

Country Report: Croatia



2021
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 Centar for Cultural Dialogue, 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, as well as from other publicly available sources.

The information in this report is up-to-date as of 31 December 2021, 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. 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.



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Glossary & List of Abbreviations

Asylee	Person granted refugee status
Dismissal	Rejection of an application as inadmissible
Reception Centre for Foreigners	Pre-removal detention centre
CES	Croatian Employment Service Hrvatski zavod za zapošljavanje
CJEU	Court of Justice of the European Union
CPS	Centre for Peace Studies Centar za mirovne studije
CRC	Croatian Red Cross Hrvatski crveni križ
EASO	European Asylum Support Office
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
IOM	International Organisation for Migration
JMBG	Unique Identification Number Jedinstveni matični broj građana
JRS	Jesuit Refugee Service Isusovačka služba za izbjeglice
LGBTI	Lesbian, gay, bisexual, transsexual and intersex
LITP	Law on International and Temporary Protection Zakon o međunarodnoj i privremenoj zaštiti
MdM	Doctors of the World Médecins du Monde
OIB	Personal Identification Number Osobni identifikacijski broj
SGBV	Sexual and gender-based violence
SPA	Society for Psychological Assistance Društvo za psihološku pomoć
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children Fund
UNVFVT	United Nations Voluntary Fund for Victims of Torture

Statistics

Overview of statistical practice

Limited asylum statistics for 2021 can be found on the website of the Ministry of Interior.¹ However, they did not provide a detailed breakdown on all grounds by country of origin in 2021. According to the Ministry of Interior, there were a total of 3,039 applicants for international protection in 2021, the majority of which came from Afghanistan (1,849), Turkey (246), Iraq (225) Iran (190), Pakistan (106), followed by Syria (84), Bangladesh (69), Cuba (56), Morocco (30) and stateless persons (27).

Detailed statistics on decision-making at first instance are not available, but the Ministry of the Interior indicated that 68 persons were granted a refugee status and none of them a subsidiary protection. The number of negative decisions or pending cases were not made available by national authorities.

Applications and granting of protection status at first instance: 2021

The following table is based on Eurostat statistics and must be read with caution as some figures seem to differ from those provided above by the Ministry of Interior, and because rejection includes inadmissibility decisions:

	Applicants in 2021	Pending at end 2021	Refugee status	Subsidiary protection	Rejection	Refugee rate	Sub. Prot. rate	Rejection rate
Total	2,930	N/A	70	0	365	16%	0%	84%

Breakdown by countries of origin of the total numbers

Afghanistan	1,790	N/A	40	0	95	29.6%	0%	70.4%
Turkey	255	N/A	0	0	35	0%	0%	100%
Iraq	220	N/A	5	0	35	12.5%	0%	87.5%
Iran	165	N/A	5	0	40	11%	0%	89%
Pakistan	95	N/A	5	0	20	20%	0%	80%
Syria	80	N/A	10	0	20	33.3%	0%	66.7%

Source: Eurostat, available at: <https://bit.ly/3M2EXZb>. Rejection includes inadmissibility decisions.

¹ Ministry of Interior, *Statistics 2021*, available in Croatian at: <https://bit.ly/35ugJHr>.

Gender/age breakdown of the total number of applicants: 2021

	Number	Percentage
Total number of applicants	3,039	100%
Men (incl. children)	1,833	60.3%
Women (incl. children)	1,206	39.7%
Children	986	32.445
Unaccompanied children	195	6.4%

Source: Ministry of Interior, *Statistics 2021*, available in Croatian at: <https://bit.ly/3tsV4HN>. The percentages have been calculated (and rounded) by the author of this report based on the statistics provided by the Ministry of Interior. The numbers on children were provided by the Ombudsperson for Children, *Report on the work of the Ombudsman for Children in 2021*, available in Croatian at: <https://bit.ly/37dyZWm>.

Comparison between first instance and appeal decision rates: 2021

	First instance		Appeal	
	Number	Percentage	Number	Percentage
Total number of decisions	N/A	-	58	-
Positive decisions	68	-	2	-
• <i>Refugee status</i>	68	-	N/A	-
• <i>Subsidiary protection</i>	0	-	N/A	-
Negative decisions	N/A	-	46	-

Source: Ministry of Interior, *Statistics 2021*, available in Croatian at: <https://bit.ly/3tsV4HN>. As for the law suits, the information was provided by the following Courts: Administrative Court in Zagreb, 31 January 2022; Administrative Court in Rijeka, 20 January 2022; Administrative Court in Osijek, 14 January 2022; Administrative Court in Split, 17 January 2022.

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	http://bit.ly/1hlaq3Q (HR) http://bit.ly/2ln4y6c (EN) https://bit.ly/2pPntru (HR)
Law on General Administrative Procedure Official Gazette 47/2009 <i>Amended:</i> Official Gazette 110/2021(in force since 1 January 2022)	Zakon o općem upravnom postupku NN 47/2009, 110/2021	Law on General Administrative Procedure	http://bit.ly/1J7BRAh (HR) https://bit.ly/36ZLaFZ (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 <i>Amended:</i> Official Gazette 110/2021	Zakon o upravnim sporovima NN 20/2010, 143/2012, 152/2014, 94/2016, 29/2017, 110/2021	Law on Administrative Disputes	http://bit.ly/1Gm4uTj (HR) http://bit.ly/1K1I8fv (HR) http://bit.ly/1Bs4ZiO (HR) https://bit.ly/2uyfHXR (HR) https://bit.ly/2pWu82v (HR) https://bit.ly/3LXKHn4 (HR)
Law on Foreigners, Official Gazette 133/2020	Zakon o strancima NN 133/2020	Law on Foreigners	https://bit.ly/2OLg8ZC (HR) https://bit.ly/3ILqMXi (EN)

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	http://bit.ly/1Gm4KSp (HR) https://bit.ly/2uzuZLN (HR) https://bit.ly/3uJOYI6 (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	http://bit.ly/1lojGRf (HR) https://bit.ly/3bDiHD5 (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	http://bit.ly/2IndEjr (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	http://bit.ly/2lQKkmi (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	http://bit.ly/2lYZlSM (HR) https://bit.ly/3bxCHa9 (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	http://bit.ly/1K1I9zT (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	https://bit.ly/3sbArNC (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	http://bit.ly/1Gm5yGG (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	http://bit.ly/1SuZQLq (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	http://bit.ly/1FXstO8 (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	http://bit.ly/1yuPG7Y (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	http://bit.ly/2kOXEmP (HR) http://bit.ly/2kvoBjf (HR)
Decision on the costs of accommodation in the Reception Centre for Asylum Seekers Official Gazette 47/2016	Odluka o troškovima smještaja u Prihvatilištu za tražitelje azila NN 47/2016	Decision on the Costs of Accommodation	http://bit.ly/2lTyx3i (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	http://bit.ly/2kXPLhy (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	http://bit.ly/2kDTnBH (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	http://bit.ly/2IQNEgT (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	https://bit.ly/2GVUWHW (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	https://bit.ly/2JdqcxL (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	https://bit.ly/2Y115uv (HR)
Decision on determination of the price of residence permit for asylees and foreigners under subsidiary protection Official Gazette 98/2016 Corrigendum	Rješenje o utvrđivanju cijene dozvole boravka za azilanta i stranca pod supsidijarnom zaštitom NN 98/2016 Ispravak Rješenja o utvrđivanju cijene dozvole boravka za azilanta i stranca pod supsidijarnom zaštitom	Decision on the Price of Residence Permits	http://bit.ly/2kvB0Un (HR) http://bit.ly/2kXSmb6 (HR)

Official Gazette 102/2016	NN 102/2016		
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	http://bit.ly/2lcRePz (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	https://bit.ly/2FUHyXc (HR)
New Ordinance on treatment of third country nationals, Official Gazette 136/2021- entered into force on December 11 th , 2021	NN 136/2021		https://bit.ly/3MfvLI0 (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	https://bit.ly/2S7aCQQ (HR)
Ordinance on accommodation in the Reception Centre for Foreigners and the method of calculating the costs of forced removal; Official Gazette 145/2021, entered into force on 6 January 6 2022	Pravilnik o boravku u Prihvatnom centru za strance i načinu izračuna troškova prisilnog udaljenja NN 145/2021		https://bit.ly/33TB4AY (HR) https://bit.ly/35NIA5r (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	https://bit.ly/2GMCKNL (HR) https://bit.ly/2IHO40C (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	https://bit.ly/2wCNTTX (HR) https://bit.ly/3wXxALF (HR)
Protocol on the treatment of unaccompanied children	Protokol o postupanju prema djeci bez pratnje		https://bit.ly/2UnJmLc (HR) https://bit.ly/2DEgBEu (HR)
Ordinance on the Status and Work of Third-Country Nationals: Official Gazette 52/2012	Pravilnik o statusu i radu državljana trećih zemalja u Republici Hrvatskoj		https://bit.ly/39oqcMh (HR)

<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 Ordinance on stay of third country nationals in the Republic of Croatia : Official Gazette 20/2022- entered into force on 24 February 2022	NN 52/2012, 81/2013, 38/2015, 100/2017, 61/2018, 116/2018, 146/2020 Pravilnik o boravku državljana trećih zemalja u Republici Hrvatskoj NN 20/2022		https://bit.ly/2WM2BCG (HR) https://bit.ly/2QOj9X3 (HR) https://bit.ly/2QK28Nw (HR) https://bit.ly/2JgtU02 (HR) https://bit.ly/2UDsMcc (HR) https://bit.ly/2OLhIA6 (HR) https://bit.ly/3HlvjYR (HR)
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Overview of the main changes since the previous update

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

Asylum procedure

- ❖ **Access to the territory:** Access to the territory remained a serious matter of concern and was marked by violent incidents in 2021. According to the Danish Refugee Council (DRC), 9,114 persons have been pushed back from Croatia to Bosnia and Herzegovina (BiH) in 2021,² and 928 persons from Croatia to Serbia according to UNHCR.³ This includes children (251 according to the Ombudsperson for children) and other vulnerable groups. The CPT published its report on the ad-hoc visit to Croatia from 10 to 14 August 2020 in December 2021. The latter provides recommendations for an effective and independent border monitoring mechanism. An independent border monitoring mechanism was established in Croatia in the summer 2021,⁴ but its lack of independence and efficiency remains criticised by several stakeholders.
- ❖ **Key statistics on the asylum procedure:** The number of applicants for international protection in 2021 increased significantly from 1,932 in 2020 to 3,039 applicants in 2021. Although detailed statistics were not made available by national authorities, the recognition rate remained low as only 68 refugee statuses were granted in the course of 2021. Croatia continues to be a transit country as the majority of applicants for international protection leave Croatia to other countries and abandon their cases, resulting in a suspension of their procedure in 75.35% of the cases.⁵
- ❖ **Legislative development:** During 2021, the drafting process for the Draft Law on Amendments to the Law on International and Temporary Protection was initiated. According to the Plan of Legislative Activities of the Government of the Republic of Croatia for 2022, it should be sent to the Government of the Republic of Croatia in the first quarter of 2022.⁶ The Law on Foreigners entered into force on 1 January 2021. In 2021, amendments to the Law on Administrative Disputes also entered into force as a response to the changes caused by the COVID-19 pandemic as well as to improve the functioning of the judicial system through the increased use of communication technologies.
- ❖ **Safe third country concept:** The Constitutional Court issued its ruling in the case of the family of *Madina H.* which concerned an Afghan girl who was killed by a passing train at the border between Croatia and Serbia in 2017. The Constitutional Court 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
- ❖ **Schengen:** In July 2021, the European Parliament (EP) adopted a resolution stressing that Croatia has met all the conditions for its accession to Schengen, but also urged Croatia to address shortcomings regarding the training of border staff and the respect of fundamental rights at borders.⁷ On 9 December 2021, the EU ministers of the interior unanimously approved the Conclusions on the fulfilment of the necessary conditions for the application of the Schengen acquis by the Republic of Croatia⁸

² DRC, *Border monitoring snapshot and factsheets*, available online.

