.

<sup>227</sup> Article 35(5) LITP.

<sup>228</sup> Article 14(3) LITP.

<sup>229</sup> Article 35 LITP.

- in cases where the interview is omitted,<sup>230</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>231</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>232</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 to apply the concept of safe country of origin.<sup>233</sup> According to the Ministry of Interior during 2018 applications lodged by unaccompanied children were not processed under the accelerated procedure.<sup>234</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 and 2020.

Procedures at border crossings or in transit zones would not apply to cases of application lodged by an unaccompanied child.<sup>235</sup> However, as mentioned in [Border procedure \(border and transit zones\)](#), there is currently no border procedure in practice.

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>236</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>237</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

<sup>230</sup> Article 35(8)(2) LITP.

<sup>231</sup> Article 35(9) LITP.

<sup>232</sup> Article 17(9) LITP.

<sup>233</sup> Article 17(10) LITP.

<sup>234</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>235</sup> Article 10(11) LITP.

<sup>236</sup> Article 15(3) LITP.

<sup>237</sup> Article 58(1) Law on General Administrative Procedure.



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>238</sup>

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

In December 2019, the Croatian Law Centre (CLC), 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.

In 2020, CLC organised a training for judges of the Administrative Courts in cooperation with UNHCR. Due to the COVID-19 situation, the training was held online in the form of a webinar in agreement with the Judicial Academy. The topic of the webinar was "'Granting International Protection: Medical expertise in Administrative Procedure and Administrative Dispute".

#### 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>239</sup>

In 2020, 186 unaccompanied children sought international protection in Croatia.<sup>240</sup>

##### 4.1. Time of appointment

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

The procedure of identification includes:

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

<sup>238</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2019, 7 February 2021.

<sup>239</sup> Article 2(1)(17) LITP.

<sup>240</sup> Ministry of Interior, *Statistics 2020*, available in Croatian at: <https://bit.ly/2RN2whz>.

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.

During 2019, the Ombudsperson received 10 allegations of violations of the rights of migrant children (including both children with families and unaccompanied children).<sup>241</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. In 2020 allegations of pushbacks have continued (see [Access to the territory and pushbacks](#)) and the Centre for Peace Studies as well as the national Ombudsperson reported about pushbacks of children.<sup>242</sup>

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>243</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 rarely used in practice as guardians are not using this legal right.

There is no time limit prescribed by the LITP 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>244</sup> According to the knowledge of Croatian Law Centre this issue persisted in 2020 as well.

CLC is a partner in the project "Integrative support for unaccompanied children", which is carried out by the Croatian Red Cross. The project will increase the social inclusion of 120 unaccompanied children. In the trainings envisaged through project, 130 experts will acquire adequate competencies for work. In addition, a system of easily accessible and specialised professional assistance to special guardians and experts in institutions where unaccompanied children are accommodated, will be provided. It is planned that CLC's lawyer will participate in activities aimed at education of relevant actors.

## 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

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<sup>241</sup> Ombudsperson for Children, *Report on the work of Ombudsman for Children in 2019*, March 2020, available in Croatian: <https://bit.ly/2VHkC2Z>.

<sup>242</sup> Centre for Peace Studies, *Pushback report on children and unaccompanied children in Croatia*, 2020, available at: <https://bit.ly/3syfbBX>; Ombudsperson for Children, *Report on the work of the Ombudsman for Children in 2020*, March 2021, available online as of 7 April 2021 at : <https://bit.ly/3sC9Ppf>.

<sup>243</sup> Article 17(1) LITP.

<sup>244</sup> Information provided by the Ministry of Interior, 28 January 2019.



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>245</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>246</sup> However, the Ombudsperson for Children reported that during 2020, nine persons that arrived with children were appointed as guardians to unaccompanied children.<sup>247</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>248</sup>

During some periods of 2020, visits to UASC accommodated in Residential Child Care Institutions were not possible due to the COVID-19. This follows a decision to ban visits to social welfare institutions to comply with applicable health measures. According to the Ombudsperson for Children, employees of the Centres for Social Welfare are often not motivated to take special guardianship of unaccompanied children due to overload of obligations arising from their regular work. Special guardians are often not available to children neither in regular contact with them. As a result, they do not fully protect their rights and interests. Guardians do not visit their wards regularly, and although during the pandemic, such visits were restricted during some periods of 2020, guardians did not resort to remote communications tools such as online tools or by telephone.<sup>249</sup>

The [previous updates](#) of the AIDA report on Croatia provide background information on the different trainings and projects related to the unaccompanied children that were organised since 2016.

In November, 2018 the Croatian Law Centre started with the implementation of the project “Let’s realise the rights of unaccompanied children”,<sup>250</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 November 2020, on the occasion of the World Children’s Day, Croatian Law Centre in cooperation with UNHCR, held the online conference “Actualities in the Field of the Protection of Rights of Unaccompanied children”. The topic of the conference was the state of the protection of unaccompanied children, with the special focus on the expected arrival of unaccompanied children from Greece.

Since 2016 the Croatian Law Centre, as implementing partner of UNHCR,<sup>251</sup> started providing free legal aid in places where unaccompanied children are accommodated (Residential Child Care Institutions in

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<sup>245</sup> FRA, *Migration flows: Key fundamental rights concerns – Q4*, 2019, available at: <https://bit.ly/3bMF8FQ>; Ombudsman for children, Report available in Croatian at: <https://bit.ly/3bOsQwy>.

<sup>246</sup> FRA, *Migration flows: Key fundamental rights concerns – Q2*, 2019, available at: <https://bit.ly/3dXREnQ>.

<sup>247</sup> Ombudsperson for Children, *Report on the work of the Ombudsman for Children in 2020*, March 2021, available online as of 7 April 2021 at : <https://bit.ly/3sC9Ppf>.

<sup>248</sup> Ombudsperson for Children, *Report on the work of Ombudsman for Children in 2019*, March 2020, available in Croatian: <https://bit.ly/2VHkC2Z>.

<sup>249</sup> Ombudsperson for Children, *Report on the work of the Ombudsman for Children in 2020*, March 2021, available online as of 7 April 2021 at : <https://bit.ly/3sC9Ppf>.

<sup>250</sup> The project is supported by the Ministry for Demography, Family, Youth and Social Policy.

<sup>251</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.

**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 2020 due to the unfavourable epidemiological situation, legal counselling with children was mainly provided via phone and WhatsApp/viber, as opposed to an in-person assistance in childcare institutions. The Croatian Law Centre also provided special guardians with legal information about protection of rights of unaccompanied children

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>252</sup>

In 2020, IOM conducted info campaigns on prevention of sexual and gender-based violence for unaccompanied minors located in children homes in **Zagreb, Ivanec, Zadar and Split**.<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>252</sup> EMN, *Bulletin*, February 2020, available at: <https://bit.ly/2Rdeuhi>.

<sup>253</sup> Information provided by IOM, 30 December 2020.

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

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

## 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 lawsuit.

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>

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

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

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

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

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

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

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, however data for 2019 and 2020 are not available.

## F. The safe country concepts

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

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

### 1. Safe country of origin

According to the LITP,<sup>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.

<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.

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

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
- Tunisia
- Turkey

According to information provided by the Ministry of Interior to the Croatian Law Centre (CLC) and ECRE at the end of November 2016, the concept is not used for applicants from Turkey. According to CLC's knowledge the concept is still not in use 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 and 2020.

## 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>

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

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

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

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

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 and 2020.

The LITP also provides a definition of the concept of safe European third country.<sup>271</sup> It defines the latter as a country that has ratified and applies the provisions of the 1951 Refugee Convention and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), including standards on effective remedy, and has established an effective procedure for the approval of protection pursuant to the 1951 Convention. It shall be determined whether the conditions have been met for the application of the concept of European safe third country for each application individually, assessing whether a country meets the above mentioned conditions. The application of an applicant who entered Croatian territory unlawfully from a European safe third country shall be dismissed taking into account respect for the principle of *non refoulement*, and the special circumstances of a humanitarian or political character, as well as the rules of international public law. The applicant must be informed in a timely manner of the application of the European safe third country concept, so that he/she is able to challenge this in view of his/her personal circumstances. If the Ministry of Interior dismisses the application of the European safe third country concept, it shall issue the applicant with a document in the language of the European safe third country, informing the state bodies of that country that the application has not been examined in substance in Croatia. In addition, the Ministry of Interior must regularly inform the European Commission about the countries to which the concept of European safe third country has been applied.

In March 2021, the Constitutional Court has issued a decision in a case concerning an Afghan family whose cases were dismissed by the Ministry of Interior on the basis of the safe European third country concept.<sup>272</sup> More precisely, the Ministry of Interior concluded that Serbia, from which the family had entered Croatia, is a safe third country. In further proceedings before the Administrative Court in Osijek and the High Administrative Court their appeals were rejected. The applicants' main complaint before the Constitutional Court was that they would be returned to Serbia from Croatia despite clear indications that they would not have access to an appropriate asylum procedure in Serbia that could protect them from expulsion or *refoulement*.

The Constitutional court upheld the constitutional complaints and annulled the judgments of the High Administrative Court and the judgments of the Administrative Court in Osijek. The case was thus referred back to the Administrative Court in Osijek. The Constitutional Court assessed the situation in Serbia to determine the status of the rights of applicants for international protection in that country but also to conclude whether the Afghan family would be in serious risk of deportation to a third country without due process in accordance with the requirements of Article 3 of the ECHR. The Court also pointed out that the Ministry of the Interior and administrative courts in Serbia limited themselves to the normative

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

<sup>271</sup> Article 46 LITP.

<sup>272</sup> Constitutional Court, Decision U-III-4865/2018, 4 March 2021, available in Croatian at: <https://bit.ly/3bQYmMZ>.



framework and the number of persons granted international protection in their assessment of the situation in the country, without analysing the relevant reports and determining what is the actual treatment of persons returned from Croatia to Serbia and whether they face a risk of automatic *refoulement*. The Constitutional Court thus accepted the applicant's allegations that during the procedure before the Ministry of Interior and administrative court proceedings it was not established with sufficient certainty that Serbia is a **safe European third country** and that Croatia had failed to fulfil its procedural obligations under Article 3 of ECHR.

### 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>273</sup> In 2018, no decision was taken based on the concept of first country of asylum.<sup>274</sup> No information on decisions taken based on the concept of first country of asylum in 2019 and 2020 is available.

## 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>275</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>276</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>277</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>278</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>279</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

<sup>273</sup> Article 43(1)(2) LITP.

<sup>274</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>275</sup> Article 59(2) LITP.

<sup>276</sup> Article 14 LITP.

<sup>277</sup> Article 59(1) LITP.

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

<sup>279</sup> Information provided by the Ministry of Interior, 28 January 2019.



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>280</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**

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>281</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>282</sup>

The Centre for Missing and Exploited Children has produced and printed leaflets for unaccompanied children, available in Croatian, English, Arabic and Farsi.<sup>283</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>284</sup>

In 2020, the Centre for cultural activities prepared 6 videos containing the necessary information for applicants for international protection and foreigners residing in Croatia, and one video contains information on legal counselling, accommodation and daily life.<sup>285</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

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<sup>280</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>281</sup> The leaflet may be found at: <https://bit.ly/2HaFZ7I>.

<sup>282</sup> According to the Centre for Peace Studies, the brochure is available in Arabic, Croatian, Farsi, French, English, Russian and Turkish.

<sup>283</sup> Centre for Missing and Exploited Children, *Welcome to Croatia: Guide for unaccompanied children*, available at: <https://bit.ly/2TBXncq>.

<sup>284</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>285</sup> The video is available at: <https://bit.ly/32CTDJP>.

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>286</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>287</sup> Problems with regard to access to the territory and then accordingly to the asylum system which started since the end of 2016 and are valid up until the end of 2020 (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).

## 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.

Until the end of March 2020, lawyers of the Croatian Law Centre (CLC) had access to both Reception Centres for Applicants for International Protection and the Reception Centre for Foreigners, where they provided free legal information. CLC's lawyers were 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 until March 2020 in the Reception Centre for Applicants for International Protection in **Zagreb** from Monday to Friday.

The Centre for Peace Studies does not have access to Reception Centres for Applicants for International Protection in **Zagreb** and **Kutina** from September 2018, neither access to Reception Centre for Foreigners from the beginning of 2018, so their activities were provided out of the Centres in the course of 2020.<sup>288</sup>

<sup>286</sup> Article 59(1) LITP.

<sup>287</sup> ECRE, *Balkan route reversed*, December 2016, 11-12.

<sup>288</sup> Information provided by the Centre for Peace Studies, 22 January 2021.

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>289</sup> In 2020, AYS had access to the **Porin** until mid March 2020. However, following the outbreak of COVID-19, the Ministry of Interior suspended the access of NGOs who have signed agreements with the latter to facilities in **Zagreb** and **Kutina**.<sup>290</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>291</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.

### 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>292</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>293</sup> The Decision foresees 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>294</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>295</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

<sup>289</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>290</sup> Information provided by Are You Syrious, 2 February 2021.

<sup>291</sup> Whether under the "safe country of origin" concept or otherwise.

<sup>292</sup> SHARE, *Integration Magazine*, April 2019, available in English at: <https://bit.ly/2xyKwOm>.

<sup>293</sup> Official Gazette 16/2019.

<sup>294</sup> EMN, *Bulletin*, July 2019, available at: <https://bit.ly/2xQ8zrO>.

<sup>295</sup> Ministry of Interior, 'The arrival of the seventh group of Syrian refugees from Turkey', 21 August 2019, available at: <https://bit.ly/3c181hL>.

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>296</sup>

In 2020, due to COVID 19, resettlement was suspended. In 2020, Croatia decided to take part in the relocation of unaccompanied children from Greece.<sup>297</sup> It is expected that relocation will take place in the course of 2021. Although the Croatian government originally planned to accept ten children, after the fire at the Moria camp in Greece, it was decided that 12 children would be relocated to Croatia.<sup>298</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.

In 2020, the Jesuit Refugee Service (JRS) was the implementing partner of the Government of the Republic of Croatia to ensure the integration of resettled refugees from Turkey.<sup>299</sup> JRS' mobile team helped beneficiaries included in the project on a daily basis in early integration, communication with institutions and the local community. All children included in the project were enrolled in primary school and have completed the 2019/2020 school year. Beneficiaries of the program have passed the Croatian language course and vocational retraining, and some of them have been successfully employed. The project ended in October 2020. The final publication of the project is available online<sup>300</sup>.

After the introduction of epidemiological measures, IOM trained (partially online) around 60 volunteers in the area of **Zagreb, Sisak, Karlovac** and **Slavonski Brod** to work with resettled beneficiaries of protection.<sup>301</sup> During September 2020, it was planned to start implementing individual integration plans for volunteer mentors, who were supposed to start assisting, however this activity was suspended and implementation was planned for the beginning of 2021.

In the resettlement process, Rehabilitation Centre for Stress and Trauma (RCT) provided post-arrival support in the form of socio-cultural orientation workshops, which were held in **Sisak, Karlovac** and **Zagreb**, within the project STIRE: Strengthening the integration of the resettled.<sup>302</sup> In total, 42 beneficiaries of international protection participated to the workshops in the course of 2020.

After earthquakes, that hit central Croatia, and mostly **Sisak-Moslavina** County, on 28 and 29 December 2020, the Croatian Red Cross (CRC) intervention team visited the area.<sup>303</sup> Three families that came to Croatia through the resettlement programme and were situated in the Sisak area, were evacuated and accommodated in reception centres organised by the city of Sisak. CRC provided psychosocial support to families. CRC also contacted the central state office for reconstruction and housing and visited all the apartments. One flat, in which a single person was accommodated, was damaged to such an extent that the beneficiary of protection was moved to another apartment with another refugee. Structural engineers visited the buildings where the beneficiaries are accommodated, and according to CRS two families can return to their apartments, while one apartment still has to be repaired. As for the families that are situated in Karlovac, their apartments were not damaged.

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<sup>296</sup> EMN, *Bulletin*, November 2019, available at: <https://bit.ly/34iMWN8>.

<sup>297</sup> Telegram, 'Confirmed to the Telegram: seven EU countries will accept 1,600 refugee children, including Croatia', 12 March 2020, available in Croatian at: <https://bit.ly/3ato5KA>.

<sup>298</sup> Telegram, 'Telegram finds out: After the terrible fire in the migrant camp, the Government is preparing to accept 12 children', 12 September 2020, available in Croatian at: <https://bit.ly/3n6F36E>.

<sup>299</sup> Information provided by JRS, 12 January 2021.

<sup>300</sup> JRS, Report on the project available in Croatian at: <https://bit.ly/2RWB2GF>.

<sup>301</sup> Information provided by IOM, 30 December 2020.

<sup>302</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 7 February 2021.

<sup>303</sup> Information provided by Croatian Red Cross, 2 March 2021.

## Reception Conditions

### Short overview of the reception system

The Ministry of the Interior i.e its' Service for reception and accommodation of applicants for international protection is responsible for the reception of applicants of international protection and runs two Reception Centres for applicants of International protection, which are situated in **Zagreb** and **Kutina**. The total reception capacity of these two centres is 700 places.

Applicants of international protection have the right to accommodation from the day of expressing the intention to apply for international protection until the enforceability of the decision on the application, if they do not have an adequate standard of living.<sup>304</sup>

### 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>305</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>306</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>307</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>308</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

<sup>304</sup> Article 7(1) Ordinance on the realisation of material reception conditions

<sup>305</sup> Article 55(4) LITP.

<sup>306</sup> Article 7(1) Ordinance on the Realisation of Material Reception Conditions.

<sup>307</sup> Article 23(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>308</sup> Article 23(2) Ordinance on the Realisation of Material Reception Conditions.

consecutive days.<sup>309</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>310</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>311</sup> The Reception centre where the applicant is accommodated confirms to the applicant the right to financial assistance and issues a certificate on the right to financial assistance.<sup>312</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 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>313</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>314</sup>

As of 28 December 2020, 328 applicants were accommodated in Reception centres in **Zagreb** and **Kutina**.<sup>315</sup>

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>316</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>317</sup> and accommodation in the Reception Centre for Foreigners should be considered as the adequate standard of living is secured.<sup>318</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 2020 (in original currency and in €): HRK 100 / €13.3

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>319</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>320</sup> The amount of financial assistance should be established by the decision of the Minister of Interior.<sup>321</sup>

<sup>309</sup> Article 24(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>310</sup> Article 24(3) Ordinance on the Realisation of Material Reception Conditions.

<sup>311</sup> Article 3(7) Ordinance on the Realisation of Material Reception Conditions.

<sup>312</sup> Article 25 (1) (2) Ordinance on the Realisation of Material Reception Conditions.

<sup>313</sup> Article 7(6) Ordinance on the Realisation of Material Reception Conditions.

<sup>314</sup> Article 62(1) LITP.

<sup>315</sup> UNHCR, *Annual Statistical Snapshot - Asylum: Croatia 2020*, available in English: <https://bit.ly/3dDHZEY>.

<sup>316</sup> Article 25(1)-(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>317</sup> Article 3(1) Ordinance on the Realisation of Material Reception Conditions.

<sup>318</sup> Article 3(4) Ordinance on the Realisation of Material Reception Conditions.

<sup>319</sup> Article 55(1) LITP and Article 1(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>320</sup> Article 55(2) LITP.

<sup>321</sup> Article 55(3) LITP.



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.

### 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>322</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>323</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 and 2020.

### 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 regard 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

<sup>322</sup> Article 55(5) LITP and Article 4(1) Ordinance on the Realisation of Material Reception Conditions.

<sup>323</sup> Article 55(6)-(9) LITP.



which he intends to reside, or a hotel reservation if the applicant is located in a hotel.<sup>324</sup> Not special measures were introduced in relation to applicants for international protection in regard to freedom of movement due to COVID 19, but the general measures that were introduced by the National Civil Protection Authority also applied to applicants - meaning that movement was restricted between counties in certain periods of 2020.

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 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>325</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>326</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>327</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](#).

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<sup>324</sup> Article 10(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>325</sup> Article 17(1) Ordinance on the Realisation of Material Reception Conditions.

<sup>326</sup> Article 54(5) LITP.

<sup>327</sup> Article 54(2) LITP.

## B. Housing

### 1. Types of accommodation

#### Indicators: Types of Accommodation

1. Number of reception centres:<sup>328</sup> 2
2. Total number of places in the reception centres: 700
3. Total number of places in private accommodation: Not applicable
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: 28 December 2020
Hotel Porin	City of Zagreb	600	N/A
Kutina	80km from Zagreb	100	N/A
<b>Total</b>		<b>700</b>	<b>328</b>

Source: UNHCR, *Annual Statistical Snapshot - Asylum: Croatia 2020*, available at: <https://bit.ly/33OMsPk>.

According to the Ministry of Interior's information from previous years, the total capacity in both Reception Centres is 700.<sup>329</sup> More recent statistics on the maximum capacity and occupancy in 2019 and 2020 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>330</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 2019, 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>331</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>332</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>333</sup>

<sup>328</sup> Both permanent and for first arrivals.

<sup>329</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>330</sup> Information provided by Croatian Red Cross, 20 December 2019.

<sup>331</sup> Ministry of Interior, 'Odluka o dodjeli financijskih sredstava za provedbu projekta: "Uspostava infrastrukture i jačanje kapaciteta Prihvatilišta 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>332</sup> N1, 'Petrinja does not want an asylum center', 11 February 2019, available at: <https://bit.ly/2JKWzKZ>.

<sup>333</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>.

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>334</sup>

In January and March 2020, the Directorate for European Affairs, International Relations and European Union Funds of the Ministry of the Interior adopted decisions on the allocation of AMIF funds for the design of reception centres in **Kutina** and Zagreb.<sup>335</sup> The purpose of the project is to arrange Reception Centres and improve reception and accommodation services as well as working conditions.

## 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.

According to the website of the Ministry of Interior, access to Reception centres for applicants of International Protection in **Zagreb** and **Kutina** was temporarily restricted for persons who are not necessary to the normal functioning of these facilities as of mid-March 2020 due to COVID-19 situation.<sup>336</sup> Applicants accommodated in the reception centres were informed about the occurrence of the disease and the measures that need to be taken to prevent its further spread. Leaflets with instructions from the Croatian Institute of Public Health were translated into languages used by applicants and posted in visible places in the facilities so information on the importance of prevention and self-isolation was made accessible to all.

In 2020, due to COVID-19, one part of the Reception Centre in **Zagreb** has been arranged as a self-isolation space in order to reduce the possibility of spreading COVID-19 and protect other applicants and employees of the Ministry of Interior as well as organisations working in the Reception Centres. Also, during some periods of 2020, the work was organised in 2 weeks shifts. Additional disinfectants had been placed in the entire building. The temperature was measured at the entrance to the restaurant, and disinfection measures were intensified in the restaurant, while the opening hours of the restaurant have been extended.

According to information from the Initiative Welcome at the beginning of the pandemic, applicants were not allowed to go outside, civil society organisations had to suspend their activities in the centres and only staff of the Croatian Red Cross and MdM (Doctors of the World) could enter the facilities.<sup>337</sup> In addition, a fence was built around the open **Porin** Reception Centre for Applicants of International Protection in **Zagreb** amidst the COVID-19 crisis. Residents of the centre published a letter in which they expressed

<sup>334</sup> EMN, *Bulletin*, November 2019, available at: <https://bit.ly/34iMWN8>.

<sup>335</sup> EMN, *Migration Bulletin*, May 2020, available at: <https://bit.ly/3n6Wx2G>.

<sup>336</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/3gragjA>.

<sup>337</sup> Information provided by Initiative Welcome on 20 March 2020

concern that the fence would create even more division, panic and intolerance.<sup>338</sup> However in the course of 2020, restriction of freedom of movement in terms of going in or out of the Receptions Centres due to COVID 19 was not introduced for applicants.

In March 2020, access to Reception Centres for Applicants of International Protection became subject to visitation restrictions, i.e. only personnel of the Ministry of Interior necessary for the normal functioning of the Centre was allowed entrance to the facilities meaning that civil society organizations had to stop with their activities in the centres, with the exception of the Croatian Red Cross and MDM.<sup>339</sup>

Employees of the Ministry of Interior, the Croatian Red Cross and Medicines du Monde were working in 14-days shifts for two months, but resumed their regular work in the Reception Centres in **Zagreb** and **Kutina** on 11 May 2020. Restrictions for nonessential entries to the centres remained in place until the end of 2020.<sup>340</sup>

Centre for Peace Studies reported that applicants for international protection told them about the problematic conditions of the self-isolation part within the Reception Centre for Applicants of International Protection in **Zagreb** - where persons in self-isolation are accommodated in a crowded space (often one family per room) as a result of which distancing rules can not be respected.<sup>341</sup>

## 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>342</sup>

In second quarter of 2020, the NGO Rehabilitation Centre from Stress and Trauma raised concerns about the reception conditions of applicants for international protection. These included the lack of effective identification mechanisms for possible torture victims; restricted freedom of movement to prevent the spread of COVID-19; suspended integration activities; and restricted access to education for those young applicants who are outside the regular educational system.<sup>343</sup>

Due to the COVID-19 outbreak in 2020, UNHCR procured hand and surface sanitizers for reception centers in **Zagreb** and **Kutina** in order to contribute to the government efforts in maintaining adequate hygiene measures. The sanitizers were also donated to homes in **Zagreb** and **Split** that care for unaccompanied and separated children (UASC).<sup>344</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>345</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>346</sup> There are sufficient showers and toilets and facilities are cleaned on a regular basis.

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<sup>338</sup> FRA, *Migration: Key Fundamental Rights Concerns, Quarterly bulletin (1.1.2020 - 31.3.2020)*, available at: <https://bit.ly/3niFZVT>.

<sup>339</sup> Ministry of Interior, Applicants for international protection in the Republic of Croatia are not infected with the coronavirus, 18 March 2020 available at: <https://bit.ly/3xgvIOF>.

<sup>340</sup> UNHCR, *Croatia Update*, May 2020, available at: <https://bit.ly/3n86soS>.

<sup>341</sup> Information provided by the Centre For Peace studies, 22 January 2021.

<sup>342</sup> Article 56(6) LITP.

<sup>343</sup> FRA, *Migration: Key fundamental rights concerns - Quarterly bulletin 3 – 2020 (1.4.2020 - 30.6.2020)*, available at: <https://bit.ly/3ayiumt>.

<sup>344</sup> UNHCR, *Croatia Update –COVID-19 response*, available at: <https://bit.ly/3nIR1cZ>.

<sup>345</sup> Information provided by the Croatian Red Cross, 18 March 2019.

<sup>346</sup> Information provided by the Croatian Red Cross, 18 March 2019.

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>347</sup>

Kitchens, equipped by the Croatian Red Cross, where applicants can prepare meals by themselves, are provided in the Reception Centres in **Kutina**,<sup>348</sup> and in **Zagreb**.<sup>349</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>350</sup>

## 2.2. Activities in the centres

The staff of the Ministry of Interior working in the reception centres was generally sufficient. In 2020, the main challenges resulted from the COVID-19 pandemic. Access to reception centres was restricted from March 2020 until the end of 2020, with the exception of personnel of the Ministry of Interior, Croatian Red Cross and MdM who ensured the normal functioning of the facilities.<sup>351</sup> According to information provided by the Initiative Welcome, other civil society organisations, apart from CRC and MdM, had to suspend their activities in the centres.<sup>352</sup> In 2020, as in previous years, most of the applicants did not stay for long periods in the Reception Centres as they were in transit and were leaving the Centre.

The **Croatian Red Cross (CRC)** has been implementing a programme of psychosocial assistance and protection for applicants for international protection in Reception Centres since 2003. The Assistance and Protection Programme seeks to respond to the psychosocial, educational and humanitarian needs of applicants for international protection during their stay in reception centres and, with their active participation in planning, to offer quality programs tailored to their interests, age and cultural values. The main areas of work of the Croatian Red Cross in both centres in **Zagreb** and **Kutina** are the following:

- organisation of daily life and practical assistance,
- individual and group psychosocial support,
- organisation of social, educational and sports activities,
- special care for vulnerable groups (children, among them especially unaccompanied and separated children, women, people with health and mental health problems, survivors of torture and trauma),
- advocacy to improve the reception and care of asylum applicants.<sup>353</sup>

In 2020, CRC continued to carry out activities with applicants for international protection in Reception Centres in **Zagreb** and **Kutina**.<sup>354</sup> Applicants were provided with psychosocial support and social activities were organised. CRC also provided assistance in the implementation of the medical programme in

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<sup>347</sup> Article 20 Ordinance on the Realisation of Material Reception Conditions.

<sup>348</sup> Information provided by the Croatian Red Cross, 18 March 2019.

<sup>349</sup> Information provided by the Croatian Red Cross, 20 December 2019.

<sup>350</sup> Ministry of Interior, 'Working together to successfully integrate asylum seekers', 3 March 2019, available in Croatian at: <https://bit.ly/34f1kWp>.

<sup>351</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/3tFPPU4>.

<sup>352</sup> Information provided by Initiative Welcome on 20 March 2020

<sup>353</sup> UNHCR: *Reception centers and other helpful services*, available at: <https://bit.ly/3tlfGuy>.

<sup>354</sup> Information provided by Croatian Red Cross, 2 March 2021.

Reception Centres. Until the beginning of the COVID-19 pandemic, according to CRC, all applicants, regardless of gender and age, were involved in the activities. At the beginning of 2020, there was an increased interest in social activities compared to the previous year, especially since CRC conducts activities from 8 am to 8 pm from Monday to Friday and is on duty on weekends and holidays from 8 am to 2 pm. For most of 2020, CRC worked in two teams that alternated at intervals of 14 days.

During the pandemic, CRC's activities with applicants were significantly reduced, especially with adults. In agreement with the head of the Reception Centres it was decided that the following activities would continue: reception and accommodation of applicants (including distribution of hygiene items and other necessities), psychosocial support, providing assistance with TV and online classes for children attending local schools and assistance in learning and homework, arranging the environment around Reception Centre and interior of the Centre, increased care for personal hygiene of applicants and medical assistance according to MDM's instructions and procurement of medicines. Focus was also given to the hygiene within the premises of the Reception Centre. Joint activities for adults such as creative workshops, Croatian language workshop, football, gym, technical workshop, various health and hygiene workshops and participation of applicants in local community events were completely suspended as directed by the head of the Reception Centre and the Ministry of Interior. During the year, it was noticed by CRC that applicants were missing those activities because activities had helped them to expand their social network and contributed to strengthen their self-esteem, control and responsibility. CRC noticed that; due to the new circumstances, applicants were more insecure about their future life.

AYS reported that they had access to the Reception Centre until 17 March 2020, after which all providers of activities who have signed agreements with the Ministry of Interior had to suspend their activities in the Centre due to the spread of COVID 19.<sup>355</sup> Upon expiration of the agreement signed between AYS and the Ministry of Interior, in August 2020, the agreement was not extended due to epidemiological measures in place. Also AYS stressed that due to epidemiological situation and measures in place, lack of integration activities and support for asylum seeking children when integrating into the school system, was observed. Another problem, reported by AYS was the lack of free internet services (WiFi) within centres, after the introduction of epidemiological measures. Before that, applicants had usually used the wifi, which in practice, was available in the hallways, which was not possible after the spread of COVID 19.

Moreover, AYS provided support in learning Croatian language. In the period between 25 November 2019 and 1 August 2020, AYS held informal initial Croatian language course for both applicants of international protection and persons who were granted international protection. Although initially the course was held in live, they were subsequently held online through the ZOOM platform due to the pandemic. The course was led by volunteers which are professors of Croatian language. As mentioned above, AYS pointed out to the lack of internet access in the reception centres, making it difficult for applicants to access many of the programmes, which were due to epidemiological conditions switched online. As a result, AYS provided participants in their language courses with vouchers for cell phones in order to follow the course.

The Jesuit Refugee Service (JRS) reported that due to measures introduced to combat the spread of the COVID-19 during 2020, they had been prevented from carrying out their legal counseling activities in the Reception Centre in **Zagreb**. As a result, a significant number of applicants did not have access to free legal aid.<sup>356</sup>

Moreover, UNICEF had 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>357</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. UNICEF

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<sup>355</sup> Information provided by Are you Syrious, 2 February 2021

<sup>356</sup> Information provided by JRS 12 January 2021.

<sup>357</sup> Information provided by UNICEF, 8 January 2020.



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.

In 2020, JRS reported that it carried out daily activities in the CFS of the Reception Centre for Applicants of International Protection in **Zagreb** until March 2020, in cooperation with UNICEF Croatia.<sup>358</sup> Activities included educational, psychosocial, creative and sports programmes, providing support to refugee children. Due to the pandemic, their work with children at the CFS has been temporarily suspended, until the epidemiological situation improves. JRS also issued a Handbook for working with refugee children, in order to share their experience of working with refugee children and to combine practical knowledge and skills with professional theoretical knowledge. The handbook is available online in Croatian and English.<sup>359</sup>

The Croatian Law Centre (CLC) was present in the Reception Centres until the end of March 2020 when the project "Legal Counselling in the Procedure of Granting International Protection" financed by AMIF has ended (see [Legal assistance](#)). The project was aimed at providing legal information on the procedure of granting international protection and CLC lawyers were providing legal counseling to interested applicants 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 organized when needed. After the end of the project, CLC continued to provide legal aid to applicants however due to pandemic mostly through telephone and e-mail, although in specific cases meetings with clients were also held in CLC premises. In addition, following the COVID-19 outbreak and the powerful earthquake that **Zagreb** experienced on 22 March 2020, CLC published on its website the instructions issued by the National Civil Protection Authority on how to react in the case of an earthquake. The instructions are available in Croatian and Arabic (the latter was translated by the Croatian Red Cross and Médecins du Monde).<sup>360</sup> In addition multilingual leaflets of the Croatian Institute of Public Health on prevention COVID-19, prepared by Médecins du Monde and the Croatian Red Cross, were also advertised on CLC's website.<sup>361</sup>

In 2020, the the Rehabilitation Centre for Stress and Trauma (RCT) did not implement direct activities with applicants for international protection due to the pandemic, which is why they reduced direct contact activities including individual counseling in their offices.<sup>362</sup> In addition, in the course of 2020 RCT did not secure funding for activities with applicants for international protection, so there were no reasons to renew the expired agreement with the Ministry of Interior for the implementation of activities in Reception centre for applicants for international protection.

In 2020, as a response to COVID 19, school classes were organised online during certain periods, and educational or school programmes were broadcasted on television for younger children as the Croatian Ministry of Science and Education's Action plan included a combination of remote and face-to-face teaching. According to the Croatian Red Cross, asylum-seeking children were able to use the computer room in the Reception Centre in **Zagreb** to attend online classes<sup>363</sup> The possibility for children in reception centres to follow school programmes broadcast on television was introduced by the government.<sup>364</sup>

To support effective access to education of asylum-seeking children under remote learning arrangements, UNHCR donated computers and a TV set to the Reception Centre in **Kutina**, to complement the existing capacities.<sup>365</sup> However, the educational system in Croatia faced serious challenges during the COVID-19 lockdown, as online schools did not pay special attention to those who are still learning Croatian, including

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<sup>358</sup> Information provided by JRS, 12 January 2021.

<sup>359</sup> JRS, *Handbook working with refugee children*, 2020, available in Croatian at: <https://bit.ly/3nadF7I>; and in English at: <https://bit.ly/3dFR4wP>.

<sup>360</sup> Instructions in case of an earthquake of the National Civil Protection Authority in Croatian, March 2020, available in Croatian at: <https://bit.ly/3eou4Bv>, and in Arabic at: <https://bit.ly/3xixX3y>.

<sup>361</sup> Informative multilingual leaflets on coronavirus, available at: <https://bit.ly/2RXavZF>.

<sup>362</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 7 February 2021.

<sup>363</sup> EMN, *Migration Bulletin*, February 2021 available at: <https://bit.ly/2RKgCAj>.

<sup>364</sup> FRA, *Coronavirus pandemic in the EU - Fundamental Rights Implications - Bulletin 1*, 8 April 2020, available at: <https://bit.ly/32Ff2Su>.