³ UNHCR, Serbia- Snapshots January- December 2021., available at: <https://data2.unhcr.org/>.

⁴ European Commission: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Report on Migration and Asylum, September 2021, available at: <https://bit.ly/3IGh20n>.

⁵ Ombudsperson, *Annual report 2021*, available in Croatian at: <https://bit.ly/3xePrQP>.

⁶ Plan of Legislative Activities of the Government of the Republic of Croatia for 2022, available at: <https://bit.ly/3v0IJva>.

⁷ Dnevnik, *The European Parliament adopted a resolution: Croatia ready for Schengen, two of our MPs voted against*, available at: <https://bit.ly/3HGYFa6>.

⁸ EMN HR, *The Republic of Croatia has met all the conditions for the application of the full Schengen acquis*, available at: <https://bit.ly/3vAaQDt>.

Reception conditions

- ❖ **Access to reception:** Access of persons not necessary to the functioning of Reception Centers for Applicants of International Protection was limited from March 2020 until the end of 2021 to prevent the spread of COVID-19. Throughout the year, a total of 2,797 applicants for international protection were subject to self-isolation and a total of 420 people were tested, of which 48 were COVID positive.⁹

Content of international protection

- ❖ **Limited 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 as well as the access to 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 2021.

Response to the situation in Ukraine as of 11 April 2022:

From 25 February to 11 April 2022, a total of **13,597** displaced persons from Ukraine entered the Republic of Croatia, of which **6,666** women (49%), **1,901** men (14%) and **5,030** children (37%). People displaced from Ukraine do not currently need a passport nor visa to enter Croatia.

On 28 February 2022, the Croatian Government adopted a decision on the establishment of an Interdepartmental Working Group for the Implementation of Activities for the Reception and Care of Refugees from Ukraine.¹⁰ The Ministry of the Interior coordinates the work of the Interdepartmental Working Group, while the Directorate of Civil Protection of the Ministry of the Interior performs professional, technical and administrative tasks. The main task of the group is the coordinated action of all competent bodies and institutions and the implementation of measures and activities aimed at providing humanitarian assistance, reception and care of displaced persons from Ukraine. On the same day, a decision was made on the establishment of the Expert Working Group to coordinate and support the provision of health care to persons displaced from Ukraine.¹¹ At the beginning of March 2022, the Croatian Parliament adopted the Declaration on Ukraine condemning the aggression against Ukraine and calling on Russia to immediately stop the military attack and withdraw its troops from Ukrainian territory.¹²

The Ministry of the Interior has updated the Enter Croatia application, which is now available also in Ukrainian, to strengthen the reception of persons displaced from Ukraine and speed up their entry into Croatia.¹³ The main goal is to enable displaced persons from Ukraine who have a travel document and intention to come and stay in Croatia, to submit their personal data, address and contact phone number in advance via the application, which will allow them to enter Croatia faster. Pre-submitted data will be automatically linked to the data from the travel document after it is scanned at the border crossing and will no longer need to be entered manually.

The Directorate of Civil Protection issued a leaflet with instructions and useful information for people coming from Ukraine. The leaflet, which is available in Croatian and Ukrainian, is given to refugees from Ukraine at border crossings upon entering Croatia.¹⁴ Useful information was later made in the form of a leaflet available on the webpage Croatia for Ukraine.¹⁵

⁹ Information provided by od MDM-BELGIQUE, 19 January 2022.,

¹⁰ Croatian Government: Decision on the establishment of an Interdepartmental Working Group for the Implementation of Activities for the Reception and Care of Refugees from Ukraine, available at: <https://bit.ly/37DoStK>.

¹¹ Croatian Government: Decision on the establishment of the Expert Working Group to coordinate and support the provision of health care to the refugee population of Ukraine, available at: <https://bit.ly/3O4pfyg>.

¹² Croatian Parliament: Declaration on Ukraine Official Gazette 25/2022, available at: <https://bit.ly/3DZFXu8>.

¹³ Government of Croatia, 'Enter Croatia', available at: <https://entercroatia.mup.hr/>.

¹⁴ Leaflet with useful information for displaced persons from Ukraine, available in Croatian at: <https://bit.ly/3vb0AiT>, and in Ukrainian: <https://bit.ly/3LSLqWh>.

¹⁵ Leaflet with useful information for displaced persons from Ukraine available in in Ukrainian at <https://bit.ly/38zVlSh>; and in Croatian at: <https://bit.ly/3v7MkaX>.

People who do not have their own organised accommodation upon arrival at the border receive information about accommodation in the nearest reception centre. At the moment, three reception centres operate in Osijek, Varaždin and Gospić. The stay in the reception centres is short and limited to 48 hours as a rule. Employees of the Civil Protection, the police, health workers and the Croatian Red Cross' employees are present in the reception centres. If necessary, organised mobile teams of other relevant bodies (social work, employment, education, civil protection operational forces) are present in Reception Centres. The Croatian Red Cross lists people in order for them to be entitled to psychosocial support, humanitarian aid (food, hygiene, clothing, bedding ...) and if there is the need for people to use the services of the Family Tracing Service.

After the expiration of 48 hours, people are referred to permanent accommodation that is offered to them in Collective accommodation facilities (currently 35 facilities) or they can be accommodated in private accommodation. An e-mail address was created (rcz.zbrinjavanje@mup.hr) so that volunteers can reach out in case they wish to offer private accommodation.¹⁶

On 7 March 2022, the Government adopted the Decision on the Introduction of Temporary Protection in the Republic of Croatia for Displaced Persons from Ukraine.¹⁷ Pursuant to the Decision, Croatia shall grant temporary protection to the citizens of Ukraine and members of their families:

- residing in Ukraine on 24 February 2022 and who left Ukraine since 24 February 2022;
- stateless persons and third country nationals who were under international or equivalent national protection in Ukraine on 24 February 2022 and members of their families who were granted residence in Ukraine on 24 February 2022 and who left Ukraine since 24 February 2022;
- third country nationals who had a valid permanent stay in Ukraine on 24 February 2022 in accordance with Ukrainian regulations and who cannot return to their country or region of origin in safe and permanent conditions and who left Ukraine since 24 February 2022.

As regards those who had fled Ukraine before 24 February 2022, temporary protection shall also be granted to the displaced citizens of Ukraine and members of their families who left Ukraine immediately before 24 February 2022 due to the security situation and cannot return to Ukraine due to the armed conflict. However, it is unclear yet how authorities will interpret the term "immediately before".

A person can lodge an application for temporary protection in the competent police administration or police station according to the address of accommodation. The application can also be submitted online via the application - Croatia4Ukraine.¹⁸ It is not possible to apply for temporary protection at the Reception Centres as accommodation is provided there only for 48 hours. However, an application for temporary protection can be lodged in collective (permanent) accommodation facilities where officials from the Ministry of the Interior are present or police officials, meaning that they do not need to go to a police station or administration for that purpose.

After temporary protection has been granted, the card of a foreigner under temporary protection will be issued by the competent police administration/station or by the officials of the Ministry of the Interior or police administrations or stations in the facilities of the Collective Accommodation. The card is a bilingual document (in Croatian and English) and equivalent to a residence permit in Croatia.

Persons who do not wish to apply for temporary protection should register an address related to short-stay. If person meet the conditions for temporary stay for one of the purposes prescribed by the Law on Foreigners, they can submit an application for temporary stay. Persons can also apply for international protection.

¹⁶ Ministry of Interior: Notice for citizens wishing to help refugees from Ukraine, available at: <https://bit.ly/3xiEw8I>.

¹⁷ Croatian Government: Decision on the Introduction of Temporary Protection in the Republic of Croatia for Displaced Persons from Ukraine, available at: <https://bit.ly/37yIO2c>.

¹⁸ Ministry of Interior, Alien under temporary protection application form, available at: <https://croatia4ukraine.mup.hr/Pages/Zahtjev>.

On 23 March 2022, the government issued a decision to finance the housing costs of displaced persons from Ukraine that are accommodated in private accommodation.¹⁹ According to this decision, owners of housing units that have provided their real estate for the use to displaced persons from Ukraine will be reimbursed on the basis of an agreement with the Ministry of Interior, Directorate of Civil Protection. The agreement should be concluded for a period of six months with the possibility of extension for up to one year.

The Ministry of Science and Education has issued instructions on the inclusion of children and students of refugees from Ukraine in the Croatian educational system,²⁰ instructions on the obligation to inform the competent school doctor about the inclusion of students in schools,²¹ as well as notice on the inclusion of children from Ukraine under temporary protection in the system of early and preschool education of the Republic of Croatia.²² The Ministry of Labour, Pension System, Family and Social Policy has also prepared a leaflet related to employment and social welfare for Ukrainian citizens which is available in Croatian and in Ukrainian.²³

The Croatian Ministry of the Interior has launched a website on “Croatia for Ukraine” <https://hrvatskazaukrajinu.gov.hr/> available in Croatian and Ukrainian where essential information on temporary protection in the Republic of Croatia can be found. It provides information on the procedure, legislation, reception and available services as well as statistical information on the number of persons arriving in Croatia from Ukraine.

¹⁹ Croatian government, Decision on financing the housing costs of displaced persons from Ukraine in individual accommodation, available at: <https://bit.ly/38vxQK6>.

²⁰ Ministry of Science and Education, ‘Uključivanje djece i učenika izbjeglica iz Ukrajine u odgojno-obrazovni sustav Republike Hrvatske’, 7 March 2022, available in Croatian at: <https://bit.ly/3E0dtAw>.

²¹ Ministry of Science and Education, ‘Obveza obavještanja nadležnog školskog liječnika o uključivanju učenika u škole, raseljenih osoba iz Ukrajine pod privremenom zaštitom u Republici Hrvatskoj’, 21 March 2022, available in Croatian at: <https://bit.ly/3Jvg7zs>.