<sup>365</sup> UNHCR: *Croatia – May Update 2020*, available at: <https://bit.ly/3nm0mBz>.



applicants for international protection and refugees.<sup>366</sup> Are you Syrious reported that after the transition to online classes, preparatory classes for children who do not know or do not know enough of Croatian language were not organized neither online or in any other form (for example, as part of the programme "School on the third" which was broadcasted on television), which is why asylum seeking children have lost a lot of time for learning the Croatian language.<sup>367</sup>

Centre for Peace Studies (CPS) did not have access to the Reception Centre, so most of their activities targeting applicants for international protection took place in their premises or in premises of collaborating organisations or mostly in an online format due to the epidemiological situation in 2020. In 2020, employees and volunteers of the CPS provided applicants for international protection with information on the system of international protection, as well as with legal support and counselling. In addition, they provided support in learning the Croatian language, securing a job, held a course on social entrepreneurship and provided information about life in Croatia as well as general psychosocial support. Volunteer lawyers provided legal information to applicants in relation to their procedure for international protection and other status-related issues, under the mentorship of the CPS's lawyer.<sup>368</sup>

IOM implemented the voluntary return and reintegration programme (AVRR.hr) during the first quarter of 2020 in Reception Centres for applicants for international protection in **Zagreb** and **Kutina**.<sup>369</sup> After the outbreak of the pandemic, information and counselling on return were provided by telephone and through other communication applications. IOM produced bilingual leaflets about the AVRR.hr programme (English/Croatian, English/French, English/Arabic, English/Farsi and English/Urdu) and trilingual posters (English/Croatian/French, English/ Arabic/Farsi and English/Urdu /Pashto). In addition, IOM conducted information campaigns on the prevention of sexual and gender-based violence for persons accommodated in the Reception Centres in Zagreb **and** Kutina. Given that those activities were completed before the start of the pandemic, more precisely by mid-March 2020, there was no need to adjust the activities after the outbreak.

### 2.3. Duration of stay in the centres

No information on the average length of stay in the reception centres in 2019 and 2020 is available, while it reached 3 months on average in 2018. However, in practice, applicants do not stay for long periods in reception centres as most of them leave the country after a few weeks. Croatia is still a transit country and it is estimated that more than 70-80% of applicants for international protection leave the country approximately a few weeks after having lodged their application for international protection.

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>366</sup> FRA, *Migration: Key fundamental rights concerns - Quarterly bulletin 3 – 2020* (1.4.2020 - 30.6.2020), available at: <https://bit.ly/3n94VyK>.

<sup>367</sup> Information provided by Are you Syrious, 2 February 2021.

<sup>368</sup> Information provided by the Centre For Peace studies, 22 January 2021.

<sup>369</sup> Information provided by IOM, 30 December 2020.

## 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>370</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>371</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>372</sup> In 2020, one attorney reported the same issue.<sup>373</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>374</sup>

One attorney reported that it was observed that applicants who have been granted the right to work by the Ministry of Interior, have not been informed or did not understand that this right lasts only until the enforceability of the decision on international protection.<sup>375</sup>

In 2020, the Administrative Court in **Zagreb** received 2 lawsuits in relation to certificates granting the right to work, which were rejected.<sup>376</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>377</sup> According to the data of the CES, 4 applicants for international protection (of which 1 woman) were registered in their records of unemployed persons while 4 applicants for international protection were included in individual counselling at CES in 2020.<sup>378</sup>

Applicants can work on a voluntary basis in both Reception Centres.<sup>379</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,

<sup>370</sup> Article 61(1) LITP.

<sup>371</sup> Article 61(5) LITP.

<sup>372</sup> Information provided by the attorney at law, 16 January 2020.

<sup>373</sup> Information provided by an attorney-at-law, 26 January 2021.

<sup>374</sup> Article 61(2)-(3) LITP.

<sup>375</sup> Information provided by an attorney-at-law, 26 January 2021.

<sup>376</sup> Information provided by the Administrative Court in Zagreb, 18 February 2021.

<sup>377</sup> Article 14 Law on Labour Market, Official Gazette 118/2018, 32/2020.

<sup>378</sup> Information provided by the Croatian Employment Service, 11 January 2021.

<sup>379</sup> Article 19 Ordinance on the Realisation of Material Reception Conditions.

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.

Are You Syrious (AYS) reported that during 2020 they provided information to applicants of international protection on the right to work and provided support in job searching (e.g. writing CVs, contacting employers).<sup>380</sup> As a shortcoming to the current legislative solution, they pointed out the 9 months period for implementation of right to work, which prevents early integration into the labour market.

## 2. Access to education

### Indicators: Access to Education

- |  |   |
|--|---|
| 1. Does the law provide for access to education for asylum-seeking children? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Are children able to access education in practice?                        | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

The right to education is a constitutional right for all children staying in Croatia. According to the LITP, only child applicants (i.e. those under 18) are entitled to primary and secondary education.<sup>381</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>382</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>383</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 Syrious (AYS) reported that in 2020 an extremely small number of asylum seeking children of applicants for international protection were included in the educational system. AYS also reported that the problems related to inclusion of children to preparatory classes persisted in 2020. According to them, in practice, organisation of preparatory classes is extremely lengthy and children often wait or 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. An additional problem reported by AYS relates to the fact that children who have not completed primary school, and are older than 15 years old, lose the right to a regular education system as legislation does not prescribe the enrolment of children over 15 years of age in primary school. Accordingly, the Ministry of Science and Education anticipates the possibility to include minors over 15 years of age who have not completed primary school in the programme of education for adults.<sup>384</sup>

According to the Ministry of Science and Education, in order to be included to the educational system, candidates are required to have following documents: a certificate of status in the Republic of Croatia; a certificate of residence in the Republic of Croatia; an identity document (birth certificate, identity card,

<sup>380</sup> Information provided by AYS, 2 February 2021

<sup>381</sup> Article 58(1) LITP.

<sup>382</sup> Article 58(3) LITP.

<sup>383</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>384</sup> Information provided by Are You Syrious, 2 February 2021..

passport or corresponding document of the Ministry of the Interior of the Republic of Croatia); and a document on previous education.<sup>385</sup> If they do not have a document on previous education, they need to give a statement at a public notary and then present said statement to the services of the educational institution in order for them to organize an enrolment test and determine which class the candidate can attend.

Beyond access to schools, several organisations provide educational activities and language classes as described in details in [Conditions in Reception Facilities](#).

## 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>386</sup>

In 2020, an Ordinance on health care standards for applicants for international protection and foreigners under temporary protection entered into force regulating, amongst other, initial and supplementary medical examinations and the scope of health care for applicants of international protection.<sup>387</sup> Additionally, the Ordinance lists the different vulnerable groups entitled to health care as follows: persons deprived of legal capacity, children, unaccompanied children, elderly and infirm persons, seriously ill persons, persons with disabilities, pregnant women, single parents with a minor children, people with mental disabilities and victims of human trafficking, victims of torture, rape or other psychological, physical and sexual violence, such as victims of female genital mutilation. These categories of persons have a right to psychosocial support and assistance in appropriate institutions. A pregnant woman or a parturient woman who requires monitoring of pregnancy and childbirth is entitled to health care to the same extent as insured person from compulsory health insurance. Children up to the age of 18 are guaranteed the entire right to health care in accordance with the legislation governing the right to health care from compulsory health insurance.<sup>388</sup>

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, nor for 2020, 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>389</sup> In the Health Centre, a competent ambulance (family medicine) has been designated for the provision of health care from the primary health care level for chronic and life-threatening illnesses. A specialist ambulance for vulnerable groups has been appointed by the Ministry of Health and Local Health Centres. This includes: paediatric ambulance, gynaecological ambulance, school medicine ambulance, neuropsychiatric ambulance at the Hospital of **Kutina**, ambulance for addiction treatment; dental ambulances and Psychiatric Hospital in **Zagreb**.

<sup>385</sup> Information provided by the Ministry of Science and Education during the webinar „The Protection of Unaccompanied Children: Procedure and Exercising Rights After the Accommodation of Children” organised by the Croatian Law Centre on 2 March 2021.

<sup>386</sup> Article 57(1) LITP.

<sup>387</sup> Official Gazette 28/2020, available in Croatia at: <https://bit.ly/3asTWel>.

<sup>388</sup> Article 9 (1) (4) Ordinance on health care standards for applicants for international protection and foreigners under temporary protection

<sup>389</sup> Information provided by the Ministry of Interior, 28 January 2019.

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 and in Reception Centre in **Kutina** depending on the needs.<sup>390</sup>

Due to outbreak of COVID 19 in 2020, applicants for international protection were placed in a two-week quarantine and tested for COVID-19 based on medical assessments after being accommodated in Reception Centres for Applicants of International Protection.<sup>391</sup> At the beginning of the COVID-19 pandemic, the Croatian Institute for Public Health issued Protocol related to testing for COVID-19 / SARS-CoV-2.<sup>392</sup> The protocol states that, among others, applicants for international protection and refugees belongs to priority groups for testing.

Information posters and/or leaflets on COVID 19 and hygiene were prepared by the Croatian Institute for Public Health and Ministry of the Interior,<sup>393</sup> Médecins du Monde (MdM),<sup>394</sup> and the Croatian Red Cross.<sup>395</sup>

The Institute of Ethnology and Folklore Research reported that foreigners without appropriate identification documents could order a free PCR test at the Teaching Institute of Public Health **Andrija Štampar** without difficulty soon after the outbreak of the epidemic, but stressed that the application of the City of **Zagreb** launched in November 2020 for rapid antigen tests required the entry of a health insurance number, which is why the app could not be used by applicants for international protection and persons granted international protection.<sup>396</sup>

### Complementary services by NGOs

In 2020, the MDM-Belgique team consisted of a medical doctor, a nurse and interpreters for Arabic and Farsi (3 to 5 people during 2020).<sup>397</sup> The team conducted daily health consultations at the level of primary health care in the Reception Centre for Applicants for International Protection in **Zagreb** (working with patients for 6 hours every working day) and in **Kutina** (depending on needs), and conducted official initial medical examinations of newly arrived applicants for international protection. In order to provide comprehensive support and care to patients, the community worker / social worker and interpreters provided practical support to applicants for international protection in terms of interpretation, provision of information and counselling, transport of patients to health care facilities for specialist consultation and diagnostic examinations, by transporting samples, medications, and medical records as needed. MDM-Belgique arranged the dates of examinations in health care institutions, and organised the transport schedule and patient transportation (including the transport schedule for the Croatian Red Cross).

Regular vaccination of children was carried out continuously in 2020 through the cooperation of the Ministry of Interior, Health Center, **Andrija Štampar Teaching Institute of Public Health** and the Croatian Institute of Public Health and MDM-BELGIQUE.

In accordance with the instructions of the Ministry of Health from 27 January 2020, the medical team of MDM-Belgique performed only initial medical examinations / emergency medical examinations and

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<sup>390</sup> Information provided by MdM, 17 January 2021.

<sup>391</sup> UNHCR, Croatia Update, July-August 2020, available at: <https://bit.ly/3sBzxtV>.

<sup>392</sup> Croatian Institute for Public Health: Protocol related to testing for COVID-19 / SARS-CoV-2, 21 March 2020, available in Croatian at: <https://bit.ly/3nbDDYz>.

<sup>393</sup> Croatian Institute for Public Health and Ministry of Interior leaflets available in Croatian at: <https://bit.ly/3aotkeH>; in Farsi at: <https://bit.ly/2P9cf0V>.

<sup>394</sup> MdM, 'Washing hands poster', 2020, available in several languages at: <https://bit.ly/3vfZJw1>.

<sup>395</sup> Croatian Red Cross information on available sources of information on COVID-19, available in Arabic at: <https://bit.ly/3avMuPT>.

<sup>396</sup> Information provided by the Institute of Ethnology and Folklore Research, 11 January 2021.

<sup>397</sup> Information provided by MdM, 17 January 2021.

medical interventions, while referring other patients to the Ambulance for Applicants for International Protection at the Health Centre - **Dugave**. In this new organisational setting, MDM - Belgique also provided support to the general practitioner of the Health Centre with the division of prescribed therapy (on the recommendation of the general practitioner of the Health Centre) and through the organisation, coordination, making appointments and transportation of applicants to health facilities for specialist consultations and diagnostic examinations.

In 2020, the MdM's medical team carried out 1,690 medical consultations with applicants for international protection out of which 483 initial medical examinations. Out of the 1,690 medical consultations: 38.05% were performed with women and 35.44% with children. The average age of patients was 24 years and the two most represented nationalities were **Afghans** (29.86%) and **Iraqis** (28.12%). In addition, a total of 537 transports of applicants for international protection to health care facilities for the necessary specialist and diagnostic treatment were performed (including 67 transports for children to paediatricians / vaccinations / school medicine specialists).

Two MdM's psychologists conducted individual psychological counselling sessions every working day for 6 hours in **Zagreb** and when necessary in **Kutina**. An external associate- psychiatrist visited the Reception Centre in **Zagreb** three times a month.

The MdM team provided 424 individual psychological counselling sessions and 117 specialist psychiatric examinations in the course of 2020.

All children who stayed in the Reception Centre upon arrival and for whom it was possible to obtain an appointment for specialist examination, were examined and vaccinated if necessary by a paediatrician at the Health Center **Zagreb** - Center or „Andrija Stampar“ Teaching Institute of Public Health. MDM-Belgique provided transportation of children to relevant health institutions and hospitals and other health centers with paediatric clinics.

Pregnant women who stayed upon arrival in the Reception Centre were examined by a gynaecologist at the Health Center and at the hospital. The MDM - Belgique team coordinated the transport of pregnant women for examinations, as well as visits of the nurse after childbirth. During summer 2020, a large number of pregnant women were accommodated in the Reception Centre.

However, MdM reported that one of challenge for the MdM team was the lack of available appointments for gynaecologists and paediatrics.

During the initial medical examination, applicants for international protection with a possible problem of addiction to psychoactive substances were referred to an MDM's psychiatrist (subspecialist in addiction) or to „Andrija Stampar“ Teaching Institute of Public Health and MDM - Belgique team ensured transportation as well as the subsequent supervision and issuance of prescribed pharmacotherapy in cooperation with the doctor of Health Center on a daily basis.

Applicants for international protection were informed about hygiene, health care and protection primarily during medical consultations and health examinations (especially during the initial medical examinations of newly arrived applicants) as well as during information workshops. A total of 8 workshops were held in 2020 i.e. 2 preventive psychoeducational workshops, 2 workshops on contagious disease, 3 workshops on hygiene in general, 1 workshop on sexually transmitted diseases and family planning.

MdM noted that the proportion of women, children, families, patients with chronic or serious illnesses, as well as people with disabilities, has increased in 2020 among applicants. An additional challenge was the physical and psychological exhaustion of applicants who came from **Bosnia and Herzegovina** where they had stayed in the temporary reception centres with poor living conditions.

Since March 2020, the MDM-Belgique team was also in charge of health protection and prevention of spread of COVID-19 disease among applicants for international protection accommodated in the



Reception Centre in **Zagreb**. From March 2020 onwards, the MDM-Belgique team implemented a number of preventive measures and recommendations i.e. ensured hand disinfection in several places in the Reception Centre, carried out daily temperature measurement of all applicants, distributed protective masks, disseminated and translated info-preventive material and established telephone and e-mail communications of applicants who were isolated with psychologists and a psychiatry specialist as needed. Specific info-materials were also produced and distributed to applicants in self-isolation. MDM-Belgique developed a Protocol on the treatment and testing strategy when there is suspicion of COVID infection, which has proved necessary in coordinating the work of all services and organisations working within the Reception Centre. The Protocol is regularly updated in accordance with official instructions.

Since the beginning of September 2020, the staff of MDM-Belgique operated in two teams, which rotated every 14 days due to the increase in the number of COVID -19 patients in Croatia, and in accordance with the instructions of the Ministry of Interior. Given the need for a doctor to be present in each team, another part-time doctor was hired. During 2020, a continuous increase in the number of applicants in quarantine was noted, starting with a daily number of 10-15 people in May, up to 115 people daily at the end of June and a daily number of 210 people at the end of November 2020. The total number of persons in quarantine reached 1,390 from May 2020 to the end of December 2020 (out of which 76 persons were twice in quarantine and 5 persons three times). In the self-isolation premises, the health of the applicants was monitored daily and the measurement of the body temperature was carried out. Applicants that showed symptoms were immediately referred for coronavirus testing. In situations of suspicion of COVID 19, MDM-Belgique has fully taken over the organisation of testing in cooperation with „Andrija Stampar“ Teaching Institute of Public Health. Out of the total number of persons in quarantine (1,390), 240 persons (17.26%) were tested during the year.

However, MdM reported that the coronavirus pandemic posed a challenge for their team and required flexibility in line with recommended preventive epidemiological measures. Nevertheless, the long-term exposure of MdM staff to the significantly increased workload in the Reception Centre that is not sufficiently equipped and does not have enough staff to organize and maintain an efficient and safe quarantine space has caused high levels of stress and a sense of disproportionate responsibility among their employees.

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.

In 2020, MdM has produced the publication "Everyone has the right to healthcare: A model of healthcare mediation/support intended for asylum seekers in Croatia – outline, challenges & recommendations".<sup>398</sup> The publication describes various components of the health care model, as well as the results in terms of facilitating access to health care for applicants of international protection in Croatia. The publication was published in Croatian and English.

In July 2020, the Directorate for European Affairs, International Relations and European Union Funds issued a decision on the allocation of financial resources for the implementation of the project to be implemented by MDM.<sup>399</sup> The aim of the project is to protect the health and prevent disease among applicants of international protection through improved access to first examinations and medical consultations in Reception Centres for applicants for international protection

Since 1 August 2020, the possibility of continuous, individualised, language-adapted and culturally aware monitoring of health and health care has been ensured within the Reception Centre for Applicants for International Protection through a new project implemented by MdM,.

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<sup>398</sup> MdM, *Everyone has the right to healthcare: A model of healthcare mediation/support intended for asylum seekers in Croatia – outline, challenges & recommendations*, 2020, available at: <https://bit.ly/3sEwEIH>.

<sup>399</sup> Ministry of Interior: Decision on the allocation of financial resources 31 July 2020, available in Croatian at: <https://bit.ly/3eiRKat>.