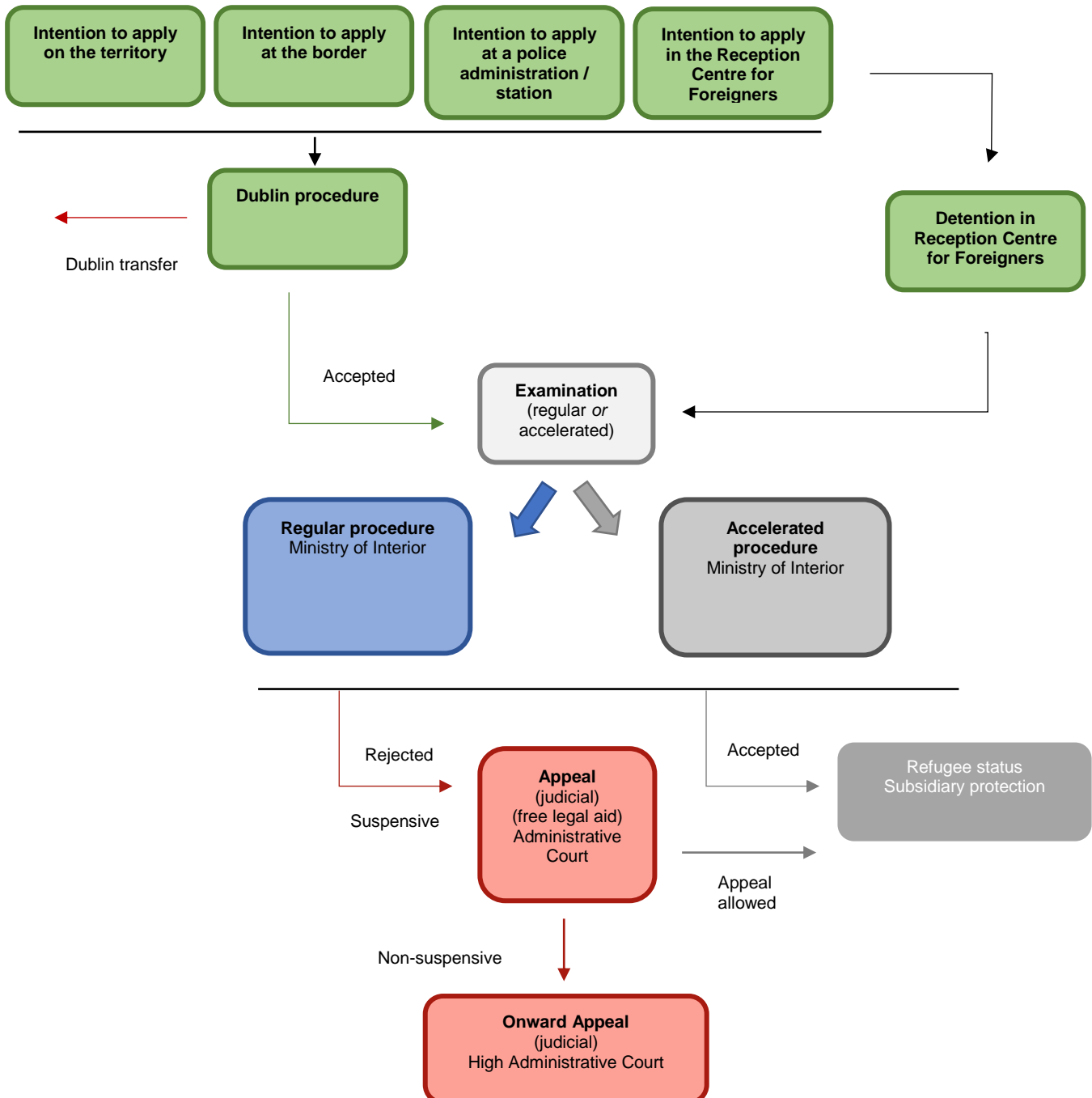
²² Ministry of Science and Education, Uključivanje djece, raseljenih osoba iz Ukrajine u rani i predškolski odgoj – obavijest, 18 March 2021, available in Croatian at: <https://bit.ly/3xiQteT>.

²³ Ministry of Labour, Pension System, Family and Social Policy, ZAPOSŁJAVANJE I SOCIJALNA SKRB ZA UKRAJINSKE DRŽAVLJANE, available in Croatian at: <https://bit.ly/3v7nt78> and in Ukrainian at: <https://bit.ly/3E7ZMQc>.

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: ²⁴ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Fast-track processing: ²⁵ | <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.²⁶ This has not changed in the course of 2021.

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

²⁴ For applications likely to be well-founded or made by vulnerable applicants. See Article 31(7) recast Asylum Procedures Directive.

²⁵ Accelerating the processing of specific caseloads as part of the regular procedure.

²⁶ 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 2019,²⁷ 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:²⁸

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.²⁹ 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.³⁰

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.³¹

²⁷ 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>.

²⁸ This Sector further includes units responsible for other migration-related matters e.g. citizenship, legal residence of foreigners, visas etc.

²⁹ Decree on the internal structure of the Ministry of Interior, Official Gazette 97/2020, available in Croatian at: <https://bit.ly/2Rrj1zK>.

³⁰ Articles 27 and 28 LITP.

³¹ 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](#)).³²

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.³³

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.³⁴ 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.³⁵

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.³⁶

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,³⁷ and shall issue a decision within 6 months of a duly completed application or a duly completed and admissible subsequent application.³⁸ 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.

³² Article 32(1) LITP.

³³ Article 33(8) LITP.

³⁴ Article 33(9) LITP.

³⁵ Article 33(10) LITP.

³⁶ Article 34(2) LITP.

³⁷ Article 35(1) LITP.

³⁸ 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. The decision rejecting the application for international protection also states that the person is obliged to leave the European Economic Area within a certain period of time or will be forcibly removed.

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.³⁹

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.⁴⁰ The border procedure was still not applied in 2021 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.

³⁹ Article 41(5) and 51(1)(1) LITP.

⁴⁰ 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 2021, besides continuation of 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

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

Pushback practices persisted throughout 2021 as reported by many organisations such as the Danish Refugee Council (DRC), the Border Violence Monitoring Network (BVMN), Are You Serious? (AYS), the Centre for Peace Studies (CPS) and Welcome! Initiative'.⁴¹

According to the Danish Refugee Council (DRC), 9,114 persons have been pushed back from Croatia to Bosnia and Herzegovina (BiH) in 2021,⁴² including vulnerable categories (UASC, families with children, women) out of which a significant number of individuals were subject to chain refoulement.⁴³ According to DRC citizens of following countries were pushed-back: Pakistan (3613), Afghanistan (3418), Bangladesh (726), Iraq (160), Morocco (151), Eritrea (102), India (87), Turkey (83), Egypt (68), Nepal (66) and others (640). UNHCR data further indicates that 928 persons were pushed back from Croatia to Serbia.⁴⁴

The Ombudsperson for Children reported that 256 children were pushed back in 2021 according to data provided by the Border Violence Monitoring Network's. It also reported that older children were victims of physical violence and younger children of psychological violence. Unaccompanied children were taken to police stations where they were often forced to sign a statement claiming to be of legal age. The Ombudsperson for Children further reported that families with children and unaccompanied children were returned without conducting an individual procedure, thus denying them the right to international protection, even though persons expressed their intention to seek asylum.⁴⁵

In February 2021, a Croatian border police official was accused of sexually abusing an Afghan woman during a search of a group of migrants at the border with Bosnia.⁴⁶ The European commission described the incident as a "serious alleged criminal action" and urged the Croatian authorities "to thoroughly investigate all allegations, and follow up with relevant actions". According to a dossier from the Danish Refugee Council (DRC), the incident occurred on the night of 15 February, in Croatian territory, a few kilometres from the Bosnian city of Velika Kladuša.

⁴¹ Centar for for Peace Studies (CPS) and Welcome! Initiative': Report on illegal expulsions from Croatia in the context of the COVID-19 pandemic, available at: <https://bit.ly/3LSU3jD>.

⁴² According to DRC the number of persons reporting pushbacks does not necessarily represent the number of unique individuals, as the same individual(s) may experience repeated pushbacks to BiH.

⁴³ DRC, Border monitoring snapshot and factsheets, available online.

⁴⁴ UNHCR, Serbia- Snapshots January- December 2021, available at: <https://data2.unhcr.org/>.

⁴⁵ Ombudsperson for Children: Report on the work of the Ombudsman for Children in 2021, available in Croatian: <https://bit.ly/3E2Rvg5>.

⁴⁶ Guardian, Croatian border police accused of sexually assaulting Afghan migrant, available at: <https://bit.ly/3hBnycF>.

In their monitoring activities, **AYS and the Border Violence Monitoring Network (BVMN)** recorded 2,805 individual victims of illegal expulsion and police violence, collectively expelled into 205 groups, out of which 44 percent of persons explicitly and unsuccessfully sought asylum in Croatia.⁴⁷ Some of these cases included children, unaccompanied children, pregnant women and disabled persons. AYS also reported that some families were separated during the expulsion i.e. children would have entered asylum system, while their parents were expelled.

The **Centre for Peace Studies (CPS)** also reported that push backs practices and denying access to asylum continued in 2021.⁴⁸ CPS reported that the practice of denying access to the asylum system and illegal expulsion along with the frequent use of violence are the most problematic aspects in relation to access to the international protection system. In 2021, CPS provided legal support to a person who was prevented from applying for asylum i.e. his expressed intentions to lodge an application were repeatedly ignored during his stay in the Reception Centre for Foreigners in Ježevo (deportation-detention centre). In addition, his attorney was denied access to him and he was forcibly removed from Croatia without access to a legal remedy. The case is pending before ECtHR (see below).⁴⁹

Protection Rights At Borders (PRAB) initiative,⁵⁰ which focusses on human rights violations at the EU's external and internal borders and in particular on the illegal practice of pushbacks, also reported on pushbacks from Croatia to Bosnia and Herzegovina.⁵¹

Following repeated allegations in previous years, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) organised an ad hoc visit to Croatia in August 2020. Upon publication of the report at the end of 2021, the Croatian Ministry of Interior responded in 2022 the following:

*"During 2021, the MoI's Internal Control Department processed 13 cases related to the treatment of migrants by police officers. The actions of the Internal Control Department relate to the preliminary collection of information on events and the collection of evidence of possible disciplinary responsibility of police officers, while other investigations are conducted by specialized services - the criminal police. In connection with the above, disciplinary proceedings have been initiated against 6 police officers - against three for misconduct in the service or outside the service when the reputation of the police is severely damaged - proceedings are underway, while disciplinary proceedings against three police officers have been terminated for non-compliance, negligence, untimely or careless performance of official duties and fines were imposed on them. Criminal investigations in cases from 2021, which have been completed so far (12 cases in total), have not established facts or evidence that would indicate suspicion of committing criminal offences or misdemeanours committed to the detriment of illegal migrants by police officers. However, two procedures are in progress and the decision of competent judicial authorities is pending."*⁵²

During the year 2021, reports of injured and dead migrants were also reported.

- In February 2021, police officers saved five migrants (three women and two children) from drowning in the area of Kopački Rit, near the border with Serbia, the Ministry of the Interior informed FRA.⁵³
- In March 2021, one man died and two men were hospitalised after they had been hurt by the explosion of a landmine from the Croatian War of Independence in the forest area of Saborsko. A few days later, four migrants died, while 19 others, including children, were injured and hospitalised following a truck accident on a highway near Okučani.

⁴⁷ Information provided by AYS. 7 February 2022.