The devastating earthquake which hit central Croatia at the end of 2020 was also significantly felt in **Zagreb**. All staff working in the Reception Centre as well as applicants accommodated both in the quarantine as well as in open part of the Centre were evacuated immediately. Although, no one was physically injured, a significant number of applicants showed signs of an acute stress response or re-traumatization, especially applicants accommodated in the quarantine section of the Reception Centre. In order to assess the condition of applicants and the need for additional interventions, prevention of long-term symptoms and stabilization of emotional responses to a crisis event, applicants were provided with psychological support by MDM-Belgique team. Due to the facts that tremors have continued, additional psychological support is planned.

## 2. Mental health

Psychological counselling and support was provided by MdM during 2020. Two MdM's psychologists conducted individual psychological counselling sessions every working day for 6 hours in **Zagreb** and when necessary in **Kutina**. An external associate- psychiatrist visited the Reception Centre in **Zagreb** three times a month. MdM team provided 424 individual psychological counselling sessions and 117 specialist psychiatric examinations in the course of 2020.<sup>400</sup>

Additional issues related to trauma and mental health of applicants for international protection are further described in [Screening of vulnerability](#).

## 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>401</sup> However, this type of specialised health care has been lacking for years in practice. According to the Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia, an ordinance which defines the scope of the right to health care for applicants who has been subject to torture, rape or other serious forms of violence and as well as for those with special health care needs, should have been adopted in previous years, however the Ordinance on health care standards for applicants for international protection and foreigners under temporary protection was finally adopted in 2020 and entered into force in March 2020 (see [Primary health care](#) for more information).<sup>402</sup>

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, according to CLC's knowledge 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 (see [Identification](#)).

However, in 2020, as part of the project implemented by MDM-Belgique entitled: "Empowering Women and Children in the migrant population to take ACTion against sexual and gender-based violence (We ACT)", Guidelines for dealing with cases of sexual violence against women and children were prepared. The content of guidelines was incorporated in the Standard Operational Procedure in Cases of Sexual and Gender-Based Violence in the Reception Centres for Applicants of International Protection".<sup>403</sup>

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<sup>400</sup> Information provided by MdM, 17 January 2021.

<sup>401</sup> Article 57(2) LITP.

<sup>402</sup> Official Gazette 28/2020, available in Croatia at : <https://bit.ly/2QKE3ZK>.

<sup>403</sup> Information provided by MdM, 17 January 2021.

## 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>404</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>405</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>406</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>407</sup>

Applicants with special health care needs shall be provided a special diet, based on the recommendations of the physician.<sup>408</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>404</sup> Article 4(1)(14) LITP.

<sup>405</sup> Article 56(4) LITP; Article 6(1) Ordinance on the Realisation of Material Reception Conditions.

<sup>406</sup> Article 7(3) Ordinance on the Realisation of Material Reception Conditions.

<sup>407</sup> Article 12(1)-(3) Ordinance on the Realisation of Material Reception Conditions.

<sup>408</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>409</sup>

In 2020, the NGO Rehabilitation Centre for Stress and Trauma informed FRA that they noted difficulties in ensuring the standards laid down in the Receptions Conditions Directive, especially for vulnerable applicants. They reported that an applicant with amputated legs was placed in a facility for the elderly with mental problems, which was not adapted for people in wheelchairs. They also highlighted the lack of effective mechanisms to identify torture victims.<sup>410</sup> Centre for Peace Studies also pointed out that there is still an inadequate system for identifying vulnerable groups within Reception Centres for Applicants of International Protection.<sup>411</sup>

At the beginning of May 2020, the Ministry of the Interior and the Ministry of Health of the Republic of Croatia took over the coordination for activities to support children and families in the Porin reception centre.<sup>412</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.

## 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>413</sup>

In practice, most unaccompanied foreign children up to now are placed in children and young people's homes. Children under 14 years of age are accommodated in children's homes, while children above the age of 14 are accommodated in Residential Child Care Institutions. Although these are open facilities, they are not adapted to the needs of this category of children. Special concerns from various NGOs have been raised in relation to accommodating children in Residential Child Care Institutions as their primary function is to treat children with behavioural difficulties, so the conditions of their stay cannot be considered suitable for this group, especially when taking into account the specific needs of these children, as well as unavailability of interpreters in those institutions.<sup>414</sup>

The Croatian government designated two facilities for children in **Zagreb** and in **Split** for the initial reception of UASC during which best interests' procedures are undertaken. These procedures should be completed within 3 months to determine appropriate solutions, including on accommodation and care.<sup>415</sup>

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

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<sup>409</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>410</sup> FRA, *Migration: Key fundamental rights concerns - Quarterly bulletin 4 – 2020*, available at: <https://bit.ly/3avkqMn>.

<sup>411</sup> Information provided by the Centre For Peace studies, 22 January 2021.

<sup>412</sup> UNICEF, 'Life continues in the Porin reception centre of Zagreb despite the uncertainty of COVID-19', 5 May 2020, available at: <https://uni.cf/3avkvj9>.

<sup>413</sup> Article 10(3) LITP.

<sup>414</sup> Information provided by the Centre For Peace studies, 22 January 2021.; see also FRA, *Migration: Key fundamental rights concerns - Quarterly bulletin 4 – 2020*, available at: <https://bit.ly/3avkqMn>.

<sup>415</sup> UNHCR; UNICEF and IOM: *Refugee and Migrant Children in Europe - Accompanied, Unaccompanied and Separated, Overview of Trends January to June 2020* available in English at: <https://bit.ly/32AD0OY>.

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>416</sup> However, according to Ombudsperson for Children, this possibility was not used in 2020.<sup>417</sup>

Due to COVID 19 pandemic, visits to institutions in the social care system, which provide accommodation to children and young people, were prohibited and/or restricted during certain periods of time in 2020. Recommendations on epidemiological measures that needed to be implemented within social care system were updated regularly in relation to different aspects of the organisation of work of providers of social care.

In order to prevent the spread of COVID-19 and protect beneficiaries and employees in the social welfare system, the Ministry of Labour, Pension System, Family and Social Policy issued a large number of decisions, recommendations and guidelines on how to provide social services and act in the protection of unaccompanied children in situations of threat or epidemic, in order to protect unaccompanied children. However, certain problems have been identified in the implementation of these guidelines. Employees of social care institutions where unaccompanied children are accommodated were confronted with fear of potential infections and difficulties in working in changed circumstances of working with beneficiaries under protective equipment. Newly accommodated unaccompanied children had to be placed in self-isolation upon arrival at the facility, prior the test results for Covid-19 were received. This was both difficult for children, while at the same time accommodation in self-isolation was extremely difficult to organise due to the lack of accommodation capacity. This situation improved, however, upon receipt of rapid COVID-19 tests from the competent ministry.<sup>418</sup>

In September 2020, the Ministry of Interior's Directorate for European Affairs, International Relations and European Union Funds decided to allocate funds for the implementation of a project aimed at the early integration of unaccompanied children.<sup>419</sup> The goal of the project *New Home* is to contribute to the better integration of unaccompanied children into community, to ensure early integration through reception, accommodation, guardianship care and psychosocial support and to support their inclusion into the local community. The beneficiary of the project is the Ministry of Labor, Pension System, Family and Social Policy, Center for Social Welfare in Pakrac and the Community Center in **Lipik**.

On 20 November 2020, on the occasion of the World Children's Day, the Croatian Law Centre in cooperation with - and with financial support from - UNHCR, organised the online conference "Actualities in the Field of the Protection of Rights of Unaccompanied children". The topic of the conference was to provide an overview of the state of play of the protection of unaccompanied children, with a special focus on the expected arrival of unaccompanied children from Greece. A total of 30 participants were present at the conference.

In its Annual report on 2020, the Ombudsperson for Children states that, according to the data of the Ministry of Interior, 942 children seeking international protection were registered in 2020.<sup>420</sup> Out of the total number of children, 186 were unaccompanied. Of that number, 94 were placed in social welfare institutions, while the other 92 were placed in Reception Centre for applicants for international protection. A total of 17 international protection were granted to children and no international protection was granted to unaccompanied children, as they left before the end of the procedure for international protection.

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<sup>416</sup> Official Gazette 115/2018, available in Croatian at: <https://bit.ly/2xP8gh5>.

<sup>417</sup> Ombudsperson for Children, *Report on the work of the Ombudsman for Children in 2020*, March 2021, available online as of 7 April 2021 at : <https://bit.ly/3swZOtt>.

<sup>418</sup> Ombudsperson for Children, *Report on the work of the Ombudsman for Children in 2020*, March 2021, available online as of 7 April 2021 at : <https://bit.ly/3swZOtt>.

<sup>419</sup> Decision on the allocations of the funds, 18 September 2020, available in Croatian at: <https://bit.ly/3n8b3Ya>.

<sup>420</sup> Ombudsperson for Children, *Report on the work of the Ombudsman for Children in 2020*, March 2021, available online as of 7 April 2021 at : <https://bit.ly/3swZOtt>.

### 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>421</sup>

The system for addressing the consequences of torture among applicants was not established in practice for years and there was a lack of clarity on who can get treatment and under which conditions, and who should provide such treatments. However in 2020, the Ordinance on health care standards for applicants for international protection and foreigners under temporary protection entered into force regulating, amongst other, also the scope of health care for vulnerable groups.<sup>422</sup> This is discussed in detail in [Health Care](#).

Standard Operational Procedure in Cases of Sexual and Gender-Based Violence in the Reception Centres for Applicants of International Protection is in its final stage of development.

## 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>423</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>424</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.

In 2020, the Centre for cultural activities prepared 6 videos containing the necessary information for applicants for international protection and foreigners residing in Croatia within the project „The video info corner for asylum seekers“ which was implemented with the financial support of the Ministry of Labour, Pension System, Family and Social Policy. The videos provide general information,<sup>425</sup> as well as

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<sup>421</sup> Article 57(2) LITP.

<sup>422</sup> Official Gazette 28/2020, 13 March 2020, available in Croatia at : <https://bit.ly/2PcZGBM>.

<sup>423</sup> Article 59(2) LITP.

<sup>424</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>425</sup> The video is available at: <https://bit.ly/3awCMN4>.



information on legal counselling, accommodation and daily life,<sup>426</sup> health care,<sup>427</sup> education,<sup>428</sup> obligation to respect the legal framework and customs of the Republic of Croatia,<sup>429</sup> and cultural features in the local community.<sup>430</sup> The videos were made with English subtitles and synchronized to Arabic.

In 2020, due to COVID 19 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. Information posters and/or leaflets on COVID 19 and hygiene were prepared by the Croatian Institute for Public Health and Ministry of the Interior,<sup>431</sup> Médecins du Monde (MdM),<sup>432</sup> and Croatian Red Cross.<sup>433</sup> 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.

In addition some organisations added information on their websites. Multilingual leaflets of the Croatian Institute of Public Health on prevention COVID-19, prepared by Médecins du Monde and the Croatian Red Cross were advertised on CLC's webpage.<sup>434</sup>

JRS also regularly translated in Arabic and Farsi and visually equipped and promoted all news and recommendations of epidemiologists among beneficiaries (video materials, support group, brochure, online counselling, etc.).<sup>435</sup>

The NGO Roda in cooperation with the UNICEF Office for Croatia, prepared infographics "Pregnancy and coronavirus", "Childbirth and coronavirus" and "Breastfeeding and coronavirus" using the latest scientific evidence available at the time (October 2020). Infographics are available in English, Romani (Chib), Baja-Romanian, Farsi and Arabic.<sup>436</sup>

## 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 advisors, 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>437</sup>

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

<sup>426</sup> The video is available at: <https://cutt.ly/qvKPaQo>.

<sup>427</sup> The video is available at: <https://cutt.ly/6vKPjJp>.

<sup>428</sup> The video is available at: <https://cutt.ly/YvKPcY4>.

<sup>429</sup> The video is available at: <https://cutt.ly/YvKPQut>.

<sup>430</sup> The video is available at: <https://cutt.ly/6vKPTPm>.

<sup>431</sup> Croatian Institute for Public Health and Ministry of Interior leaflets available at: <https://bit.ly/3tJ9d2v>; <https://bit.ly/3gx4ehl>.

<sup>432</sup> MdM, *Washing hands*, available at: <https://bit.ly/3v7lSMX>; <https://bit.ly/3sBfiws>.

<sup>433</sup> Croatian Red Cross information on available sources of information on COVID-19, available in Arabic at: <https://bit.ly/3n89ut5>.

<sup>434</sup> Informative multilingual leaflets on coronavirus, available at: <https://bit.ly/3grDILS>.

<sup>435</sup> Information provided by JRS, 12 January 2021.

<sup>436</sup> NGO Roda, *Koronavirus i trudnoća, porod i dojenje na engleskom jeziku*, available in Croatian and other languages at: <https://bit.ly/3v9MX1P>.

<sup>437</sup> Article 56 (2) LITP.

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 had a cooperation agreement with the Ministry of Interior for the 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>438</sup> (see [Access to NGOs and UNHCR](#)).

In 2020, due to COVID 19, access to the reception centres was restricted for persons who are not necessary for the normal functioning of the facilities.<sup>439</sup> At the beginning of the March 2020, Centre for Peace Studies (CPS) sent a letter to the Ministry of Interior with a proposal to conclude again an agreement that would allow CPS's access to Reception Centres in **Zagreb** and **Kutina** and the implementation of activities. However they did not receive any response from the Ministry.<sup>440</sup>

As of mid-March 2020, due to pandemic, access to reception centres of applicants of international protection was restricted, with the exception of persons who ensure the normal functioning of the facilities and civil society organisations had to stop their activities in the centres. Only employees of the Ministry of Interior, the Croatian Red Cross and Médecins du Monde (Doctors of the World - MdM) could access the facilities.

## 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>438</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>.

<sup>439</sup> EMN, *Special Annex to the 30th EMN Bulletin EU Member States & Norway: responses to COVID-19 in the migration and asylum area, January – March 2020*, available at: <https://bit.ly/3sypjKV>.

<sup>440</sup> Information provided by the Centre For Peace studies, 22 January 2021.



## Detention of Asylum Seekers

### A. General

#### Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2020: <sup>441</sup>	Not available
2. Number of asylum seekers in detention at the end of 2020:	Not available
3. Number of detention centres:	3
4. Total capacity of detention centres:	219

During the procedure for international protection, 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>442</sup> This brings the total capacity of detention centres to 219. No information is available whether this has changed in the course of 2020. Due to a lack of available information, it is also difficult to assess whether COVID-19 had an impact on the number of applicants for international protection and how the health measures were implemented in detention centres.

In 2020, 193 migrants were newly detained in the Reception Centre for Foreigners in **Ježevo**, however it is not clear how many of them were applicants for international protection.<sup>443</sup> By way of comparison, a total of 928 migrants were detained in 2018, 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>444</sup>

Article 54 para. 11 of the Law on International and Temporary Protection (LITP) foresees that a detention order can be issued by the Ministry of Interior, the police administration or the police station and they can decide on a particular measure and its duration. On 24 June 2020, the Constitutional Court issued a decision rejecting the proposal to initiate proceedings to review the constitutionality of this provision.<sup>445</sup> The applicant considered that said provision is contrary to Article 22 para. 2 of the Constitution,<sup>446</sup> as Article 54 para. 11 of LITP stipulates that restrictions on the freedom of movement of third country nationals are issued by an executive body rather than a court. Despite the fact that the Constitutional Court did not initiate proceedings to review the constitutionality, it emphasised in its reasoning that the provisions of the LITP must be interpreted and applied in the light of relevant EU directives and existing case-law of the Court of Justice of the European Union (CJEU).

<sup>441</sup> Including *both* applicants detained in the course of the asylum procedure and persons lodging an application from detention.

<sup>442</sup> Information provided by the Ministry of Interior, Border Directorate, 6 February 2019.

<sup>443</sup> Ministry of Interior, *Statistical overview of basic safety indicators and work results in 2020*, available at: <https://bit.ly/33SizgV>, 161.

<sup>444</sup> Information provided by the Ministry of Interior, Border Directorate, 6 February 2019.

<sup>445</sup> Constitutional Court, Decision Number: U-I-503/2018, 24 June 2020, available in Croatian at: <https://bit.ly/3wY8SLs>.

<sup>446</sup> Article 22 paragraph 2 of the Croatian Constitution reads: *No one shall be deprived of liberty, nor may liberty be restricted, except when specified by law, upon which a court shall decide.*

## 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>447</sup> Detention may be ordered for 4 reasons,<sup>448</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>449</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>450</sup> No information on detention during the Dublin procedure is available for 2019 and it seems that neither in 2020 detention in Reception Centre for Foreigners in Jezevo was not used in Dublin cases<sup>451</sup>

<sup>447</sup> Article 54(5) LITP.

<sup>448</sup> Article 54(2) LITP.

<sup>449</sup> Article 54(4) LITP.

<sup>450</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>451</sup> Ministry of Interior, *Statistical overview of basic safety indicators and work results in 2020*, available at: <https://bit.ly/3tVG4R0>, 61.

The LITP specifies that detention in Reception Centre for Foreigners may be imposed if, by individual assessment, it is established that other measures would not achieve the purpose of restriction of freedom of movement.<sup>452</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>453</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>454</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.

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 detention as specified by LITP. According to the Border Police Directorate, if the intention is expressed in the Reception Centre for Foreigners in **Ježevo**, the intention is then received by the centre, which then informs by email the service 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>455</sup>

## 2. Alternatives to detention

### Indicators: Alternatives to Detention

1. Which alternatives to detention have been laid down in the law?
  - ☒ Reporting duties
  - ☒ Surrendering documents
  - ☐ Financial guarantee
  - ☒ Residence restrictions
  - ☐ Other
2. Are alternatives to detention used in practice? ☒ Yes ☐ No

<sup>452</sup> Article 54(6) LITP.

<sup>453</sup> Information provided by attorneys at law on 3 December 2019, 6 December 2019, 16 December 2019 and 21 January 2020.

<sup>454</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>455</sup> Information provided by the Ministry of Interior, Border Directorate, 17 August 2018.

The same authority i.e. the Ministry of Interior, the police administration or the police station can decide and render decision on a particular alternative measure and its duration.<sup>456</sup>

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>457</sup> No information is available for 2019 and 2020.

### 3. Detention of vulnerable applicants

#### Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice?  
☐ Frequently ☒ Rarely ☐ Never  
❖ If frequently or rarely, are they only detained in border/transit zones? ☐ Yes ☒ No
2. Are asylum seeking children in families detained in practice?  
☐ Frequently ☒ Rarely ☐ Never

The LITP allows for the detention of vulnerable applicants, if detention is suited to their special needs.<sup>458</sup> Moreover, it provides for detention of unaccompanied children, although for as short a period as possible.<sup>459</sup> No information is available on the number of vulnerable applicants who were detained in the detention centres in the course of 2019 and 2020.

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>460</sup>

While there is no data on the use of detention for applicants for international protection in 2020, the Ombudsperson for Children reported that the freedom of movement of 48 accompanied children of irregular migrants was restricted during that year. They were held in the Reception Centre for Foreigners **Ježev** and in the Transit Reception centres for foreigners **Trilj** and **Tovarnik**.<sup>461</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? N/A

<sup>456</sup> Article 54(11) LITP.

<sup>457</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>458</sup> Article 54(7) LITP.

<sup>459</sup> Article 54(8) LITP.

<sup>460</sup> Border Violence Monitoring Network, October 2019, available at: <https://bit.ly/2wnErUo>.

<sup>461</sup> Ombudsperson for Children, *Report on the work of the Ombudsman for Children in 2020*, March 2021, available online as of 7 April 2021 at: <https://bit.ly/3swZOtt>.

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>462</sup>

According to the Ministry of Interior the average duration of detention of applicants in 2018 was 3 months.<sup>463</sup> However no information is available for 2019 and 2020.

## C. Detention conditions

### 1. Place of detention

#### Indicators: Place of Detention

1. Does the law allow for asylum seekers to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)? ☐ Yes ☒ No
2. If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure? ☐ Yes ☒ No

#### 1.1. Pre-removal and transit detention centres (“Reception Centres for Foreigners”)

Applicants for international protection are detained in the same premises as irregular migrants.<sup>464</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>465</sup> The centre has capacity to accommodate 68 men, 12 women and 15 vulnerable persons. The special wing for vulnerable groups in Ježevo was finalised at the end of 2015 in order to detain 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>466</sup> Each centre can accommodate 62 migrants, and include a separate wing for vulnerable groups with 12 places.<sup>467</sup>

The activities performed by these centres are defined by the Decree on Internal Organisation of the Ministry of Interior,<sup>468</sup> and it is envisaged that the Transit Reception Centres will serve for the detention of foreigners apprehended for irregular crossing of the EU’s external border until their transfer to **Ježevo** or until removal under a readmission agreement. 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>469</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

<sup>462</sup> Article 54(10) LITP.

<sup>463</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>464</sup> Article 54(5)-(6) LITP.

<sup>465</sup> Information provided by the Border Directorate, 30 January 2018.

<sup>466</sup> ECRE, *Balkan route reversed*, December 2016, 17.

<sup>467</sup> Information provided by the Border Directorate, 6 February 2019.

<sup>468</sup> Official Gazette 97/2020, Article 409 and Article 674.

<sup>469</sup> Information provided by the Border Directorate, 6 February 2019.

total number of refusal of entry in 2018 was 12,633, which also includes land (12,107) and sea (58). According to the Ministry of Interior there were 12,447 refusals of entry in 2019, and 14,678 refusals of entry in 2020.<sup>470</sup>

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 or 2020.

In August 2020, the Council of Europe Committee for the Prevention of Torture (CPT) completed a five-day rapid reaction visit to Croatia to examine the treatment of persons attempting to enter the country and apprehended by the police.<sup>471</sup> Beside the Reception Centre for Foreigners in **Ježevo**, the delegation visited the **Cetingrad** Border Police Station, the **Donji Lapac** Border Police Station, the Korenica Border Police Station, and the Intervention Police Unit of the Karlovac Police Administration (**Mali Erjavec**). The preliminary observations of the delegation were presented to the Croatian authorities at the end of the visit. According to the Croatian Ombudsperson, the report on the CPT visit was adopted in November and the CoE Commissioner for Human Rights urged to Croatia to publish it, as it is common practice for CPT reports to be made public, with exceptions being very rare.<sup>472</sup> As of the end of April 2021, the report was not published.

## 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. In 2019, the Ministry of Interior reported that a total 75 employees work in the Reception Centre for Foreigners in **Ježevo**, 33 in the Transit Reception Centre in **Tovarnik** and 42 in the Transit Reception Centre in **Trilj**.<sup>473</sup> No new data are available for 2020.

A new Ordinance on stay in the Reception Centre for Foreigners ("Detention Centre Ordinance") entered into force in November 2018,<sup>474</sup> and was amended in 2019.<sup>475</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.

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>476</sup>

While data on the Ombudsperson's visits are not available, in 2020 the Ombudswoman initiated an investigation proceeding related to access to free legal aid for irregular migrants detained in the Reception Centre for foreigners in **Ježevo**. It was determined that they were not adequately informed that they are entitle to free legal aid. They were also not made aware of contact persons they may turn to for legal

<sup>470</sup> Ministry of Interior, *Statistical overview of basic safety indicators and work results in 2020*, available at: <https://bit.ly/3eRJrE5>, 158.

<sup>471</sup> Council of Europe, 'Council of Europe anti-torture Committee carries out rapid reaction visit to Croatia to examine treatment of migrants', 18 August 2020, available at: <https://bit.ly/3dlr9ok>.

<sup>472</sup> Ombudsman, Annual report 2020, available in Croatian at: <https://bit.ly/3aaQXar>.

<sup>473</sup> Information provided by the Ministry of Interior, Border Directorate, 6 February 2019.

<sup>474</sup> Official Gazette 101/2018.

<sup>475</sup> Official gazette 57/2019.

<sup>476</sup> Ombudsperson, *Report for 2019*, available in Croatian at: <https://bit.ly/2VaHJUt>.



advice and / or legal representation. The Ombudswoman recommended that information on free legal aid is printed in languages usually spoken by foreigners in return procedures, posted on the notice boards of the Centre and provided to each migrant when issuing a return decision.<sup>477</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>478</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>479</sup> Detainees are provided with clothes,<sup>480</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>481</sup>

If a person is in possession of any cash, it will be temporarily seized and safeguarded by an authorised officer.<sup>482</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>483</sup>

The cost of accommodation of a foreigner in the Centre amounts to HRK 150 (approx. 20 EUR) 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>484</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>485</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>486</sup> This does not always happen for example during bad weather conditions

Migrants are entitled to freedom of religion,<sup>487</sup> and one room is used for this purpose. In October 2020, information was published according to which the Reception centre for Foreigners in **Ježevo** implements the project : "Improvement of accommodation conditions and working conditions in the Reception Center for Foreigners in **Ježevo**". The aim of the project is to ensure adequate accommodation conditions for

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<sup>477</sup> Ombudsman, Annual report 2020, available in Croatian at: <https://bit.ly/3aaQXar>.

<sup>478</sup> Article 8 Detention Centre Ordinance.

<sup>479</sup> *Ibid.*

<sup>480</sup> Article 10 Detention Centre Ordinance.

<sup>481</sup> Article 7 Detention Centre Ordinance.

<sup>482</sup> *Ibid.*

<sup>483</sup> Article 24 Detention Centre Ordinance.

<sup>484</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>485</sup> Article 19 Detention Centre Ordinance.

<sup>486</sup> Article 18 Detention Centre Ordinance.

<sup>487</sup> Article 20 Detention Centre Ordinance.



third-country nationals in accordance with EU standards, improve the infrastructure and to raise the level of quality of services as well as working conditions for employees in the Center.<sup>488</sup>

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>489</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>490</sup>

## 3. Access to detention facilities

### Indicators: Access to Detention Facilities

1. Is access to detention centres allowed to

❖ Lawyers:	<input checked="" type="checkbox"/> Yes	<input 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>491</sup>

Persons are allowed to receive visits at least twice a week.<sup>492</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

<sup>488</sup> Ministry of Interior: Project "Improvement of accommodation conditions and working conditions in the Reception Center for Foreigners in Ježevo", 23 October 2020, available at: <https://bit.ly/3emgiiV>.

<sup>489</sup> ECtHR, *Daraibou v. Croatia*, Application No 84523/17, available at: <https://bit.ly/2RZ2uCl>.

<sup>490</sup> Information provided by the Border Police Directorate, 14 October 2015.

<sup>491</sup> Articles 4 and 21 Detention Centre Ordinance.

<sup>492</sup> Article 22 Detention Centre Ordinance.

accordance with the rules on visits,<sup>493</sup> meaning that visits must be announced two day in advance and may last up to maximum one hour.

In August 2020, the Council of Europe Committee for the Prevention of Torture (CPT) visited a number of border police stations as well as the reception centre for foreigners (Ježevo) in Croatia to examine the conditions of detention and pre-removal procedures.<sup>494</sup> As explained above, the findings of this report were not published as of April 2021.

### 3.1. Access of lawyers to detention facilities

In 2019, attorneys at law reported problems in accessing the Reception Centre **Ježevo** as well as problems in relation to privacy with their client.<sup>495</sup> No such information was received in relation to 2020.

The Civil Rights Project (CRP) Sisak, an NGO that provides free legal aid to applicants for international protection in the procedure before Administrative Court reported in 2019 that they have improved their cooperation with the Reception Centre for Foreigners in **Ježevo**. CRP announces every visit two days in advance by e-mail.<sup>496</sup> During 2020 CRP Sisak visited the Reception Center for Foreigners **Ježevo**, but in reduced extent as a direct consequence of restrictions related to the Covid-19 pandemic.<sup>497</sup> Apart from epidemiological restrictions, CRP did not notice any other difficulties in visiting the Reception Center or in cooperation with the competent services.

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

During 2020, the Croatian Red Cross did not face issues in accessing transit reception centres and reception centres for foreigners.<sup>498</sup> Psychological support activities were carried out on the basis of a Cooperation Agreement with the Ministry of Interior.

JRS reported that since September 2020, JRS has regained access to the Reception Centre for foreigners in **Ježevo** within the project 'Care of refugees in Detention centre' and thus visited detained applicants for international protection once in a week and provided psychosocial support.<sup>499</sup> At the end of 2020, following the worsening of the epidemiological situation and new measures adopted, this activity was temporarily suspended until the improvement of the epidemiological situations.

The Croatian Law Centre visited the Reception Centre for Foreigners in **Ježevo** and Transit Reception Centre in **Tovarnik** up until the end of March 2020, which is when the project "Legal Counselling in the Procedure of Granting International Protection" financed by AMIF has ended.

During 2020, IOM conducted counseling on voluntary return for one person accommodated in the Reception Centre for Foreigners in **Ježevo**.<sup>500</sup> IOM does not have a permanent presence in centers for foreigners, and information and counseling on voluntary return is provided at the request of the migrant, directly or through an intermediary. IOM reported that they did not encounter any problem with accessing reception centre.

In practice, some NGOs have faced obstacles to accessing detention centres. The Centre for Peace Studies does not have access to the Reception Centre for Foreigners in **Ježevo** and the Transit Reception Centre for Foreigners in **Tovarnik** and **Trilj** since the beginning of 2018.<sup>501</sup>

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<sup>493</sup> Article 26(3) Detention Centre Ordinance, citing Article 22.

<sup>494</sup> Council of Europe, 'Council of Europe anti-torture Committee carries out rapid reaction visit to Croatia to examine treatment of migrants', 18 August 2020, available at: <https://bit.ly/3dlr9ok>.

<sup>495</sup> Information provided by attorneys at law, 3 December 2019.

<sup>496</sup> Information provided by Civil Rights Project, 6 December 2019.

<sup>497</sup> Information provided by Civil Rights Project Sisak, 5 February 2021.

<sup>498</sup> Information provided by Croatian Red Cross, 2 March 2021.

<sup>499</sup> Information provided by JRS, 12 January 2021.

<sup>500</sup> Information provided by IOM, 30 December 2020.

<sup>501</sup> Information provided by the Centre for Peace Studies, 22 January 2021.

Are you Syrious (AYS) did not ask for access to Reception Centres in **Ježevo**, **Trilj** and **Tovarnik** in the course of 2020. Nevertheless, they emphasised, that, 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>502</sup>

UNHCR has also access to the Centres. 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.

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>503</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.

According to the Administrative Court in **Zagreb**, the court registry application does not recognise the difference between cases in which freedom of movement was restricted by other alternative measures than detention in the Reception Centre for Foreigners.<sup>504</sup> Thus it is not possible to report in how many cases the court had to decide on detention in the Reception Centre for Foreigners in 2020.

The average duration of the judicial review of procedure of restriction of the freedom of movement in 2020 was 28 days before the Administrative Court of **Zagreb**.<sup>505</sup>

<sup>502</sup> Information provided by the Are you Syrious, 2 February 2021

<sup>503</sup> Information provided by attorneys-at-law, 3 December 2019.

<sup>504</sup> Information provided by the Administrative Court in Zagreb, 18 February 2021.

<sup>505</sup> *Ibid.*

The majority of complaints against restriction of the freedom of movement before Administrative Courts were rejected in 2020:

Administrative Court decisions on “restriction of freedom of movement”: 2020				
Category	Zagreb	Osijek	Split	Total
Accepted	3	0	:	3
Partially accepted	1	0	0	1
Rejected	9	0	:	9
<b>Total</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>13</b>

Source: Administrative Court of Zagreb, 18 February 2021;; Administrative Court of Osijek, 15 January 2021; Administrative Court of Split, 27 January 2020.

The Administrative Court in **Rijeka** reported that 2 cases of detention occurred before the court in 2020.<sup>506</sup> The cases concerned the restriction of freedom movement of Turkish citizens detained in the Reception Centre for Foreigners until the forced removal. However, it is not clear from the court's response whether the cases involved detention of the applicants for international protection, or cases of migrants in which court decided under the procedure prescribed by the Law on Foreigners. However, both court disputes were suspended after the withdrawal of the lawsuits.

In 2020, the High Administrative Court received 5 onward appeals in cases of detention in the Reception Centre for Foreigners. 4 appeals were rejected and one was annulled.<sup>507</sup>

## 2. Legal assistance for review of detention

### Indicators: Legal Assistance for Review of Detention

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

In detention cases, applicants are entitled to free legal aid similarly to their right to legal aid in the international protection procedure (see [Legal assistance](#)). In practice when a decision is delivered to detained applicants they are also given the list of providers of free legal aid from which they can choose an attorney or lawyer from NGO, who are then notified by the Ministry of Interior. Attorneys and lawyers from NGO organise the interpreter for the appointment and then inform the Ministry of Interior. 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, in previous years legal representatives 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>508</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 **Ježev** 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 **Ježev** Reception Centre for Foreigners could not

<sup>506</sup> Administrative Court of Rijeka, 11 January 2020

<sup>507</sup> Information provided by the High Administrative Court, 15 January 2021.

<sup>508</sup> Information provided by attorneys at law, 3 December 2019, 6 December 2019, 16 December 2019, 21 January 2020.

hold confidential conversations with their clients, as a police officer is always in the room.<sup>509</sup> No such difficulties were reported in 2020.

### **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.

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<sup>509</sup> FRA, *Migration flows: Key fundamental rights concerns* – Q2, 2019, available at: <https://bit.ly/3dXREnQ>.

## 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>510</sup> However, this was never applied in practice. As the Integration Action Plan expired at the end of 2019, a new one was still under development in 2020, although it was planned that it would cover the period from 2020 to 2022.<sup>511</sup> By the end of 2020, the new Action Plan was still not adopted. According to the Ombudswoman, the new Action Plan is being drafted and is expected to be adopted in 2021.<sup>512</sup>

In October 2020, the Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia held its first meeting of integration coordinators at the local level (within the project "INCLuDE") where the draft Action Plan for the integration of persons granted international protection for year 2021-2023 was presented, emphasising the importance of including as many local and regional self-government units as possible.<sup>513</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>514</sup> The latter is 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 organisation, which were not part of the previous commission.<sup>515</sup>

The aforementioned Decision further foresees the establishment of a Working Group of the Permanent Commission for the Implementation of Integration of Foreigners in Croatian Society. The Working Group prepares, for the Government of the Republic of Croatia, proposals of national strategies and plans in the field of integration of asylees or foreigners under subsidiary protection, ensures operational implementation of planned tasks, reports to the Permanent Commission on implementation and progress or possible difficulties related to planned activities and performs other tasks entrusted to them by the Permanent Commission. In January 2020, the Governmental Office for cooperation with NGOs published a public call for proposal of representatives of civil society organizations for membership in the Working Group.<sup>516</sup> In May 2020, beside representatives of various institutions and competent ministries, representative of UNHCR, the Croatian Red Cross, the Centre for Peace Studies and the Croatian Law Centre were appointed as members of working group.

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>517</sup> The Croatian Red Cross has also prepared leaflets in 4 languages (English, Arabic, Farsi,

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<sup>510</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>511</sup> EMN, Migration bulletin, November 2020, available at: <https://bit.ly/3vjA5Xf>.

<sup>512</sup> Ombudsman, Annual report 2020, available in Croatian at: <https://bit.ly/3aaQXar>.

<sup>513</sup> EMN Migration bulletin, February 2021 available at: <https://bit.ly/2QMD8YW>.

<sup>514</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>. amended on 30 October 2020, available at: <https://bit.ly/3tR67cQ>.

<sup>515</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>516</sup> Governmental Office for cooperation with NGOs : public call, 15 January 2020, available in Croatian at: <https://bit.ly/3dMGpAF>.

<sup>517</sup> Croatian Government, 'An updated edition of the Integration Guide has been published', 21 January 2019, available in Croatian at: <https://bit.ly/2Xi52wX>.