⁴⁸ Information provided by the Centre for Peace studies, 10 January 2022.

⁴⁹ ECtHR, *Y.K. against Croatia*, Application no. 38776/21, communicated on 2 December 2021, available at: <https://bit.ly/3vCjS2Q>

⁵⁰ Danish Refugee Council (DRC), *Protecting Rights at Borders (PRAB)*, available at: <https://bit.ly/3hCiEfw>.

⁵¹ Danish Refugee Council (DRC), *Pushbacks at EU's borders*, available at: <https://bit.ly/3HxC3sl>.

⁵² Response of the Croatian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its ad hoc visit to Croatia from 10 to 14 August 2020, available in English: <https://rm.coe.int/1680a5acfc>, and Croatian: <https://rm.coe.int/1680a5acfd>.

⁵³ FRA, Migration: Key fundamental rights concerns- January- June 2021, *Quarterly bulletin*, available at: <https://bit.ly/3CcLP2w>.

- In July 2021, there was a car accident in which one person died and about 20 people were injured.
- In December 2021, an Afghan woman and a little girl of Turkish nationality drowned in a river.⁵⁴

Push-back practices reported by the media

Video evidence of pushbacks from Croatia to Bosnia-Herzegovina were published in June 2021 by a coalition of outlets.⁵⁵ Lighthouse Reports further recorded a high-resolution footage of a pushback at the border with Bosnia Herzegovina.⁵⁶ Forensic examination of the video demonstrated that the masked men had equipment and uniforms consistent with the Croatian police's riot control branch, called the Intervention Police. Three of the four police officers were using a so-called Tonfa, i.e. a baton that is only issued to the Intervention Police. The research team contacted six police officers who wished to remain anonymous and confirmed that *"there is no official order which was officially issued by the Ministry of the Interior. However, internally there is an order that migrants found in Croatia must be returned across the green border. Therefore, the police are not guilty of anything as it is their duty to carry out orders."*⁵⁷ Following these events, the 14th session of the Parliamentary Committee for Human Rights and the Rights of National Minorities was held on 13 October 2021 and the state attorney's office ordered investigations against police officers.⁵⁸

After the release of the recording in question, the Ombudsperson started her own inquiry into the Ministry of Interior's actions, calling on the Ministry of the Interior and the State Attorney's Office to duly inform her on the actions taken as well as their outcomes in line with her mandate as the deputy of the Croatian Parliament for the protection and the promotion of human rights and fundamental freedoms.⁵⁹

At EU level, the Group of the Progressive Alliance of Socialists & Democrats in the European Parliament asked the President of the European Commission Ursula von der Leyen to initiate infringement procedure against Croatia (as well as against Poland and Greece) for violating the right to international protection and the principle of non-refoulement at the EU's external borders. MEPs stress the need to take all necessary measures to stop the inhumane policy of illegal expulsions.⁶⁰

Reactions from UN bodies and European human rights bodies

This situation at Croatia's borders has further drawn attention from UN bodies as well as the Council of Europe.

In April 2021, the United Nations in Bosnia and Herzegovina called for urgent action to end violent pushbacks and collective expulsions of migrants, asylum-seekers and refugees, including minors, along the Croatian border with BiH.⁶¹ UNHCR's Assistant High Commissioner for Protection, Gillian Triggs, visited Croatia in July 2021. After her stay in Bosnia and Herzegovina and Croatia, she commented on the violent actions of some members of the Croatian border police, but also welcomed the government's decision to address the growing number of reports by establishing an independent body to monitor the situation.⁶²

⁵⁴ Information provided by MdM, 19 January 2022.

⁵⁵ Lupiga, *German media has videos: Croatian police expel babies, pregnant women and children with disabilities* available at : <https://bit.ly/35Qq38E>.

⁵⁶ Lighthouse Reports, *Unmasking Europe's shadow armies*, available at: <https://bit.ly/3HR6tGF>.

⁵⁷ INDEX, *Police officers: Yes, we use force against migrants. It is illegal, but these are the orders*, available at: <https://bit.ly/3C7L9v4>.

⁵⁸ 14th session of the Parliamentary Committee for Human Rights and the Rights of National Minorities, available at: <https://bit.ly/3vAVTRn>.

⁵⁹ Omudswoman, *Police Violence Video: Efficient Investigation into Use of Force by Police Necessary for the Protection of Human Rights and the Rule of Law*, available at: <https://bit.ly/3tnTDdv>.

⁶⁰ Letter of the Group of the Progressive Alliance of Socialists & Democrats in the European Parliament s available at:

⁶¹ Reliefweb, *The UN in Bosnia and Herzegovina is concerned by violent pushback of migrants, asylum-seekers and refugees*, April 2021, available at: <https://bit.ly/3pAdsNB>.

⁶² Telegram, *UN official: 'There are many credible reports of Croatian police violence at the border's*, available at: <https://bit.ly/3sFcCkU>.

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.⁶³ 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 2020 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 very few exceptions.⁶⁴ In October 2021, representatives of the CPT met with officials of the Ministry of Interior led by the Minister and the State Secretary for European and International Affairs inter alia to discuss why Croatia refused to publish the report. According to the procedure of the Council of Europe, the country to which the report refers must express its consent to its publication, which usually takes place within three months of its adoption.⁶⁵ The report on the visit to Croatia carried out by CPT from 10 to 14 August 2020 was finally published in December 2021.⁶⁶

According to the report there were cooperation difficulties i.e. the list of establishments provided to the CPT's delegation concerning the places where foreign nationals may be deprived of their liberty was incomplete, the police officers met in the police establishments visited by the CPT's delegation were poorly informed about the mandate of the Committee, especially as regards the CPT's right of access to all documentation containing information relevant to its mandate. The CPT's delegation visited three temporary reception centres operated by the International Organization for Migration (IOM) and a variety of informal settlements in the territory of the Una Sana Canton of BiH where it interviewed numerous persons who stated that they had been subject to removal operations from Croatia and received numerous allegations of physical ill-treatment of foreign nationals by Croatian law enforcement officials consisting of slaps, kicks, blows with truncheons and other hard objects to various parts of their bodies. The alleged ill-treatment had been purportedly inflicted either at the time of their "interception" and de facto detention inside Croatian territory (i.e. ranging from several to fifty kilometres or more from the border) and/or at the moment of their "diversion" (i.e. push-back) across the border with BiH, which often included being held against their will and being transported in a police van to the border. The allegations mainly concerned members of the border police or intervention police officers from the respective county police administration and, to a lesser extent, members of the special police. In a significant number of cases, persons interviewed displayed injuries on their bodies which were assessed by the delegation's two forensic medical doctors as compatible with their allegations of having been ill-treated by Croatian law enforcement officials

A number of persons met by the CPT's delegation complained that, in addition to physical abuse, they had been subjected to other forms of severe ill-treatment by police officers when apprehended and pushed back. Such treatment consisted of police officers firing bullets close to their bodies while they lay on the ground, being thrown in river with their hands still zip-locked, being forced to march through the forest and being pushed back without shoes and wearing only their underwear and, in some cases, even fully naked."

⁶³ 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>.

⁶⁴ Ombudsman, *Annual report 2020*, available in Croatian at: <https://bit.ly/3aaQXar>.

⁶⁵ Novosti, *Moi v. Council of Europe*, available at: <https://www.portalnovosti.com/mup-protiv-vijeca-europe>; Euroactive, *Croatia slammed by Council of Europe anti-torture committee over migrants*, available at <https://bit.ly/3CcMMb6>.

⁶⁶ Council of Europe, Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 14 August 2020, available at: <https://rm.coe.int/1680a4c199>.

The CPT also stated that the manner and conditions of transportation of migrants from the place of apprehension to the border with BiH are also a source of concern as they may in some cases amount to ill-treatment. The delegation received numerous allegations of migrants being transported with their hands cuffed in zip-locks in front in cramped conditions with several of them forced to stand due to the lack of space. Further, the standard deportation vans were not equipped with security belts or hand grips. Numerous allegations were received of reckless driving by police officers causing injuries to migrants, as well as episodes of nausea and vomiting.

The delegation also received a number of allegations that the Croatian police had denied requests from persons seeking asylum and that they had not provided emergency medical assistance to vulnerable individuals such as families with children and women.

The Ministry of Interior reacted to the publication of the CPT Report and stressed that the Ministry of the Interior had not agreed to the publication; and that the decision to publish report was made unilaterally by the Committee.⁶⁷ The Ministry also stressed that the CPT based its report on unverifiable information from Bosnia and Herzegovina and exceeded its mandate.

In March 2022, the CPT published the response of the authorities to the report on the Committee's ad hoc visit to Croatia.⁶⁸ In relation to the fulfilment of recommendations formulated by the CPT report, some of the authorities' responses included the following:

- The Ministry of Interior reported that, on 2 December 2021, *"the General Police Directorate of the Ministry of Interior sent a letter to police administrations and stations familiarising police officers once again with the CPT's mandate in the part regarding immigration administrative detention and other actions towards foreign nationals."*
- Regarding the CPT's recommendation that individuals must be accorded the fundamental safeguards against ill-treatment the Ministry of Interior argued that *"just because a person was transported in a police vehicle or because of any other treatment of a person by the police, it cannot be assumed that the freedom of movement of the person is restricted. The Croatian police often transports various categories of persons (Croatian and foreign nationals, migrants) in police vehicles and according to such a provision, for foreigners who are legally staying, the transport would also represent detention by the police - which is not true, nor is it really the case. Injured and pregnant migrants are transported to hospitals, migrants who expressed the intention to apply for international protection are transported to reception centres, unaccompanied minors are transported to initial medical examinations and in institutions for children, while migrants who were found on the streets or who registered with the police to express the intention for applying for international protection or for any other reason, are transported to a police station for identity verification and collecting information, which does not always imply that they have all been detained by the police "against their own will". In addition, if it is necessary to assess the voluntary element of a migrant being transported or being treated in a different way, the police will assess it in each concrete case and take measures to formally restrict movement. Furthermore the Ministry of the Interior stressed that they apply a "zero tolerance for illegal use of coercive means towards any population, as well as zero tolerance for failure to prosecute any criminal offence or misdemeanour committed by police officers which we strongly condemn and do not support in any way."*
- Regarding the CPT's recommendation for the Croatian police to record every "interception", i.e. "diversion" of migrants (location, description of the action undertaken, names of officers involved, means used for these purposes etc.), the Mol stressed that *migrants who are deterred from attempting to illegally enter the Republic of Croatia are located in the state territory of the neighbouring countries - Bosnia and Herzegovina and Serbia where the Croatian police has no jurisdiction. More precisely,*

⁶⁷ Ministry of Interior, *Reaction to the unilateral publication of the CPT Report*, 2 December 2021, available at: <https://bit.ly/3vuOPG2>.

⁶⁸ Response of the Croatian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its ad hoc visit to Croatia from 10 to 14 August 2020, available in English: <https://bit.ly/3KHFrDu>.

deterrence measures are applied in open and inaccessible terrains (forests, mountains), by day and by night and in all weather conditions which is why it is not possible to obtain personal information from migrants, conduct official hearings etc. Although it is not possible to identify migrants when applying deterrence measures, police officers are obliged to profile (identify) migrants in need of assistance and protection and provide them with it, taking into account the circumstances of each individual case. We would like to point out that police officers are especially trained to recognize such persons. After noticing the measures applied for deterrent purposes, in the majority of cases migrants give up on the attempt to illegally enter the Republic of Croatia and return to the depth of the territory of the neighbouring country in which they are located.

- Regarding the CPT's recommendation that the Croatian authorities restore the capacity of the NPM to carry out unimpeded monitoring work in all police establishments, which should include the possibility of undertaking unannounced visits and having access to all relevant information in paper or electronic format, the Mol reported that Article 5(1) of the Act on the National Preventive Mechanism (ANPM) "contains a provision on unannounced visits stipulating that "persons who participate in the performance of activities of the National Preventive Mechanism shall have the following powers: perform unannounced visits to bodies or institutions and inspect premises occupied by persons deprived of liberty" and the crucial part, "or potentially occupied by persons deprived of liberty", stipulated in Article 3 of the ANPM, is omitted at the end of the sentence. As this provision is the only provision in the entire Act mentioning unannounced visits, we consider it to represent a *lex specialis* regarding unannounced visits and in relation to all other provisions of the ANPM and that an unannounced visit based on the ANPM is authorised only if foreign nationals whose freedom of movement is restricted are located in a police station". The Mol further stressed that based on this single provision which is vague and ambiguous (Article 5(1) of the ANPM), unannounced visits have become a rule because the Ombudswoman did not announce any of her visits to police stations. In this way, she deliberately made it seem as if information were not given to her because, at the time of the visit to the police station, only police officers who do not have the requested information are most often on operational duty. Due to this, police officers for illegal migration from the headquarters of the police administration have to be called to find case files that the Ombudswoman wants to inspect immediately because the files are not in the information system and are not accessible immediately, which is another fact not mentioned by the Ombudswoman. On the contrary, she tries to imply that, considering she has indirect access to the information system (using requests), she does not obtain information which are not even in the information system (notes, certificates, orders...). In this way, a practice has been created according to which the exception as provided by law has become a rule. As regards access to the information system of the Mol, the Ombudswoman was answered on several occasions that it is strictly under the personal authority of police officers in line with the Instructions for assigning passwords and responses issued by the IT Department of the Mol, police officers are not allowed to give their passwords and responses to other persons nor are they allowed to enable access to the system to other unauthorised persons. The violation of this instruction is considered to be a serious breach of official duty in line with the Police Act.
- Regarding the CPT's recommendation on the conditions of detention for large groups of "intercepted" migrants who need to be processed at a police station, the Ministry of Interior replied that they are aware that the premises for persons deprived of liberty in individual police stations do not fully meet the prescribed standards. However, they are of the opinion that the possible accommodation in such premises should not be considered a degrading act because it refers to a short-term detention lasting up to 24 hours and the rooms are heated, the persons are given food as well as access to sanitation facilities. On 26 March 2020, the General Police Director sent instructions to all police administrations and stations concerning the recommendation of the Ombudswoman, that if an arrested alien needs to be detained at a police station in accordance with the Aliens Act for a period longer than 24 hours, the prolonged detention must be implemented at the nearest police station which has premises for detention for up to 72 hours.
- As for the CPT recommendation on police transportation, the Mol reported that on 5 January 2022, the General Police Directorate of the Ministry of the Interior sent a letter to all police administration

and police stations informing and instructing police officers on the orderly manner of transporting migrants using police vehicles.

The next CPT periodic visit to Croatia is planned for 2022.⁶⁹

In August 2020, Amnesty International prepared its submission for the Universal Periodic Review (UPR) of Croatia in November 2020.⁷⁰ 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. Croatia's human rights record were reviewed by the UN Human Rights Council's Universal Periodic Review (UPR) Working Group in November 2020.

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 migrants.⁷¹ 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.⁷²

In 2021, Croatia reviewed the 224 recommendations in cooperation with relevant bodies and accepted 194 of them, while the other 30 recommendations were „noted“. ⁷³ Due to the language used in those recommendations concerning the police treatment of migrants, Croatia was of the view that this sensitive issue has to be additionally explained. In this sense, Croatia decided to take „note“ of all the recommendations concerning migrants, refugees, asylum seekers.

In January 2021, the Council of Europe Commissioner for Human Rights published written observations to the European Court of Human Rights concerning the cases of three Syrian applicants summarily returned from Croatia to Bosnia and Herzegovina, stressing that all the information available to the Commissioner 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 identifying the persons concerned or assessing their individual situation.⁷⁴ The Commissioner also pointed to the widespread ill-treatment of migrants by Croatian law enforcement officers in the context of collective returns, and a lack of prompt, effective and independent investigations of such treatment.

Litigation on pushback practices and relevant complaints

Important litigation and relevant developments in relation to illegal border practices were reported in 2021.

In March 2021, the Constitutional Court issued a decision in a case concerning an Afghan family whose application for international protection was dismissed by the Ministry of Interior on the basis of the European safe third country concept.⁷⁵ The Ministry of Interior had 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, the family's appeals were rejected. The applicants' main complaint before the Constitutional Court was that they would be returned to Serbia from Croatia despite

⁶⁹ Council of Europe, *Council of Europe anti-torture Committee announces periodic visits to eight countries in 2022*, 29 July 2021, available at: <https://bit.ly/3hEZ2aw>.

⁷⁰ 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>.

⁷¹ Information provided by the Initiative Welcome, 13 November 2020.

⁷² UN TV, *Croatia Review - 36th Session of Universal Periodic Review*, available at: <https://bit.ly/2RxGfEp>.

⁷³ United Nations, General Assembly: Report of the Working Group on the Universal Periodic Review, Croatia-Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, 17 February 2021; available at: <https://undocs.org/en/A/HRC/46/16/Add.1>.

⁷⁴ Council of Europe Commissioner for Human Rights, *Commissioner publishes observations on summary returns of migrants from Croatia to Bosnia and Herzegovina*, 11 January 2021, available at: <https://bit.ly/3pzPphY>.

⁷⁵ Constitutional Court, Decision U-III-4865/2018, 4 March 2021, available in Croatian at: <https://bit.ly/3bQYmMZ>.

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 rights of applicants for international protection in that country but also to conclude whether the Afghan family would face a 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 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 European safe third country. Croatia thus failed to fulfil its procedural obligations under Article 3 of ECHR.

In the case *M.H. and others v. Croatia* concerning an Afghan family of 14, the ECtHR found Croatia to have violated several articles of the ECHR. According to the complainants, the mother and her six children were pushed back by Croatian authorities in November 2017 after crossing the border from Serbia. The group was intercepted by Croatian police officers when resting in a field and despite expressing the wish to seek asylum they were taken back to the border and told to return to Serbia by following a train track in the area. As a train passed, it hit one of the children, a six year-old girl that died following the incident. On 21 March 2018, Croatian authorities apprehended the applicants who had attempted a second crossing. Despite expressing a wish to apply for asylum they were detained in a transit immigration centre in Tovarnik. In its judgment the ECtHR found several violations of the ECHR including ineffective investigation into the child's death (article 2 procedural), degrading treatment of child applicants detained for a period above two months (article 3 substantive), failure to demonstrate required assessment, vigilance and expedition in proceedings in order to limit family detention as far as possible (article 5 § 1), restriction of contact with the chosen lawyer, pressure placed on the lawyer aimed at discouraging pursuit of case (article 34), and collective expulsion by Croatian police outside official border crossing and without prior notification of Serbian authorities (article 4 para 4). ECRE member organisation Centre for Peace Studies – who intervened in the case – and activist alliance Are You Syrious called for the interior minister and others responsible without the police to be dismissed in light of the ruling.

In July 2021, the case *Y.K. against Croatia* was submitted to the ECtHR and was subsequently communicated in December 2021.⁷⁶ The applicant is a Turkish national of Kurdish ethnicity who fled Turkey in 2019 after having been allegedly tortured and prosecuted numerous times in Turkey owing to his political activism. In February 2021 he entered Croatia irregularly and was immediately arrested and placed in an immigration centre, where he repeatedly tried to apply for international protection in vain. The authorities denied his attorney an opportunity to visit him in the immigration centre and ignored the lawyer's request to be provided with the expulsion order. The applicant further alleges that the authorities told him that, if he applied for international protection, he would spend a year in prison. They further forced him to sign a voluntary return document. On 25 March 2021 they gave him a bus ticket to North Macedonia and told him to return to Greece. The applicant ended up in Serbia. The applicant complains that the Croatian authorities' repeated refusals to provide him the possibility of lodging an application for international protection was in breach of their procedural obligation under Article 3 of the Convention. He further complains that the feeling of anxiety and insecurity related to his legal situation, caused by the authorities behaviour ignoring his request for international protection and preventing contact between him and his lawyer, amounted to degrading treatment in breach of Article 3 of the Convention. Under Article 13 in conjunction with Article 3 of the Convention, the applicant complains that he was unable to challenge his removal from Croatia, highlighting that his lawyer was unable to obtain the removal orders, and that in any event an administrative action against those decisions has no automatic suspensive effect. Lastly,

⁷⁶ ECtHR, *Y.K. against Croatia*, Application no. 38776/21, communicated on 2 December 2021, available at: <https://bit.ly/3vCjS2Q>.

the applicant complains that the Croatian authorities' actions aimed at preventing contact between him and his lawyer were in breach of Article 34 of the Convention.

In 2020, the Centre for Peace Studies (CPS) filed four criminal charges regarding illegal removals accompanied by alleged torture and inhuman treatment.⁷⁷

- In June 2020, CPS filed a criminal complaint against unknown police officers on the suspicion of degrading treatment and torture of 33 persons pushed back to Bosnia and Herzegovina.⁷⁸ Allegedly, all the victims were subject to torture and degrading treatment and their heads were sprayed by the police, according to their testimonies. CPS reported that in the course of 2021 they did not receive any information on the course of the investigation from the State Attorney's Office.⁷⁹ 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 2020.⁸⁰ CPS reported on 1 June 2021 that the State Attorney rejected the criminal complaint because no violations were found following the first instance investigation and that the police does not have any recorded actions towards the victims. In addition, it is stated that the Croatian authorities interviewed the victims in cooperation with the police of Bosnia and Herzegovina and identified some inconsistencies and different details in their statements compared to the ones enclosed in their first statement to the criminal complaint.⁸¹
- 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.⁸² The case was also described in an article in Guardian.⁸³ The first complaint was rejected by the State Attorney's Office in May 2021. As reported by CPS the criminal complaint included, among others, the testimony collected by the Danish Refugee Council (DRC) in the refugee camp, and CPS submitted additional medical documents. However, CPS stressed that the decision rejecting the complaint was problematic in several aspects. For example, the State Attorney stated that DRC was interviewed by BiH authorities and confirmed that no medical examination of victims in the case was conducted and that no medical records are available. Yet, according to CPS, DRC has never been interviewed by BiH authorities concerning the case and the medical records were submitted to the State Attorney's Office. The investigation in the second case is still ongoing.⁸⁴
- In 2021, CPS filed two criminal charges related to police brutality, out of which one case concerned the illegal expulsion of an Afghan family.⁸⁵ In July 2021, CPS filed a criminal complaint due to severe violence and serious abuse of police powers when receiving the intention to apply for international protection from a family of four members. In August 2021, a criminal complaint was further filed for illegally expelling an Afghan family of six, including a pregnant woman and her four children.