French) containing basic information for beneficiaries of international protection as well as contact details to relevant institutions and NGOs.<sup>518</sup>

IOM Croatia has further issued a Guidebook for the stakeholders involved in the integration process of the persons granted the international protection.<sup>519</sup> The manual is available in Croatian and English.<sup>520</sup> IOM Croatia participated 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>521</sup>

On the 'Help' website run by UNHCR, persons granted international protection can also find information about their rights, obligations and the services available to them in Croatia.<sup>522</sup>

As reported in previous years, beneficiaries of international protection still face challenges in exercising their rights, as detailed in this Chapter. The MIPEX 2020 ranking listed Croatia among the countries categorised as *Equality on paper - Slightly unfavourable*.<sup>523</sup>

According to the Ombudsman's report on the year 2020, the main challenges for successful integration continued to be the lack of language skills, difficulties in recognising qualifications and checking skills and finding a job, which were further aggravated by the pandemic.<sup>524</sup> The state-funded Croatian language course started in December 2019 and took place in two shifts, from 9 am to noon and from 4 pm to 7 pm, which was not suitable hours to employed beneficiaries of international protection. Moreover, COVID-19 affected beneficiaries of international protection in the course of 2020. Those who were not entitled to subsidised accommodation and lost their jobs during the COVID-19 pandemic were transferred to the reception centre for homeless people.<sup>525</sup> In addition, due to the COVID-19 outbreak, the resettlement programme and family reunifications have been suspended, preventing legal and safe entry of refugees to the country, the Jesuit Refugee Service reported to FRA.<sup>526</sup>

JRS observed that employees of various services are not familiar with the rights of persons granted international protection.<sup>527</sup> Therefore, beneficiaries often rely on employees from the non-governmental sector when going to institutions. In addition, employees of health services, the Croatian Employment Service, centres for social welfare, the Croatian Pension Insurance Institute often rely on interpreters and cultural mediators of non-governmental as there is no systematic translation support for these employees. The Croatian Red Cross reported in 2020 that persons under international protection often encountered difficulties in exercising their right to health care, Croatian language courses and housing.<sup>528</sup>

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<sup>518</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>519</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>520</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>521</sup> IOM, 'COMMIT - Facilitating the integration of resettled refugees in Croatia, Italy, Portugal and Spain', available at: <https://bit.ly/2JOXCJC>.

<sup>522</sup> UNHCR, Help, Website available at: <https://bit.ly/3sPxNNF>; see also videos available at: <https://bit.ly/3nki3RI>.

<sup>523</sup> Equality on paper means that immigrants do not enjoy equal opportunities. This group of countries goes only halfway towards providing immigrants with basic rights and a secure future. Policies may encourage the public to see immigrants as subordinates, not equal and not potential citizens. See the Mipex key findings here: <https://www.mipex.eu/key-findings>.

<sup>524</sup> Ombudsman, Annual report 2020, available in Croatian at: <https://bit.ly/3aaQXar>.

<sup>525</sup> FRA, *Migration: Key fundamental rights concerns - Quarterly bulletin 3 – 2020* (1.4.2020 - 30.6.2020), available at: <https://bit.ly/3auO04L>.

<sup>526</sup> FRA, *Migration: Key fundamental rights concerns - Quarterly bulletin 4 – 2020*, available at: <https://bit.ly/3xcSRkG>.

<sup>527</sup> Information provided by JRS, 12 January 2021.

<sup>528</sup> Information provided by Croatian Red Cross, 2 March 2021.

The Rehabilitation Centre for Stress and Trauma (RCT) reported that there is a lack of systematic and accessible free learning of the Croatian language.<sup>529</sup> The standard number of hours is insufficient, especially for those beneficiaries who want to continue their education. In addition, different treatment of persons who were granted international protection in regular procedure opposed to those who came through resettlement was observed by RCT as it was more difficult for the former to get access to free language course. RCT also stated that courses are sporadic and that there is no publicly announced plan when they will be available and where.

The Centre for Peace studies (CPS) reported that in 2020, beneficiaries of international protection encountered a number of institutional barriers as well as discrimination practices in exercising their rights. CPS pointed out that the major health crisis due to COVID-19, combined with several earthquakes during 2020 in **Zagreb, Petrinja, Sisak** and the surrounding areas, made these barriers even greater and put beneficiaries in an even more unequal position.<sup>530</sup> The incidents have also affected vulnerable groups according to the Croatian Red Cross.<sup>531</sup> They faced new challenges and fears while losing direct expert support as communication was redirected to phone and e-mail, except in special cases when people came to the Integration House.

In February 2020, the Office for Human Rights and Rights of National Minorities initiated "INCLuDE", project with the aim to strengthen the preconditions for social inclusion of third-country nationals with a focus on persons who have been granted international protection. The project is co-financed by AMIF and has a duration of 36 months.<sup>532</sup>

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

- At the end of November 2018, the **Platform "Danube Compass"** was introduced to help with migrants' economic and social integration into society.<sup>533</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>534</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>535</sup>
- A [Web platform for integration](#) is provided by the **NGO Mi**.<sup>536</sup>
- In previous years the **Rehabilitation Centre for Stress and Trauma (RCT)**, in cooperation with the Centre for Peace Studies and its partners from Italy, Slovenia and Austria, developed 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>537</sup> In 2020, RCT participated in the project Strengthening the integration of the resettled and information relevant for living in Croatia is available on the following website <https://stire.org/croatia/>.

<sup>529</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 7 February 2021.

<sup>530</sup> Information provided by the Centre For Peace studies, 22 January 2021.

<sup>531</sup> Information provided by Croatian Red Cross, 2 March 2021.

<sup>532</sup> EMN, *Migration bulletin*, May 2020, available at: <https://bit.ly/3dGNvXg>.

<sup>533</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>534</sup> Information provided by Centre for Peace Studies, 27 December 2018. See also: <http://hr.danubecompass.org/>.

<sup>535</sup> EMN, *Bulletin*, July 2019, available at: <https://bit.ly/34GhR5V>.

<sup>536</sup> The website is available at: <https://www.irh.hr/>.

<sup>537</sup> The website is available at: <https://welcomm-europe.eu/croatia/>.

In the course of 2020, **RCT** carried out activities with beneficiaries who were granted international protection and were accommodated in Zagreb, Sisak and Karlovac.<sup>538</sup> During lockdown, activities were carried out remotely. Individual support in the form of psychological counselling, psycho-social support and mentoring was provided to beneficiaries in Zagreb. Areas in which RCT provided support in the course of 2020 were employment, social welfare and health, inclusion in education and access to services in the public system. During 2020, the RCT provided individual psychological counseling, especially to those with trauma experience, as well as individual practical support in integration for about 50 beneficiaries. RCT published a Community Orientation Guidebook with information on basic services and support and instructions on how to access these services which is aimed at applicants for international protection and persons with granted international protection. The guidebook in Croatian, English and Arabic will be available online at [www.stire.org](http://www.stire.org). RCT has also prepared a digital handbook for Socio-cultural orientation workshops in Croatian and English, which will also be available on mentioned webpage.

- In March 2020, the Ministry of Interior and the NGO "**Centre for the Culture of Dialogue**" (CCD) concluded an agreement on the allocation of financial resources for the implementation of the project "New Neighbours - inclusion of persons who have been granted international protection in Croatian society", aiming at improving their living conditions (through AMIF). The implementation of the project began in April 2020.<sup>539</sup> The project is implemented in partnership with the Islamic Community in Croatia and with the support of the Ministry of Interior. The aim of the project is to increase the success of integration in the three years for 200 people in Croatia who have been granted international protection.<sup>540</sup> CCD assists beneficiaries of international protection through seven mobile teams composed of a caseworker and cultural mediator in Zagreb, Osijek, Slavonski Brod, Sisak, Karlovac, Rijeka, Pula and Zadar. An integral part of their assistance consists in preparing individual integration plans and assistance with access to services. If beneficiaries of international protection accept their services, they will receive an information package from the Ministry of Interior and the CCD will be notified.<sup>541</sup>
- The **Croatian Red Cross (CRC)** provided support to beneficiaries of international protection under their integration programme. During 2020, CRC provided assistance to beneficiaries of international protection in exercising their rights (e.g. enrolment in the education system, assistance to children in mastering school curriculum, assistance in the field of health care, employment, counselling services).<sup>542</sup> In March 2020, following the introduction of epidemiological measures due to the Covid-19 pandemic, CRC decided to limit social contacts with beneficiaries of international protection, and provided assistance by phone, SMS and e-mail. Also, depending on the needs of beneficiaries, CRC contacted the relevant institutions (e.g. health centres, centres for social welfare, Croatian Employment Service, schools, kindergartens and employers) by phone. CRC informed beneficiaries how to protect themselves from the virus i.e. by creating a leaflet in Arabic and Croatian which was sent to beneficiaries via application, while their interpreter contacted those who cannot read Arabic or Croatian. A total of 191 beneficiaries (42 families and 13 singles) received information on how to protect themselves from the COVID-19. After the earthquake in Zagreb, CRC translated the instructions of the Civil Protection on how to act in crisis situations, during and after the earthquake and sent instructions to beneficiaries. A leaflet on the first steps in integration of refugees is available at CRC's website.<sup>543</sup>
- Since May 2020, the **Civil Rights Project (CRP) Sisak** is implementing the project "Providing support to persons granted international protection for their inclusion in the life of the local community and the labour market".<sup>544</sup> The main goal of the project is to help families, who were granted international

<sup>538</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 7 February 2021.

<sup>539</sup> EMN, Migration Bulletin number 31, August 2020, available at: <https://bit.ly/2QRsD6C>.

<sup>540</sup> Center for Culture of Dialogue : The Project of the Center for Culture of Dialogue "New Neighbors" presented to the public, available at: <https://bit.ly/3aCWE0U>.

<sup>541</sup> UNHCR: Living in Croatia, available at: <https://bit.ly/3vldp92>.

<sup>542</sup> Information provided by Croatian Red Cross, 2 March 2021.

<sup>543</sup> Leaflet available at: <https://bit.ly/32RH656>.

<sup>544</sup> Information provided by Civil Rights Project Sisak, 5 February 2021.

protection, with the integration into all segments of life of local communities in Sisak and Karlovac. In addition, the project aims to provide support and prepare persons for their access to the labour market, as well as contribute to connecting and creating positive social ties and combating prejudice and intercultural understanding in their new environments. During 2020, CRP implemented many activities to achieve these goals. The implementation of these activities also required the establishment of cooperation between the relevant institutions (Social Welfare Centres, Croatian Employment Service, etc.) and civil society organisations. CRP reported that during 2020, 52 persons under international protection were included in those activities as well as 100 persons associated with the success of integration (i.e. employees of the following organizations and institutions: Centres for Social Welfare Sisak and Karlovac, Red Cross Sisak and Karlovac, City of Sisak and Karlovac, Merhamet Sisak, Croatian Employment Service, Grabrik Youth Centre, Centre for the Culture of Dialogue, Rehabilitation Centre for Stress and Trauma and the Croatian Chamber of Trades and Crafts in Sisak-Moslavina County.)

- During the COVID-19 crisis, **JRS** employees, led by cultural mediators and interpreters, distributed food and hygiene aid packages (a total of 186 packages were distributed, covering 372 people, including 104 minors). In addition, JRS has opened several 24/7 telephone lines where interpreters and cultural mediators were available to beneficiaries for all urgent needs, counselling, instructions and clarifications. JRS also regularly translated in Arabic and Farsi and visually equipped and promoted all news and recommendations of epidemiologists among beneficiaries (video materials, support groups, brochure, online counselling, etc.).

In 2020, JRS further assisted beneficiaries in different areas of integration, including on education and access to labour market.<sup>545</sup> In May 2020, the JRS issued a new spring issue of "Staze". "Staze" is the first newspaper in Croatia for refugees that was established by JRS and 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. Due to COVID 19, JRS decided to digitalise this edition of the newspaper in order to make it available to as many interested beneficiaries as possible.<sup>546</sup> In addition in 2020, JRS implemented the Erasmus+ project "Without the right to choose, but with the right to vote!" which aimed to exchange best practices among people working with young people and empower young newcomers for better integration into European societies.<sup>547</sup> The purpose of the project was to design new methods of working with young people and compile manual with various activities that can be applied in the work on the inclusion of young people in the community and society as a whole. The manual is available online.<sup>548</sup>

- In 2020, **AYS** provided information to beneficiaries of international protection in relation to the labour market, as well as support in securing employment. They also provided assistance in relation to health care, social welfare, and assisted beneficiaries with finding accommodation after the expiration of the two years period of subsidised accommodation. Support to school-aged children was also provided in learning the language, mastering school materials, cooperating with schools and mediating in the communication of parents with the school. AYS continued to run a so-called FREE SHOP - a place where applicants for and beneficiaries of international protection can get clothes, shoes, hygiene items, dishes and other household items free of charge. After the special epidemiological measures were introduced, the Free shop continued to operate, adapting to the new situation. AYS also provided an informal initial Croatian language course for applicants for international protection and beneficiaries with granted international protection. The course was initially organised in the integration centre and later through the ZOOM platform.<sup>549</sup> 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>550</sup>

<sup>545</sup> Information provided by JRS, 12 January 2021.

<sup>546</sup> <http://online.fliphtml5.com/uyfmy/uaoi/#p=1>

<sup>547</sup> Information provided by JRS, 7 August 2020.

<sup>548</sup> JRS, *Manual for working with young newcomers*, 2020, available in Croatian at: <https://bit.ly/3aCAhbY>.

<sup>549</sup> Information provided by Are You Syrious, 2 February 2021.

<sup>550</sup> Information provided by Are You Syrious, 27 January 2020.

- The lawyers of the **Croatian Law Centre** provided legal information to beneficiaries of international protection in CLC's premises when needed, but due to pandemic, mainly over the phone, WhatsApp and e-mail. A part of these activities was provided in cooperation with the Integration House run by the Croatian Red Cross, usually once a month. In addition, CLC prepared a series of nine videos subtitled in English, covering the rights that persons who were granted international protection are entitled to.<sup>551</sup> The rights covered by the videos are the right to work, family reunification, recognition of foreign qualifications, unemployment rights, acquisition of citizenship, the right to accommodation, free legal aid, social welfare rights and the right to acquire immovable. Furthermore, videos were synchronised into Arabic and Farsi. Written materials on these rights were prepared and included in the electronic brochure "Although you are a refugee, you have the right to ...". The brochure is currently available in Croatian and English and a translation into Farsi and Arabic are being prepared.<sup>552</sup> Information on the family reunification procedure with leaflets in Croatian, English Arabic and Farsi is available on CLC webpage.<sup>553</sup> The leaflet was prepared in cooperation with UNHCR Croatia, the Ministry of the Interior and the Ministry of Foreign and European Affairs.
- In June 2020, UNHCR's partner, the **Association MI**, organised two round tables on integration in Karlovac and Slavonski Brod, local communities hosting beneficiaries of international protection, including those arriving under resettlement. Moreover in June 2020, UNHCR's legal partner, **Civil Rights Project** from Sisak, organized a session with beneficiaries of international protection in their local community on access to healthcare.<sup>554</sup>
- **Center for Peace Studies** (CPS) published the Community guide for volunteering, for volunteers working with refugees and migrants.<sup>555</sup> The guide is available in Arabic, Croatian, English, French and Farsi. CPS provided different types of support to persons granted international protection such as informal courses on the Croatian language, support in accessing the labour market, job search, writing CVs, preparing for interviews, connecting with employers, and holding a course on social entrepreneurship.<sup>556</sup> In addition CPS staff and volunteers provided information on life in Croatia and general psychosocial support to persons granted international protection. Furthermore, their lawyer and the volunteer lawyers provided legal information and advice on various status issues. CMS also held an education on integration for local integration coordinators from various cities in Croatia.

## 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>557</sup> and to foreigner under subsidiary protection for a period of 3 years.<sup>558</sup>

<sup>551</sup> The videos were made available on CLC's YouTube and website and are available at: <https://bit.ly/3gJeCTp>.

<sup>552</sup> Croatian Law Centre, 'Although you are a refugee you have the right to ...', available in English at: <https://bit.ly/32Lu8Gj>. The other languages are also available on the website of the Croatian Law centre.

<sup>553</sup> Croatian Law Centre, Family Reunification in Croatia, available in English at: <https://bit.ly/3ezYwZw>. The other languages are also available on the website of the Croatian Law centre.=

<sup>554</sup> UNHCR: CROATIA UPDATE JUNE 2020, available at: <https://www.unhcr.org/hr/wp-content/uploads/sites/19/2020/07/UNHCR-Croatia-COVID-19-June-Update.pdf>

<sup>555</sup> The guide was prepared in several languages under the EU project "STIRE:SUPPORTING THE INTEGRATION OF THE RESETTLED" is available at: <https://www.cms.hr/hr/publikacije>

<sup>556</sup> Information provided by the Centre For Peace studies, 22 January 2021.

<sup>557</sup> Article 75(2) LITP.

<sup>558</sup> Article 75(3) LITP.



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>559</sup> The request for issuing residence permit should be submitted to the competent police administration,<sup>560</sup> and the residence permit should be issued within 30 days from submitting the request.<sup>561</sup>

According to the Ministry of Interior 411 residence permits were issued to asylees and 79 to foreigners under subsidiary protection in 2018.<sup>562</sup> However no information is available for 2019 and 2020.

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>563</sup>

In 2020, due to COVID -19, the Law on foreigners was amended specifying that a third-country national who has been issued a temporary or permanent residence permit during the COVID-19 epidemic does not have to apply for a new residence permit, for a maximum of 30 days from the day the epidemic is declared over. Such a residence permit shall be deemed valid until the expiry of a period of 30 days from the date of the declaration of cessation of the epidemic. After the expiry of that period, the third-country national is obliged to apply for a new residence permit without delay.<sup>564</sup>

## 2. Civil registration

According to the Law on State Register,<sup>565</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>566</sup> Preconditions for marriage are divided into those needed for the existence of marriage and preconditions for the validity of marriage. For the existence of marriage it is necessary for the spouses to be opposite sexes, to have given their consent to enter into marriage and for a civil marriage to be contracted before a registrar or a religious marriage to be contracted in accordance with the relevant provision of Family Law. If at the time of entering into marriage any of the preconditions referred to above has not been fulfilled, no legal effects of marriage shall ensue.

For the validity of marriage a marriage may not be entered into by a person under the age of eighteen.

As an exception, the court may allow a sixteen year old person to enter into marriage, provided that the court finds the person mentally and physically mature enough to marry, and that there is a justifiable reason for marriage. In addition, a person incapable of discernment may not enter into marriage. Marriage may not be contracted between persons of lineal consanguinity or collateral consanguinity between a

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<sup>559</sup> Article 55(1)-(2) LITP.