In 2021, the Ombudperson has initiated several investigative proceedings regarding allegations of illegal actions of police officers at the border, as well as one procedure in regard to preventing access to international protection in the reception center for foreigners.⁸⁶

⁷⁷ Information provided by the Centre For Peace studies, 22 January 2021.

⁷⁸ Centre for peace Studies, *Criminal complaint against Croatian policemen for inhumane treatment of refugees*, 5 June 2020, available at: <https://bit.ly/3tuLSBm>.

⁷⁹ Information provided by Centre for Peace Studies, 14 February 2022.

⁸⁰ 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>.

⁸¹ Information provided by Centre for Peace Studies, 14 February 2022.

⁸² 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>.

⁸³ The Guardian, 'Croatian police accused of 'sickening' assaults on migrants on Balkans trail', 21 October 2020, available at: <https://bit.ly/3dzRODT>.

⁸⁴ Information provided by Centre for Peace Studies, 14 February 2022.

⁸⁵ Information provided by Centre for Peace Studies, 10 January 2022.

⁸⁶ Ombudperson, *Annual report 2021*, available in Croatian at: <https://bit.ly/38liL8f>.

1.2. Criticism and accountability

Are You Syrious? (AYS) reported that human rights defenders engaged in their organisation continued to be put under pressure by national authorities in 2021.⁸⁷ One of their volunteers, an asylee from Iraq, who is also one of their former employee, 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. His law suit before the Administrative Court was rejected in 2020 and in 2021, he had left Croatia.⁸⁸

In addition, AYS reported that in December 2021, the High Misdemeanour Court in Zagreb found guilty their volunteer against whom the police had initiated misdemeanour proceedings for helping a family in the context of an irregular border crossing in 2018. The volunteer claimed that he was not in direct contact with them but only informed the police about their wish to apply for international protection due to the fact that they were previously pushed back from Croatia on several occasions. The High Misdemeanour Court in Zagreb found the volunteer guilty although according to AYS he had never been in a direct contact with the family, which was proven in court. AYS sees this as a continuation of a practice of intimidating organisations that systematically report on the situation on borders and that provide legal and other types of support to persons trying to cross the border to lodge an application for international protection.

On 30 January 2021, four Italian Members of the European Parliament, were prevented from approaching the Croatian borders by the Croatian police. During a press conference held on the next day, they explained that they had initially received permission from the authorities to observe what happens on the Croatian borders, but that they were prevented access to them.⁸⁹ The Croatian Prime Minister stressed that the aim of the visit of the MEPs was to provoke an incident and damage the international reputation of the Republic of Croatia, while disrespecting its laws and institutions.⁹⁰

1.3. Border monitoring

The CPT in its report on ad hoc visit to Croatia in August 2020, stated that there are currently no effective accountability mechanisms nor effective monitoring mechanism capable of examining push-backs.

An independent monitoring mechanism for border monitoring was established in Croatia in summer 2021.⁹¹ According to information provided to the Centre for Peace Studies by the Ministry of Interior the following institutions and organizations are included in the Independent Monitoring Mechanism: the Croatian Academy of Medical Sciences, the Croatian Academy of Legal Sciences, the Centre for the Culture of Dialogue, the Croatian Red Cross and a law professor as an independent legal expert.⁹² Representatives of the mentioned civil society organisations (one from each) and the law professor are members of the Coordinating Committee of the Independent Monitoring Mechanism, while direct activities within Independent Monitoring Mechanism are carried out by two representatives of these civil society organisations.

The role of the Coordinating Committee is to professionally direct and manage the activities of the Independent Monitoring Mechanism and to prepare a semi-annual and final report on the conduct of police

⁸⁷ Information provided by AYS, 2 February 2022.

⁸⁸ Politika: *They asked me to be an informant*, 20 November 2021, available in Croatian at: <https://bit.ly/3HHONNk>.

⁸⁹ European Civic Forum, *ECF condemns breaches of the rule of law on Croatian borders with Bosnia*, available at: <https://bit.ly/3KgF1DQ>.

⁹⁰ Jutarnji list, *Plenković sent a sharp protest against the provocation of Italian MEPs on the border with BiH*, available at: <https://bit.ly/3MkzZrC>.

⁹¹ European Commission: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Report on Migration and Asylum, September 2021, available at: <https://bit.ly/3C86iFs>.

⁹² Ministry of Interior, Letter to Centre for Peace Studies, 16 September 2021, available at: <https://bit.ly/3HEP03R>.

officers. The summary of the final report will be published on the Ministry of Interior's website. In addition to the Coordinating Committee, the establishment of an Advisory Committee is envisaged as an informal body that would meet twice a year to provide guidance on any necessary improvements to this new monitoring mechanism. Within the Advisory Committee, the invitation to participate was sent to the European Commission, European agencies (i.e. FRA, Frontex, EASO - now EUAA), international organisations (IOM and UNHCR), the Ombudsman's Office, the Office of the Ombudsman for Children, the Office of the Gender Equality Ombudsman and the State Attorney's Office. In addition to the above, the meetings of the Advisory Board may be attended by representatives of the Coordinating Committee in order to directly provide information on the activities carried out.

The independent monitoring mechanism is established for a one year period with the possibility of extension, while activities will be carried out at the Croatian border (border crossings / police stations / police administrations) with Bosnia and Herzegovina, Montenegro and the Republic of Serbia and in the reception centres for foreigners.

The activities of the Independent Monitoring Mechanism include 20 visits (announced and unannounced) in order to monitor police officers' treatment of irregular migrants and applicants for international protection in the implementation of regulations governing state border surveillance and international protection, announced visits to green border and access to case files regarding complaints of alleged illegal treatment of irregular migrants and applicants for international protection. The direct activities of the Independent Monitoring Mechanism are carried out by two representatives of civil society organizations.

Within seven (7) days after the monitoring visits, monitors shall jointly compile an individual report and submit it to the Coordinating Committee. The first semi-annual report of the Independent Monitoring Mechanism for the period June- December 2021 was published at the end of 2021 and is available online.⁹³ During this 6 months, the monitoring mechanism conducted 8 visits. The mechanism found that *"the police carried out permissible deterrence of migrants under Article 13 of the Schengen Borders Code although it does not record them, but also an impermissible deterrence in isolated cases in mine suspected areas"*.

The mechanism further found that the Ministry of Interior misinterprets relevant regulations in situations where irregular migrants cross the state border in mine suspected areas where police officers do not conduct physical surveillance. When they get caught by the police after crossing, migrants point out that they have entered Croatian territory and are seeking asylum, but the interpretation of the Border police is that they did not actually enter Croatian territory, given that these areas are not "under de facto government of the Republic of Croatia". Thus, they discourage them from crossing / entering in a way to send them back in safe locations, without assessing their individual circumstances and determining whether they are indeed protected from *refoulement*.

On the occasion of the publication of Centre for Peace Studies' and Welcome Initiative's Report on "Illegal Expulsions from Croatia in the Context of the Covid-19 Pandemic" CSOs issued a joint statement questioning among others, the independence and effectiveness of monitoring mechanism.⁹⁴

It should be further noted that, in September 2021, UNHCR and the Croatian Law Centre in cooperation with the Ministry of Interior organised and held 3 workshops on the subject "Access to the International Protection System" for police officers. In total 37 police officers participated at workshops. The following topics were discussed at the workshop: human rights of migrants, protection and identification of vulnerable groups, access to asylum system and the accountability of police officers.

⁹³ Independent Monitoring Mechanism, The first semi-annual report of the Independent Monitoring Mechanism for the period June- December 2021, available at: <https://bit.ly/3KbMgfX>.

⁹⁴ Joint statement available at: <https://bit.ly/3JsdSg3>.

1.4. Legal access to the territory

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.⁹⁵ 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 2019.⁹⁶ 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.⁹⁷

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.⁹⁸ 7 Syrian nationals (2 families) arrived on 30 August 2019. As a result, Croatia has fulfilled its pledge within the EU resettlement scheme to effectively resettle 250 Syrian refugees from Turkey, according to the Decisions on Relocation and Resettlement of Third-country Nationals or Stateless Persons Eligible for International Protection from 2015 (150 persons) and 2017 (100 persons).⁹⁹

In 2020, Croatia decided to take part in the relocation of unaccompanied children from Greece.¹⁰⁰ It was 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.¹⁰¹ However, Croatia's efforts to relocate 12 asylum-seeking unaccompanied children (all girls) from Greece failed, as all of them applied for international protection while transiting at the Amsterdam International Airport.¹⁰² Their transfer to Croatia was thus cancelled as the competent Dutch court designated the Netherlands as the state responsible for examining their applications for international protection.¹⁰³

In 2021, Croatia responded to the call of the European External Action Service (EEAS) on evacuations from Afghanistan and decided to accept 20 people whose lives and security were endangered by the arrival of the Taliban regime. In August 2021, 19 Afghan nationals arrived, namely three families with

⁹⁵ SHARE, *Integration Magazine*, April 2019, available in English at: <https://bit.ly/2xyKwOm>.

⁹⁶ Official Gazette 16/2019.

⁹⁷ EMN, *Bulletin*, July 2019, available at: <https://bit.ly/2xQ8zrO>.

⁹⁸ Ministry of Interior, 'The arrival of the seventh group of Syrian refugees from Turkey', 21 August 2019, available at: <https://bit.ly/3c181hL>.

⁹⁹ EMN, *Bulletin*, November 2019, available at: <https://bit.ly/34iMWN8>.

¹⁰⁰ 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>.

¹⁰¹ 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>.

¹⁰² FRA, Migration: Key fundamental rights concerns- January- June 2121, *Quarterly bulletin*, available at: <https://bit.ly/3HQapaz>.

¹⁰³ Ministry of Interior, Decision on revocation of the decision on the allocation of funds for the implementation of the project "New Home", available in Croatian: <https://bit.ly/3KmMkcV>.

children and one single person.¹⁰⁴ Other Afghan nationals came to Croatia by the end of 2021. A total of 41 Afghan citizens were admitted from August to December 2021, three of whom left the Republic of Croatia to reunite with their families, while the rest were granted asylum.¹⁰⁵ Out of total number, 16 were children.¹⁰⁶

The Centre for Cultural Dialogue (CCD) provided assistance and support in integration of evacuated Afghan citizens who were relocated in Sisak, Rijeka, Viškovo and Zagreb.¹⁰⁷

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.

2. Registration of the asylum application

Indicators: Registration

1. Are specific time limits laid down in law for making an application? ☐ Yes ☒ No
❖ If so, what is the time limit for lodging an application?
2. Are specific time limits laid down in law for lodging an application? ☒ Yes ☐ No
❖ If so, what is the time limit for lodging an application? 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,¹⁰⁸ competent officials will refer him or her to the Reception Centre for Applicants for International Protection,¹⁰⁹ 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

¹⁰⁴ Ministry of Interior: 19 Afghan citizens arrived in Croatia, available at: <https://bit.ly/3Ciw7r>.

¹⁰⁵ Ombudsperson, *Annual report 2021*, available in Croatian at: <https://bit.ly/3v5TsVi>.

¹⁰⁶ Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2021*, available in Croatian: <https://bit.ly/3KzksTm>.

¹⁰⁷ Information provided by Centre for Cultural Dialogue, 13 January 2022

¹⁰⁸ Article 33(1) LITP.

¹⁰⁹ 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.

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.¹¹⁰ 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.¹¹¹ In addition, in an official note which is sent to the competent organisational unit of the Ministry, the police transmits information on the circumstances of irregular migration as well as personal data referred to in Article 15 LITP which are essential for assessing if there is a need for special reception and procedural guarantees e.g. for pregnant women, elderly, disabled persons, unaccompanied children.

After having expressed the intention to seek international protection, the applicant is given a registration certificate (*potvrda o registraciji*) which contains the following details: authority issuing the certificate; date of issuance; name; date, place and country of birth; nationality; sex; place, address and time the person is required to report to the Reception Centre for Applicants for International Protection to lodge the application; signature of the official; and stamp.¹¹²

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.¹¹³

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.¹¹⁴ 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.¹¹⁵

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;¹¹⁶ 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

¹¹⁰ Article 33(9) LITP.

¹¹¹ Information provided by the Border Directorate, 17 August 2018.

¹¹² Article 3(2) Ordinance on the forms and data collection in the procedure for international and temporary protection.

¹¹³ Article 3(3)-(5) Ordinance on the forms and data collection in the procedure for international and temporary protection.

¹¹⁴ Article 34(2) LITP.

¹¹⁵ Information provided by the Ministry of Interior, 10 August 2018.

¹¹⁶ Information provided by the Ministry of Interior, 13 February 2018.

application and fails to justify this within 2 days of the time limit set for appearing at the Reception Centre, or for lodging an application.¹¹⁷

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,¹¹⁸ for example where he or she is detained in the Reception Centre for Foreigners (pre-removal detention centre), the Transit Reception Centre for Foreigners or in prison.

The procedure for international protection is initiated by lodging the application.¹¹⁹ 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.¹²⁰ No information is available for such situations in 2019, 2020 and 2021.

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.¹²¹ The card is not issued if the person applies at the border.¹²²

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. The trend has continued in 2021.

¹¹⁷ Article 39(2)(1) LITP.

¹¹⁸ Article 34(3) LITP.

¹¹⁹ Article 34(1) LITP.

¹²⁰ Information provided by the Ministry of Interior, 28 January 2019.

¹²¹ Article 62(1) LITP.

¹²² 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? ¹²³ | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Backlog of pending cases at the end of 2021: | Not available |
| 4. Average length of the first instance procedure in 2021: | Not available |

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

- Grants asylum;
- Grants subsidiary protection;
- Rejects the application if the applicant does not meet the conditions for asylum and subsidiary protection;
- Rejects the application if the conditions are met for exclusion;
- Rejects the application as manifestly unfounded;
- Dismisses an asylum application as inadmissible; or
- Suspends the procedure.

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

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

However, this time limit may be extended for a further 3 months exclusively in order to ensure the complete consideration of the application.¹²⁴

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.¹²⁵ In practice, procedures exceeding the 6-month period were observed in previous years, but no information is available since 2019.

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

¹²³ With the exception of exclusion cases.

¹²⁴ Article 40 LITP.

¹²⁵ Information provided by the Ministry of Interior, 28 January 2019.

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.¹²⁶

1.2. Prioritised examination and fast-track processing

Applications by unaccompanied children are prioritised as specified by the LITP.¹²⁷

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.¹²⁸ 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 the period 2019 until 2021. 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.¹²⁹ 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.¹³⁰

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.¹³¹ However, there is no information to what extent is this implemented in practice.

The interview may be omitted:

- When a positive decision on application may be taken on the basis of the available evidence;
- In cases when an applicant is unfit or unable to be interviewed, owing to enduring circumstances beyond his or her control; or

¹²⁶ Article 40 LITP.

¹²⁷ Article 17(9) LITP.

¹²⁸ *Ibid.*

¹²⁹ Article 38(2) LITP.

¹³⁰ Article 35(2) LITP.

¹³¹ Article 14(3) LITP.

- When the admissibility of a subsequent application is being assessed.¹³²

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. This practice is likely to have continued, although official information is not available.

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.¹³³

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.

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.¹³⁴ 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 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.¹³⁵ The Ministry shall conclude an agreement with a translator/interpreter if:

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

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

If for objective reasons it is not possible to provide an interpreter for a specific language, the Ministry of Interior shall request assistance from another Member State of the European Economic Area.

Up to now, interpreters were not professionally trained and interpretation is not done by accredited interpreters in the majority of cases. Many of them are native speakers, however 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.

¹³² Article 35(8) LITP.

¹³³ Article 35(6) LITP.

¹³⁴ Article 14(2) LITP.

¹³⁵ Article 13 LITP.

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".¹³⁶

The LITP prescribes that interpretation can be provided by means of electronic telecommunications or audio-visual equipment.

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 the past 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: 77¹³⁷

1.4.1. Appeal before the Administrative Court

Decisions of the Ministry of Interior may be challenged before the Administrative Court.¹³⁸ According to the law, the time limit for an applicant to lodge the lawsuit to the Administrative Court (which refers to the "appeal") in the regular procedure is 30 days after the delivery of the decision of the Ministry of Interior.¹³⁹

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). As documented in the previous updates of this AIDA country report, several trainings have been organised by the Croatian Law centre with the financial support of UNHCR since 2016.

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

¹³⁶ 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>.

¹³⁷ This refers only to the average processing time at the Administrative Court of Zagreb in 2021. Waiting times may vary at other Courts. Nevertheless, in 2021, 54 out of the 58 lawsuits were dealt by the Administrative Court of Zagreb.

¹³⁸ Article 32(2) LITP.

¹³⁹ Article 24(1) Law on Administrative Disputes.

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. In 2021, the Law on Administrative Disputes was amended introducing inter alia the possibility for the court to carry out the hearing remotely through the use of appropriate audio-visual devices.¹⁴⁰

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.¹⁴¹ 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 lawsuit is dismissed as inadmissible (and therefore not decided on the merits), rejected (i.e. decided negatively on the merits), or allowed. If the lawsuit 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.

Administrative Courts reported the following decisions in 2021:

Second instance decisions by Administrative Courts: 2021					
Category	Zagreb	Rijeka	Osijek	Split	Total
Accepted	2	0	0	0	2
Accepted - cases referred back to the Ministry of Interior	6	0	2	0	8
Rejected	44	1	0	1	46
suspended	1	0	0	0	1
incompetence	1	0	0	0	1
Total	54	1	2	1	58

Source: Administrative Court of Zagreb, 31 January 2022; Administrative Court of Rijeka, 20 January 2022; Administrative Court of Osijek, 14 January 2022; Administrative Court of Split, 17 January 2022.

As indicated above, almost all appeals are dealt with by the Administrative Court of **Zagreb** and the large majority of them were rejected in 2021.

The average processing time for asylum cases at second instance in 2020 was 159 and in 2021 - 77 days in **Zagreb**.

1.4.2. Onward appeal before the High Administrative Court

Applicants may lodge a further appeal against the Administrative Court decision before a High Administrative Court. 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

¹⁴⁰ Article 37 paragraph 2 of the Law on Administrative Disputes prescribes that the hearing is, as a rule, held in the court building. The court can determine that the hearing be held at a distance. No appeal is allowed against this decision.

¹⁴¹ Article 33 Law on Administrative Disputes.

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.¹⁴² 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.¹⁴³ During 2021, the High Administrative Court received 29 appeals in international protection cases:

Onward appeal statistics: 2021	
Category	Number
Appeals received	29
Appeals rejected	21
Pending	8
Total decisions	21

Source: High Administrative Court, 14 January 2022.

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.¹⁴⁴ 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.

¹⁴² Article 74 (1) (2) Law on Administrative Disputes.

¹⁴³ Article 51(3) LITP.

¹⁴⁴ Article 59(3)-(5) LITP.

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 2020.¹⁴⁵ 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.

A new public call under the AMIF fund for legal aid providers was published by the Ministry of Interior in September 2021.¹⁴⁶ The Croatian Law Centre (CLC) was selected in 2022 as organisation responsible for providing legal counselling at first instance until the end of 2022. The legal counselling activities will entail provision of: general legal information related to the procedure for granting international protection, legal information on the right to work and the right to free legal aid to applicants for international protection, legal and procedural information on the granting of international protection related to the specific application for international protection, information on stage of submitted application for international protection, the explanation of reasons why the application for international protection was rejected and the possibility of using a legal remedy. Under the project workshops on the rights, obligations and importance of certain actions in the procedure for granting international protection will be held, informative materials and brochures on the ways and conditions of exercising the right to legal counselling will be printed in cooperation with the Ministry of Interior, and a mobile application on the main features of the procedure for granting international protection in the Republic of Croatia and the ways of exercising the rights of applicants for international protection in practice will be developed.¹⁴⁷

In 2021, CLC as an implementing partner and with the financial support of the UNHCR, implemented the project "Legal Support in the Asylum System". Due to prolonged COVID-19, the provision of legal information to targeted groups of beneficiaries including applicants for international protection, was usually provided by telephone, mobile applications (WhatsApp) and e-mail or in CLC's office when needed.

In 2020 and 2021, 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 ended on 31 May 2021. Within the mentioned project, an online platform was launched 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.

Centar for Peace Studies (CPS)¹⁴⁸ also provided legal support to applicants for international protection by telephone, mobile and e-mail or in CPS's office.

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. In 2021, JRS provided legal counselling to applicants in their Centre for integration of Refugees (SOL), mostly to prepare them for interviews within procedure for granting international protection and in relation to other modalities of regulation of their status.

¹⁴⁵ 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>.

¹⁴⁶ Public call in Croatian available at: <https://bit.ly/3pBugeK>.

¹⁴⁷ Ministry of Interior, *Decision on announcing and implementing a public call for financing a project in the field of providing legal counselling in the procedure for granting international protection*, available at: <https://bit.ly/3Jt4Nnp>.

¹⁴⁸ Information provided by Centre for Peace Studies, 10 January 2022.

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,¹⁴⁹ 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.¹⁵⁰ Legal assistance may be provided by attorneys at law and lawyers from organisations registered for providing legal assistance.¹⁵¹ 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 2020.¹⁵² The new list of 23 providers of free legal aid is available on the website of the Ministry of Interior.¹⁵³

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 2018.¹⁵⁴ 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.¹⁵⁵ No such problems were reported in 2020 and 2021.

The Administrative Court shall decide on the right to free legal assistance, and the amount of costs of legal assistance.¹⁵⁶ 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.

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 attorney¹⁵⁷, however no such observations were reported in 2021.

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.¹⁵⁸ This practice has not changed in the course of 2021

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

¹⁴⁹ Article 60(2) LITP.