<sup>560</sup> Article 75(1) LITP; Article 10(1) Ordinance on the Forms and Data Collections in the Procedure for International and Temporary Protection.

<sup>561</sup> Article 12(1) Ordinance on the Forms and Data Collections in the Procedure for International and Temporary Protection.

<sup>562</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>563</sup> Article 65(3) LITP.

<sup>564</sup> Article 140a, Law on Foreigners

<sup>565</sup> Official Gazette 96/1993, 76/2013, 98/2019.

<sup>566</sup> Official Gazette 103/15, 98/2019.



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 2020: | 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>567</sup> Uninterrupted residence in the Republic of Croatia means that within a period of 5 years, a foreigner was absent from the Republic

<sup>567</sup> Article 92(1) Law on Foreigners.

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>568</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>569</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>570</sup>

Permanent residence shall be granted to any foreigner who, along with the above conditions:<sup>571</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>572</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>573</sup> However, no information is available for 2019 and 2020.

#### 4. Naturalisation

##### Indicators: Naturalisation

- |   |               |
|---|---------------|
| 1. What is the waiting period for obtaining citizenship?  | 8 years       |
| 2. Number of citizenship grants to beneficiaries in 2020: | Not available |

Requirements for the acquisition and termination of Croatian citizenship are regulated by the Law on Croatian Citizenship.<sup>574</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. 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>575</sup>

A foreign citizen who submit application for acquiring Croatian citizenship shall acquire Croatian citizenship by naturalisation if he or she:<sup>576</sup>

1. Has reached the age of eighteen years;

<sup>568</sup> Article 92(2) Law on Foreigners.

<sup>569</sup> Article 93(3) Law on Foreigners.

<sup>570</sup> Article 95(1)(3) Law on Foreigners.

<sup>571</sup> Article 96(1) Law on Foreigners.

<sup>572</sup> Article 93(4) Law on Foreigners.

<sup>573</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>574</sup> Official Gazette 53/1991, 70/1991, 28/1992, 113/1993, 4/1994, 130/2011, 110/2015, 102/2019.

<sup>575</sup> Article 24 (3)(4) Law on Croatian Citizenship.

<sup>576</sup> Article 8(1)(5) Law on Croatian Citizenship.

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>577</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>578</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 ceased if:<sup>579</sup>

1. The refugee ("asylee") voluntarily accepts the protection of the country of which he/she is a national;
2. The asylee acquires the citizenship of the country whose protection he or she may enjoy;
3. The asylee voluntarily returns and resides in the country he or she left or outside of which he or she has resided due to fear of persecution;
4. The circumstances in the asylee's country of origin, on the basis of which international protection was approved, cease to exist;
5. The asylee voluntarily re-acquires the nationality of his or her country of origin, which he or she had previously lost.

**Subsidiary protection** shall be ceased 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>580</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>581</sup>

<sup>577</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>578</sup> Article 77(1)(2) LITP.

<sup>579</sup> Article 49(1) LITP.

<sup>580</sup> Article 49(2) LITP.

<sup>581</sup> Article 49(3) LITP.

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 a law suit and represent the beneficiary before the Administrative Court.<sup>582</sup>

According to the Ministry of Interior, there were no cases of cessation of international protection in 2015, 2016, 2017 or 2018.<sup>583</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 and 2020.

## 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>584</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. A law suit may be brought before the Administrative Court against that decision within 8 days from the day the decision is delivered.

A third-country national or stateless person who represents a risk to the national security or public order of the Republic of Croatia as provided above, whilst in the Republic of Croatia, shall enjoy rights pursuant to the 1951 Convention, especially in relation to the prohibition of discrimination, freedom of religion, access to courts, education, non-punishment of 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,

<sup>582</sup> Article 72 LITP.

<sup>583</sup> Information provided by the Ministry of Interior, 2 March 2017; 13 February 2018, 28 January 2019.

<sup>584</sup> Article 50 LITP.

while one asylum status of an Iraqi national was revoked on the basis that reasons for exclusion were subsequently established.<sup>585</sup>

In 2020, Are You Syrious? (AYS) reported that an asylum status was annulled for a person who used to be their volunteer and is also a partner of the only full-time employee in AYS, so AYS believes that this is a continuation of pressure towards their organisation. The case concerned an asylee from Iraq, who was offered to become an informant of the Ministry of the Interior / Security and Intelligence Agency. He was threatened that his status would be annulled if he refuses. Given that he still decided to refuse the offer, his refugee status was annulled in May 2020, with the explanation that he had falsely presented the facts in his case, and was declared a threat to national security.<sup>586</sup>

According to the Ministry of Interior, 2 asylum statuses (applications from 2016 and 2017) and 3 subsidiary protection (applications from 2009) were annulled in 2020.<sup>587</sup>

## 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>588</sup> as well as by the Law on Foreigners.<sup>589</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>590</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>591</sup>

The Jesuit Refugee Service reported to FRA that due to the COVID-19 outbreak, the family reunifications have been suspended.<sup>592</sup> The problems with procedure was also observed by Croatian Law Centre.

<sup>585</sup> Information provided by the Ministry of Interior, 28 January 2019.

<sup>586</sup> Information provided by AYS, 2 February 2020.

<sup>587</sup> Source: Ministry of Interior, *Statistical overview of basic safety indicators and work results in 2020*, available at: <https://bit.ly/2QsZP4H>, 163.

<sup>588</sup> Article 66 LITP.

<sup>589</sup> Articles 47-61 Law on Foreigners.

<sup>590</sup> Article 66(5) LITP.

<sup>591</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>.

<sup>592</sup> FRA: *Migration: Key fundamental rights concerns - Quarterly bulletin 4 – 2020*, available at: <https://bit.ly/2P71fB0>.

In 2020, the Croatian Law Centre prepared the updated analyses of the institute of family reunification in Croatia.<sup>593</sup> The paper explains the conditions for family reunification, stages in the family reunification process, but also the reasons when exclusion from the right to family reunification may occur. The paper also lists the most common problems that arise in these procedures:

- non-receipt of applications for family reunification by embassies and / or consular missions of the Republic of Croatia due to incomplete documentation;
- distance of embassies and / or consular offices of the Republic of Croatia from the countries of origin where persons who want to apply for family reunification are situated;
- uneven practice of some honorary consuls located in countries where there are no diplomatic missions and / or consular missions of the Republic of Croatia, as some are reluctant to participate in connecting persons in need and embassies and / or consular missions;
- family members who want to reunite with a beneficiary of international protection and who are in war-torn countries are often unable to obtain travel documents, which makes it impossible to initiate the procedure itself;
- obtaining documents proving kinship with a beneficiary of international protection is also a problematic for persons who want to reunite;
- the problem of financing travel expenses which include airplane tickets, fees, travel health insurance, travel expenses to the country where the diplomatic mission and / or consular post of the Republic of Croatia is located, and financing accommodation / staying costs in that country pending a decision.

### 1.1. Eligible family members

Both refugees (“asylees”) and beneficiaries of subsidiary protection have the right to family reunification with following family members:

- the spouse or unmarried partner under the regulations of the Republic of Croatia, and persons who are in a union, which under the regulations of the Republic of Croatia may be deemed to be a life partnership or informal life partnership;
- the minor child of the marital or unmarried partners; their minor adopted child; the minor child and minor adopted child of a married, unmarried or life partner who exercises parental care of the child;
- the adult unmarried child of an asylee or beneficiary of subsidiary protection who, due to his or her state of health is not able to take care of his or her own needs;
- the parent or other legal representative of a minor;
- a relative of the first degree in a direct ascending blood line, with whom he or she lived in a shared household, if it is established that he or she is dependent on the care of asylee or foreigner under subsidiary protection.

A minor child of an asylee or beneficiary of subsidiary protection who has not formed their own family shall follow the legal status of their legal representative to whom international protection has been granted, on which the Ministry of Interior shall render a decision.

In the case of family reunification of asylees and foreigners under subsidiary protection, for a person who is unable to obtain official documents to prove a specific family relationship, circumstances shall be taken into consideration on the basis of which it may be assessed whether or not such a relationship exists. A decision to refuse an application for family reunification cannot be based exclusively on the fact that no official document exists to prove a specific family relationship.<sup>594</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

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<sup>593</sup> Croatian Law Centre: *Analyses of the institute of family reunification*, September 2019, available in Croatian at: <https://bit.ly/3eIXNLn>.

<sup>594</sup> Article 66(6) LITP.



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>595</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>596</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>597</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>598</sup>

According to the Ministry of Interior, there were 39 applications for family reunification in 2018: 29 applications were approved and 10 were still pending at the end of 2018. No information was available in 2019 and 2020, 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>599</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>600</sup> However, in the course of 2020, the plan was still not adopted. .

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<sup>595</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>596</sup> Article 54(1) Law on Foreigners.

<sup>597</sup> Article 58 Law on Foreigners.

<sup>598</sup> Article 52(1)-(2) Law on Foreigners.

<sup>599</sup> Article 66(4) LITP.

<sup>600</sup> EMN, *Bulletin*, April 2019, available at: <https://bit.ly/2Ri0Ut3>.

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>601</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>602</sup> while foreigners under subsidiary protection are issued special passport for foreigners, valid for 2 years.<sup>603</sup>

Recognised **refugees** can travel within the EU without a visa, while foreigners under **subsidiary protection** may be required to apply for a visa in order to travel to other EU countries.

According to the Ordinance on the Status and Work of the third country nationals,<sup>604</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>605</sup>

## D. Housing

### Indicators: Housing

- |   |                          |
|---|--------------------------|
| 1. For how long are beneficiaries entitled to stay in reception centres?        | Two years <sup>606</sup> |
| 2. Number of beneficiaries staying in reception centres as of 31 December 2020: | N/A                      |

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>607</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>608</sup> With the expiry of 2 years' time limit they have the right to

<sup>601</sup> Article 73 LITP.

<sup>602</sup> Article 75(6) LITP.

<sup>603</sup> Article 75(8) LITP; Article 6(3) Law on Foreigners.

<sup>604</sup> Article 51a Ordinance on the Status and Work of the third country nationals.

<sup>605</sup> EMN study, *Beneficiaries of international protection travelling to their country of origin*, November 2019, available at: <https://bit.ly/2Rfrtz1>.

<sup>606</sup> This time limit is foreseen by law but does not reflect the reality in practice, as explained further below.

<sup>607</sup> Articles 67 and 67a LITP.

<sup>608</sup> Article 67(4) LITP.

accommodation pursuant to the legislation regulating the field of social welfare.<sup>609</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.

If the Centre, in procedures within its remit, establishes, after the decision recognising the right to accommodation becomes enforceable, that the asylee or foreigner under subsidiary protection has the financial means or property to generate funds to participate in the payment of accommodation costs, it shall quash the decision and issue a new decision, recognising the right to accommodation of the asylee or foreigner under subsidiary protection and establishing the obligation to participate in the payment of accommodation costs. An appeal against the decision may be lodged within 15 days of the delivery of the decision but it does not delay its enforcement.<sup>610</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>611</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 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 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.

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<sup>609</sup> Article 67(5) LITP.

<sup>610</sup> Article 67 (7) LITP.

<sup>611</sup> Article 67(8) LITP.

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 includes the process of finding, adapting, furnishing, maintaining, and the settlement of utility costs and leasing costs for the housing unit provided. 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.<sup>612</sup> The ordinance prescribes when the beneficiary under international protection, for whom the Centre for social welfare determined that possess property, in the period while he / she is provided with subsidised accommodation, should participate in the payment of accommodation costs.

In 2020, the Croatian Red Cross (CRC) reported that challenges were observed in securing accommodation for beneficiaries whose right to paid housing has expired.<sup>613</sup> Although this problem existed before, it became even more difficult during COVID-19. CRC has also observed discrimination when renting apartments. According to CRC, beneficiaries of international protection claim that landlords do not want to rent apartments to migrants. It is especially difficult to find an apartment for large families. In addition, after the expiration of two years of substituted housing, it is difficult for both families and single persons to provide enough financial resources for housing and independent living as the average salary of beneficiaries is not enough to cover the total cost of housing and the cost of basic living needs. IKEA made a donation to UNHCR to mitigate health and economic impacts of the COVID-19 pandemic on some 500 refugees and donated household necessities to help beneficiaries in their integration.<sup>614</sup> Since June 2020, CRC has been distributing the donation, which is still ongoing. Beneficiaries situated in **Karlovac, Zadar, Sisak, Zagreb** were included.

The Centre for peace studies reported that problems in finding apartments has continued in the course of 2020 as refugees continued to face prejudice.<sup>615</sup> CPS also underlined that the general rise in housing prices in **Zagreb** was observed as the aftermath of the **Zagreb** earthquake. In addition, at the end of December 2020, strong earthquakes hit central Croatia with the epicentre in **Petrinja** (near Sisak where some of the beneficiaries, that came through resettlement, are accommodated), so some of the beneficiaries lost their homes, while other peoples' homes were damaged to a greater or lesser extent. CPS also reported that in the course of 2020, persons who were granted international protection were accommodated in other cities in Croatia, beside **Zagreb** which is a capital city. CPS pointed out that there is a problem with not-preparing local communities for the reception of refugees and the failure to provide funds or support to local governments to develop local integration plans.

CPS also highlighted that during the first lockdown in Croatia, a number of refugee families and single persons found themselves at risk of homelessness due to the fact that they have lost jobs and upon expiration of the 2 years subsidised accommodation, which was exacerbated by the difficulties to find a new employment during the COVID 19. CPS sent a letter to the relevant ministries requesting urgent action regarding the right to accommodation, as well as a list of several proposals to resolve this situation. Their proposals were largely rejected and the institutions did not recognise the vulnerable position of the beneficiaries of international protection within the health crisis.

Similar observations were reported by Rehabilitation Centre for Stress and Trauma (RCT).<sup>616</sup> RCT stressed that the Central State Office for Reconstruction and Housing, showed extreme insensitivity and unwillingness to adapt to the circumstances in the situation of epidemic when many beneficiaries lost their income while at the same time their right to two years of subsidized housing period had expired. In addition, RCT reported that after the two years housing period expires, a large part of the beneficiary's

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<sup>612</sup> Official Gazette 59/2018

<sup>613</sup> Information provided by Croatian Red Cross, 2 March 2021.

<sup>614</sup> UNHCR, *Croatia Update May 2020*, available at: <https://bit.ly/2PkIIBw>.

<sup>615</sup> Information provided by the Centre For Peace studies, 22 January 2021.

<sup>616</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 7 February 2021.

income is used for housing costs, and if the beneficiaries are unemployed and receive guaranteed minimum benefits, then they live below the poverty line.

Difficulties in housing after expiration of 2- years period in the situation of pandemic was also addressed by Ombudsperson.<sup>617</sup>

In 2020 AYS, assisted in finding accommodation for several families after the expiration of two years of state-funded accommodation.<sup>618</sup> Due to the increase in unemployment among beneficiaries of international protection caused by the COVID-19 pandemic, in cooperation with the Solidarna Foundation, AYS organised a humanitarian action that raised more than 181,000 HRK (approx 24 133 EUR) for cost of living (rentals, utilities and basic living expenses). By the end of 2020, assistance has been provided to 74 households, covering 187 people, including 83 children.

During 2019 and 2020, the Jesuit Refugee Service (JRS) was an implementing partner of the Ministry of Interior in the Resettlement Programme.<sup>619</sup> During the implementation of the project, amongst other, JRS provided assistance and support during the relocation from the Reception Centre for Applicants of International Protection in Kutina to apartments provided by the Central State Office for Reconstruction and Housing. More specifically, JRS physically relocated persons under international protection who came through the Resettlement Program to allocated apartments. In further monitoring, persons under international protection reported to JRS various problems they have encountered in the context of accommodation. Apartments allocated by the Central State Office for Reconstruction and Housing, which were renovated and equipped from the AMIF Fund, had many technical defects that affected the quality of accommodation, and sometimes also the security in those apartments. The observed difficulties in the apartments included inadequate heating in some apartments, humidity in the apartment and mouldy walls, old and inadequate carpentry, plumbing problems, faulty electrical installations, broken furniture, problems with household appliances, insufficient number of pieces of furniture. JRS reported that one family was harassed by neighbours so eventually they moved to another apartment. Another problem reported by JRS is that in a case where family was offered new accommodation, they needed to financially compensate for the change of documents. That is why families generally do not want to change their apartment due to excessive financial expenses and poor financial situation. JRS also pointed out that the Central State Office for Reconstruction and Housing reacted too slowly when problems in the apartments occurred.

JRS also reported that during 2019 and 2020, the Central State Office for Reconstruction and Housing allocated apartments in Sisak to a significant number of persons granted international protection, where according to the Croatian Employment Service and the Central Bureau of Statistics of the Republic of Croatia, unemployment rate is very high. This presents a significant obstacle to the integration of beneficiaries living there because there are not enough employment opportunities, so they are financially dependent on assistance. Also, educational opportunities are limited as adult educational institutions in Sisak do not accept candidates without a good knowledge of the Croatian language.

According to the Ombudsman's Annual report, 98 rental agreements affecting 245 people were terminated in 2020, mostly due to the expiration of two years in which they are entitled to free accommodation.<sup>620</sup> The lack of social housing policy was also stressed in the Ombudsman report.

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<sup>617</sup> Ombudswoman: Provide support to applicants for international protection, persons under international protection, and irregular migrants; 27 April 2020, available at: <https://bit.ly/3xnUfB6>.

<sup>618</sup> Information provided by Are you Syrious, 2 February 2021.

<sup>619</sup> Information provided by JRS, 12 January 2021.

<sup>620</sup> Ombudsman, Annual report 2020, available in Croatian at: <https://bit.ly/3aaQXar>.

## 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>621</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 2020, COVID-19 epidemic has affected the labour market by reducing employment opportunities.

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>622</sup>

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 was organised for interested beneficiaries in **Zagreb**, **Slavonski Brod**, in **Sisak** and **Karlovac**. However AYS reported that due to epidemiological measures, the official language course, which had started in December 2019, was suspended for several months in 2020.<sup>623</sup> Also, the language course, organised by Public Open University **Zagreb** is not certified.<sup>624</sup>

In addition the Ombudsperson, the Croatian Red Cross, Jesuit Refugee Service (JRS) reported problems related to Croatian language Course. According to the Ombudsman's Annual report the Croatian-funded Croatian language course started in December 2019 and took place in two shifts, from 9 am to noon and from 4 pm to 7 pm, which was not adapted to beneficiaries of international protection employed and thus working during these hours.<sup>625</sup> The Croatian Red Cross reported that the official Croatian language course, which is the responsibility of the Ministry of Science and Education, is not adapted to individual beneficiaries as is too advanced for some of them, while others go through material they already know and lose motivation.<sup>626</sup>

According to JRS, the Croatian language courses always start from the beginner level, which does not always correspond to the level of knowledge of certain persons.<sup>627</sup> There are beneficiaries granted international protection who have been in Croatia for a long time and have a sound knowledge of the basis of the Croatian language, however more advanced courses are not financially available to them. Basic knowledge of the Croatian language does not allow them to find well-paid jobs which would enable them to afford advanced courses, thus forcing them to remain in a vicious circle of basic knowledge of the language and lower paid jobs. Within the courses organised by the Ministry of Science and Education neither initial nor a final knowledge test is taken. At the end of the course, candidates receive certificates of attendance, but not the document of the acquired knowledge and skills or the completed level of language.

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<sup>621</sup> Article 68(1) LITP.

<sup>622</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>623</sup> Information provided by Are you Syrious, 2 February 2021.

<sup>624</sup> Public Open University Zagreb (POUZ), website available at: <https://www.pou.hr/en>.

<sup>625</sup> Ombudsman, Annual report 2020, available in Croatian at: <https://bit.ly/3aaQXar>.

<sup>626</sup> Information provided by Croatian Red Cross, 2 March 2021.

<sup>627</sup> Information provided by JRS, 12 January 2021.



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>628</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. In 2020, expiration of 2 years of subsidised housing combined with unemployment due to COVID -19 crises put some of beneficiaries at risk of homelessness.

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>629</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. Since March 2020, the work of Integration House was adopted to epidemiological situation, so assistance was provided mainly by phone and e-mail.<sup>630</sup>

Many other NGOs such as JRS, the Centre for Peace Studies, the Rehabilitation Centre for Stress and Trauma, Are you Syrious (AYS) 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>631</sup>

AYS reported that the COVID-19 pandemic affected the labour market. In the course of 2020, AYS provided information to persons under international protection on their right to work as well as assistance in job searching, both online and at one-on-one meetings while respecting all epidemiological measures.<sup>632</sup> AYS stressed as a positive development that persons granted international protection were included in Active Employment Policy Measures in 2020. However, according to AYS a new set of measures was adopted in December 2020, excluding persons who are granted international protection. As an additional difficulty, AYS pointed out that the Croatian Employment Service often registers persons under international protection as a person without a high school diploma, since they often cannot obtain documentation for nostrification, which makes it much more difficult for them to access the labour market through the employment service.

According to the Croatian Red Cross, the spread of COVID-19 virus had an important impact on the employment and firing of beneficiaries of international protection, mostly in the hospitality industry.<sup>633</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.

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<sup>628</sup> Article 67(4) LITP.

<sup>629</sup> Information provided by the Croatian Red Cross, 20 December 2019.

<sup>630</sup> Information provided by Croatian Red Cross 2 March 2021.

<sup>631</sup> JRS, 'Refuge Integration Centre „SOL“ opened' , 2018, available at: <https://bit.ly/3chtSBs>.

<sup>632</sup> Information provided by Are you Syrious, 2 February 2021.

<sup>633</sup> Information provided by Croatian Red Cross, 2 March 2021.

According to CES, 121 asylees (of which 46 women) and 16 foreigners under subsidiary protection (of which 8 women) and 12 members of families of persons that were granted international protection (of which 11 women) were registered in their records of unemployed persons at the end of 2020.<sup>634</sup> According to the data of the CES, 85 asylees, 6 persons under subsidiary protection and 8 members of families of persons under international protection were included in individual counselling at CES in 2020 and a total of 147 individual counselling for these users were conducted, while 11 asylees, 6 foreigners under subsidiary protection and 1 member of family of a person that was granted international protection were included in active employment policy measures. The majority of persons registered were from **Syria** (79), **Iraq** (29), **Turkey** (10) and **Iran** (8).

Similarly to previous years, CES highlighted the lack of knowledge of Croatian as well as a low motivation to learn the language and to be engaged in other programmes that can raise the chances of gaining employment, as a major obstacles to the integration of beneficiaries of protection. Furthermore, as an additional challenge to integration, CES highlighted work attitudes and cultural differences, especially amongst women. These challenges require intensive work with beneficiaries and an individualised approach, which was hampered by the pandemic during 2020.

Similarly to the local population, some beneficiaries of international protection were affected by the employment challenges due to the COVID-19 outbreak. The Croatian Red Cross, as a partner of UNHCR, was supporting beneficiaries affected by such downsizing with access to the online procedures by the Croatian Employment's Office for collecting benefits and in looking for new employment opportunities.<sup>635</sup>

The Centre for Peace studies reported that many beneficiaries of international protection were among the first who lost their job during COVID-19, as many of them worked within the direct service sector, which suffered important losses in 2020.<sup>636</sup> In the first half of the year, the lack of employment opportunities and the expiration of two years of subsidised housing resulted in a higher risk of homelessness for some families and a small number of single persons. They also pointed out the problems in the recognition of qualifications and nostrification of diplomas, more precisely due to a lack of adapted procedures for the recognition of qualifications given the specific circumstances in which beneficiaries of international protection often find themselves.

The Rehabilitation Centre for Stress and Trauma (RCT) reported that many beneficiaries who lost their jobs during COVID-19 were employed based on short-term contracts.<sup>637</sup> Due to fragmented work, they were not entitled to unemployment benefits. RCT provided them with support in collecting relevant documentation, filling out forms and sending requests for compensation, as well as in communicating with the Croatian Employment Service.

According to JRS another problem affecting access to the labour market is the availability of kindergartens for children of unemployed beneficiaries of international protection, which leads to the fact that their children are not included in kindergartens on time, thereby impacting their socialisation and integration.<sup>638</sup> On the other hand, this also affects the opportunity for their mothers to look for employment as they thus stay at home to take care for younger children and remain financially dependent on state aid and a partner.

From March 2019 to September 2020, JRS and the Public Open University Zagreb implemented joint project aimed at providing support, education and integration into society and the labour market to persons granted international protection, which at the same time responds to the current market need for a targeted skilled workforce in accordance with deficit occupations. The project involved 131 unemployed persons, including the long-term unemployed, of which 55 were women. The results of the „TrAZILica“ project and the final publication are available online.<sup>639</sup>

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<sup>634</sup> Information provided by the Croatian Employment Service, 11 January 2021.

<sup>635</sup> UNHCR, *Croatia Update: March: 2020, Croatia: COVID-19 and earthquake response*, available at: <https://bit.ly/3vd6BtP>.

<sup>636</sup> Information provided by the Centre For Peace studies, 22 January 2021.

<sup>637</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 7 February 2021.

<sup>638</sup> Information provided by JRS, 12 January 2021.

<sup>639</sup> TrAZILica, 29 March 2019 – 29 September 2020, available at: <https://bit.ly/3gKABJT>.

At the end of November 2020, the Croatian Employers' Association and JRS concluded a cooperation agreement in order to provide institutional support to the integration process of third-country nationals into Croatian society and enable their easier employment i.e. to facilitate entry into the labour market.

## 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>640</sup>

Asylees and foreigners under subsidiary protection shall exercise the right to adult education as well as the right to recognition of foreign qualifications pursuant to the regulations on adult education under the same conditions as Croatian citizens.

For asylees and foreigners under subsidiary protection, who for justified reasons are not able to provide the necessary documentation to prove their foreign qualifications, an assessment shall be conducted of their prior learning. The assessment of the prior learning of beneficiaries of international protection shall be conducted by a competent body, pursuant to the regulations governing regulated professions and recognition of foreign vocational qualifications.

A decision to refuse an application for recognition of foreign vocational qualifications cannot be based exclusively on the fact that no official documents exist to prove a specific foreign vocational qualification.

If an asylee or foreigner under subsidiary protection does not have sufficient financial resources available, the translation of foreign documents for the purpose of recognition of foreign qualifications shall be provided from the State Budget of the Republic of Croatia, under the item of the Ministry competent for education.

AYS reported that in the course of 2020, it continued to provide educational support to children granted international protection i.e. 67 volunteers provided more than 2,200 hours of direct educational support to school aged children.<sup>641</sup> The support programme included support in language learning, mastering school materials, cooperation with schools and mediation in communication between parents and the school. AYS provided assistance in learning to children which partly took place online and partly in family homes, while respecting all epidemiological measures. As reported by AYS, some of the children did not have the technical conditions to follow online classes and communicate with volunteers, which presented the main challenge. Due to the COVID 19 situation and after switching to online classes, AYS purchased the necessary computers to monitor classes for some families. Within the IRCIS project, a humanitarian action to buy tablets was organised, so as to provide tablets to 30 families.<sup>642</sup> AYS was among the organisations that helped to create a list of needs for the mentioned action.

Centre for Peace Studies reported difficulties in the organisation of distance school, as the active role of parents was crucial for the functioning of distance learning.<sup>643</sup> Children from families without access to technology, or from families in which both children and parents have weaker or no digital competencies or who do not know enough Croatian language, were completely neglected, which greatly affected the availability of education for children.

In addition, particularly vulnerable groups such as young people over the age of 15 who have not completed primary schools in the country of origin due to war circumstances (for example in Syrian) or in the country of temporary residence (for example Turkey) due to family financial situation faced important obstacles according to the Jesuit Refugee Service (JRS).<sup>644</sup> These young people do not meet the

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<sup>640</sup> Article 70 LITP.

<sup>641</sup> Information provided by Are you Syrious., 2 February 2021.

<sup>642</sup> Information on IRCIS project can be found on following link: <https://bit.ly/3hzCKlw>.

<sup>643</sup> Information provided by the Centre For Peace studies, 22 January 2021.

<sup>644</sup> Information provided by JRS, 12 January 2021.

conditions for inclusion in primary education, and therefore they also do not meet the conditions for inclusion in secondary education. The State Administration Office recommends an adult educational programme for them with the aim of completing primary school. Another problem reported by JRS is that young people who were under the age of 15 at the time of enrolment in primary school, and have thus met the conditions for enrolment in regular primary education, lose the right to child allowance at the age of 15. JRS also reported that 70 + 70 hours of preparatory classes of Croatian language are not enough for most children to learn Croatian to such an extent which would allow them to follow classes and participate as children of the domicile population.

JRS also pointed to the non-standardisation of certain procedures in regard to the inclusion of refugee children in primary schools. JRS stated that there are very different methods and ways of assessing a child in order to determine the class in which the child needs to be enrolled, most often improvising, and taking into account different factors such as age, family situation, previous education and wishes of the child.

JRS also pointed out that, at the very beginning of the COVID 19 epidemiological situation, refugee children faced obstacles during the transition to online school. Given that their families are in poorer material situation, they did not have the necessary equipment to follow online classes. While a certain number of computers were borrowed by schools, the number of computers was insufficient and children had to rely on limited resources from NGO's donations. JRS assisted the children by donating cell phones and laptops so that children could follow online classes, but also with establishing an Internet connection and by providing translation services and daily communication between school staff and children involved in primary schools.

The Rehabilitation Centre for Stress and Trauma (RCT) reported an insufficient level of information of various stakeholders, as well as completely inadequate information about the rights of beneficiaries of international protection. Following shortcomings were identified:<sup>645</sup>

- A student who was granted asylum encountered problems with a state scholarship for students of lower socio-economic status due to formal conditions he could not fulfil as a single person, i.e. he could not enclosed the income of his family;
- the student centre, which amongst other provide food for students, does not recognise the category of beneficiaries of international protection and therefore treat students with international protection as third-country nationals. As a consequence, they only have right to 1 meal per day even if they are in the dormitory;
- students are not entitled to free learning of the Croatian language at higher levels although for example such right to learn Croatian for free at Croaticum is guaranteed for foreign Erasmus students;
- The Ministry of Science and Education has the financial means to recognise previous qualifications to people with granted international protection for the purpose of work or for continuing education, but according to RCT, the Ministry publishes this information exclusively on their webpage and in Croatian and does not make any effort to inform those for whom information is intended.

On the other hand, RCT stressed that in 2020, they dealt especially with access to higher education, sensitisation of higher education institutions and support in enrolment and exercising the right to scholarships. In that part, RCT observed progress as certain higher education institutions showed increased sensibility. The progress was also observed in the system of awarding state scholarships.

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>646</sup>

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,

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<sup>645</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 7 February 2021.

<sup>646</sup> Information provided by Are You Syrious, 2 February 2021.

English, Arabic and Persian/Farsi. The newspaper covers topics relevant to refugees and the challenges they face.

## 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>647</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>648</sup>

Social welfare activities are performed by social welfare institutions, local and regional self-government units, associations, religious communities, other legal persons, craftsmen and other physical persons performing social welfare activities.

The basic information on welfare benefits can be found on the [WELCOMM](#) website.<sup>649</sup> Some basic information are also provided in materials (i.e. videos and a brochure) prepared by the Croatian Law Centre.<sup>650</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>651</sup> the social rights provided by the City of **Zagreb** were extend to families of asylees and foreigners under subsidiary protection.<sup>652</sup>

AYS provided information to persons granted international protection on their rights and obligations within the social welfare system in 2020.<sup>653</sup> AYS also assisted beneficiaries when obtaining and filling in the necessary documentation for exercising social welfare's rights, especially during the first lockdown in spring, when only the possibility for online application was available.

JRS reported that unemployed persons who were granted international protection are often not entitled to financial support from the Croatian Health Insurance Fund at the birth of a child due to the shorter length of stay in Croatia.<sup>654</sup> In addition, persons granted international protection often do not meet the conditions for receiving financial support for the birth of a child from local and regional self-government units.

According to the Croatian Red Cross the process of obtaining the minimum guaranteed compensation took two months which affected the financial situation of beneficiaries.<sup>655</sup>

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<sup>647</sup> Article 73 LITP.

<sup>648</sup> Official Gazette 157/2013, 152/2014, 99/2015, 52/2016, 16/2017, 130/2017, 98/2019.

<sup>649</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>650</sup> Croatian law Centre, video „You have a right to social welfare rights: <https://bit.ly/3dPKWCc>; <https://bit.ly/3aCwtaY>; <https://bit.ly/32OY9VG>; and brochure available at: <https://bit.ly/2RZdkJz>.

<sup>651</sup> Amendments available in Croatian at: <https://bit.ly/2UQoMXa>.

<sup>652</sup> City of Zagreb, *Social welfare decision*, 4 April 2019, available at: <https://bit.ly/2URy7hj>.

<sup>653</sup> Information provided by Are you Syrious, 2 February 2021.

<sup>654</sup> Information provided by JRS, 12 January 2021.

<sup>655</sup> Information provided by Croatian Red Cross, 2 March 2021. Guaranteed minimum benefit is the right to a monetary amount that ensures that basic living needs of a single person or household who do not have sufficient funds to meet basic living needs and are not able to achieve them through work, income from property etc. will be provided

## 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>656</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>657</sup> in the same scope as health insured persons under mandatory health insurance.<sup>658</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>659</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>660</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 Ombudsperson, Are You Syrious, Croatian Red Cross, Rehabilitation Centre for Stress and Trauma, JRS and other actors.

In course of 2020, AYS provided information on the scope of right to health care protection to beneficiaries of international protection, but also assisted them with enrolment procedures or when persons undertook medical examinations.<sup>661</sup> AYS also informed health institutions about the rights of persons under the international protection and the necessary procedure for patient enrolment. AYS highlighted that shortcomings continue to be the non-recognition of the right to health care for beneficiaries of international protection. In addition AYS reported that the lack of translation during health checks remains unsolved. Are You Syrious? in cooperation with the organisation BRID published the publication "Administrative advices in practice for the treatment of patients who were granted international protection."<sup>662</sup>

The Croatian Red Cross (CRC) also reported problems related to health care and provision of services in healthcare facilities as healthcare professionals are not sufficiently familiar with the rights of persons under international protection and the way in which they can exercise their right to health care. Often, CRC employees are helping beneficiaries of international protection to find a family doctor. However, according to CRC, doctors are rejecting beneficiaries arguing that they reached their maximum quota of patients, although CRC sometimes check in advance if they have places to enrol new patients.<sup>663</sup> The similar issue was reported by Rehabilitation Centre for Stress and Trauma (RCT).<sup>664</sup> RCT stressed that doctors working in student's polyclinics are not familiar with the rights of beneficiaries in the health system and refuse to treat them because they do not have health insurance. Enrolment in the health insurance system and charging or denying the right to health services was also stressed as a problem in Ombudsperson report for 2020.<sup>665</sup>

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<sup>656</sup> Article 69(1)-(2) LITP.

<sup>657</sup> Article 17 Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

<sup>658</sup> Article 21(1) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

<sup>659</sup> Article 21(2) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

<sup>660</sup> Article 21(3) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

<sup>661</sup> Information provided by Are you Syrious, 2 February 2021.

<sup>662</sup> The publication available in Croatian at: <https://bit.ly/3vjXgke>.

<sup>663</sup> Information provided by the Croatian Red Cross, 2 March 2021.

<sup>664</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 7 February 2021.

<sup>665</sup> Ombudsman, Annual report 2020, available in Croatian at: <https://bit.ly/3aaQXar>.



JRS reported that health services were sometimes not available in the place of residence of beneficiaries of international protection, so for example they could not find a gynaecologist which can enrol a new patient in the town of **Karlovac**, but only in **Vojnić**.<sup>666</sup>

The Institute of Ethnology and Folklore Research reported that the application of the City of **Zagreb** launched in November 2020 for rapid COVID-19 antigen tests required the entry of a health insurance number, which is why application could not be used by persons granted international protection.<sup>667</sup>

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<sup>666</sup> Information provided by JRS, 12 January 2021.

<sup>667</sup> Information provided by the Institute of Ethnology and Folklore Research, 11 January 2021.

## 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)