¹⁵⁰ Article 60(1) LITP.

¹⁵¹ Article 60(4) LITP.

¹⁵² Official Gazette 9/2020, Ministry of Interior, Public call, available in Croatian at: <https://bit.ly/2JCZ5mk>.

¹⁵³ Ministry of Interior, List of free legal aid providers for Administrative courts (Zagreb, Rijeka, Split, Osijek), available in Croatian at: <https://bit.ly/3ao0nzs>.

¹⁵⁴ Information provided by an attorney-at-law, 31 December 2018.

¹⁵⁵ Information provided by an attorney-at-law, 21 January 2020.

¹⁵⁶ Article 60(3) LITP.

¹⁵⁷ Information provided by an attorney-at-law, 26 January 2021.

¹⁵⁸ Information provided by an attorney-at-law, 3 January 2018.

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.¹⁵⁹ This was also reported in 2021.¹⁶⁰

The LITP also states that the providers of free legal aid must inform the Ministry of Interior without delay of the bringing of a lawsuit before the Administrative Court and the date of delivery of the Court's judgment. If a provider of legal assistance does not act in line with this obligation, the provider shall be deleted from the List of Providers of Free Legal assistance.¹⁶¹ 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.¹⁶²

2. Dublin

2.1. General

In 2021, a total of 3 outgoing Dublin transfers were carried out to Belgium, Romania and Slovenia respectively; while Croatia received a total of 54 incoming transfers mainly from Germany (28), Switzerland (14) and Austria (7). The majority of the applicants transferred to Croatia were Afghans (33). Statistics on the number of incoming and outgoing requests in 2021 are not available.

Dublin statistics: 1 January – 31 December 2021

Outgoing Dublin transfer from Croatia		Incoming Dublin transfer to Croatia	
Belgium	1	Germany	28
Romania	1	Switzerland	14
Slovenia	1	Austria	7
-	-	Belgium	1
-	-	Finland	1
-	-	Norway	1
-	-	Romania	1
-	-	Slovenia	1
Total	3	Total	54

Source: Ministry of Interior, Statistics available in Croatian at: <https://bit.ly/3hI0ycj>.

Outgoing Dublin transfer from Croatia by citizenship		Incoming Dublin transfer to Croatia by citizenship	
Afghanistan	1	Afghanistan	33
Nigeria	1	Iraq	6
Syria	1	Syria	3
-	-	Turkey	3
-	-	Stateless	3
-	-	Iran	2
-	-	Morocco	2
-	-	Algeria	1
-	-	Ethiopia	1

¹⁵⁹ Information provided by an attorney-at-law, 2 January 2018.

¹⁶⁰ Information provided by an attorneys-at-law, 27 December 2021. 11 January 2022

¹⁶¹ Article 60(5) LITP; Article 11(8)-(9) Ordinance on free legal aid in the procedure of granting international protection.

¹⁶² Article 11(8)-(9) Ordinance on free legal aid in the procedure of granting international protection.

Total	3	Total	54
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Source: Ministry of Interior, Statistics available in Croatian at: <https://bit.ly/3hI0ycj>.

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 regarding the applicable Dublin criteria for the outgoing and incoming requests issued in 2021.

In June 2020, a meeting was held between representatives of 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.¹⁶³ Following that, a standard operative procedure (SOP) has been drafted to contribute to the coordination in process of family reunification of unaccompanied minors.¹⁶⁴ There is no information available as to whether it has been implemented in practice in 2021.

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 fingerprints taken by the officials in the Reception Centre for Applicants for International Protection once person arrives there.¹⁶⁵

¹⁶³ At the time of the meeting the name of the Ministry was still the Ministry for Demography, Family, Youth and Social Policy

¹⁶⁴ EMN, *Bulletin number 31*, August 2020, available at: <https://bit.ly/3dy8fR4>.

¹⁶⁵ Information provided by the Ministry of Interior, 28 January 2019.

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.¹⁶⁶

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.¹⁶⁷ This can also be a reason for the Ministry of Interior to render a decision in an accelerated procedure (see section on [Accelerated Procedure](#)).¹⁶⁸

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.¹⁶⁹ Information is available in Arabic, English, Farsi, French, Croatian, Somali, Turkish, and Urdu.¹⁷⁰ 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 protection¹⁷¹ and the 3-month deadline for issuing a “take charge” request starts running from the moment they receive the notification of registration of intention to apply for international protection by the police station (see [Registration](#)), not from the moment the application is lodged. The deadline for a “take back” request is 2 months from the Eurodac “hit”.

Transfers

In practice, if another EU Member State accepts responsibility for the applicant, the time for the transfer to the responsible Member State will depend on the circumstances of each case. According to the 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.¹⁷² More recent information is not available. Nevertheless, Dublin transfers were postponed due to COVID-19 in 2020.¹⁷³ As of 1 June 2021, incoming and outgoing transfers were re-established under the Dublin Regulation, the implementation of which had been suspended in the previous period due to the COVID-19 pandemic.¹⁷⁴

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.¹⁷⁵

¹⁶⁶ Article 33(6) LITP.

¹⁶⁷ Article 33(7) LITP.

¹⁶⁸ Article 41(1)(10) LITP.

¹⁶⁹ Information provided by the Ministry of Interior, 28 January 2019.

¹⁷⁰ Information provided by the Ministry of Interior, 28 January 2019.

¹⁷¹ Information provided by the Ministry of Interior, 10 August 2018.

¹⁷² Information provided by the Ministry of Interior, 10 August 2018..

¹⁷³ 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>.

¹⁷⁴ EMN Bulletin Number 35, April – June 2021, available at: <https://bit.ly/3IEjUup>.

¹⁷⁵ *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 lawsuit against the decision. The lawsuit, for which applicants receive free legal assistance, must be lodged before the Administrative Court within 8 days from the delivery of the decision.¹⁷⁶

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,¹⁷⁷ the procedural guarantees and the recognition rates in the responsible Member State when reviewing the Dublin decision. In 2021, there was one case in which the Administrative Court referred the case back to the Ministry of Interior it failed to take into account the individual circumstances of the client in the administrative procedure, and it did not thoroughly assess the situation in Greece to which the transfer was ordered.¹⁷⁸

¹⁷⁶ Article 43(3) LITP.

¹⁷⁷ Information provided by the attorney at law, 21 January 2020.

¹⁷⁸ Information provided by the attorney at law, 11 January 2022.

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. The Administrative Court in Zagreb reported that information on Dublin cases should not be entered in the “eSpis” application (an application used by courts), so no information is available on Dublin Cases before the Administrative Court in Zagreb in 2021.¹⁷⁹ However in the course of 2021, the High Administrative Court has ruled in 2 Dublin cases in which appeals against Administrative Court’s decisions were rejected.¹⁸⁰

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?

☐ Yes

☐ With difficulty

☒ No¹⁸¹

❖ Does free legal assistance cover:

☐ Representation in interview

☒ Legal advice

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

☒ Yes

☐ With difficulty

☐ No

❖ Does free legal assistance cover

☒ Representation in courts

☒ 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 lawsuit and representation before the Administrative Court,¹⁸² 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?

☐ Yes

☒ No

❖ If yes, to which country or countries?

After accessing 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 2017.¹⁸³ No information is available for 2021.

According to the Ombudsperson report on 2020, Croatia postponed the transfers of applicants to the state responsible due to the COVID-19 situation.¹⁸⁴

¹⁷⁹ Information provided by the Administrative Court in Zagreb, 31 January 2022.

¹⁸⁰ Information provided by the High Administrative Court, 14 January 2022.

¹⁸¹ State funded free legal aid for applicants for international protection before the Ministry of Interior ended on 31 March 2020.

¹⁸² Article 60(2) LITP.

¹⁸³ Information provided by the Ministry of Interior, 10 August 2018.

¹⁸⁴ Ombudsman, Annual report 2020, available in Croatian at: <https://bit.ly/3aaQXar>.

As for transfers to Croatia, the Swiss Federal Administrative Court issued a reference judgment ordering the determining authority to examine the existence of systemic deficiencies and the general situation in Croatia in 2019. Since then, some cases were sent back to the determining authority for further clarification, e.g. regarding access to healthcare for single men, while other cases involving families with health issues were rejected. The Swiss Court generally takes into consideration reports of push-backs, in particular in the context of "take charge" cases because the applicant needs to have access to the asylum procedure. In the context of "take back" requests, i.e. where an application for international protection has already been lodged, it is generally assumed that the applicant will not be pushed back. Diverging opinions have also been reported in the Netherlands. While the Regional Court Den Bosch ruled in 2020 that the principle of mutual trust no longer stands with Croatia due to extensive evidence of push-backs, the Council of State considered in July 2021 that the principle of mutual trust should apply to transfers to Croatia.¹⁸⁵

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 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.¹⁸⁶ According to the knowledge of the Croatian Law Centre, Dublin returnees do not face difficulties in accessing the reception system and material reception conditions.

According to the report prepared by the Swiss Refugee Council, Dublin returnees are transferred to Zagreb airport. No NGO is available at the airport, even though for very serious cases, a psychologist may be made available. Normally, an official from the Ministry of the Interior is assigned to collect arriving people at the airport. Asylum seekers are placed in a Reception center for applicants for international protection. There is no different treatment or procedure for persons with special vulnerabilities. In reception centers, Dublin returnees are in general subjected to initial health examination and screening, during which basic screening of mental health difficulties are assessed. This is conducted through MdM. According to their information, the outcome of this assessment may be shared with the Ministry of Interior, if the patient agrees with it. This is the case especially if special needs regarding the accommodation become apparent.¹⁸⁷

As for the transfers to Croatia, national courts have developed different practices on account of conditions facing returnees (see more above under: *Suspension of transfers*).¹⁸⁸

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.¹⁸⁹

¹⁸⁵ ECRE, *The implementation of the Dublin III Regulation in 2020*, September 2020, available at: <https://bit.ly/3xfv1an>.

¹⁸⁶ ECRE, *Balkan route reversed*, December 2016, 30.

¹⁸⁷ Swiss Refugee Council, *Situation of asylum seekers and beneficiaries of protection with mental health problems in Croatia*, available at: <https://bit.ly/3DZ09MS>.

¹⁸⁸ ECRE, *The implementation of the Dublin III Regulation in 2020*, September 2020, available at: <https://bit.ly/3xjuHYr>.

¹⁸⁹ MdM, *Nearing a point of no return? Mental health of asylum seekers in Croatia*, February 2019, available at: <https://bit.ly/2UC9sLf>.

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:¹⁹⁰

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

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

In case of a subsequent application,¹⁹¹ 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 until the end of 2021.

3.2. Personal interview

Indicators: Admissibility Procedure: Personal Interview

☐ Same as regular procedure

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

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

The interview is conducted by the Ministry of Interior (i.e. by decision makers from the Department for International Protection Procedure). According to the LITP, the personal interview would not be

¹⁹⁰ Article 43(1) LITP.

¹⁹¹ Article 47 LITP.

undertaken if the admissibility of a subsequent application is being assessed.¹⁹² In such cases, usually only the applicant makes the application in writing i.e. fills in form stating the reasons for subsequent application and explaining why those reasons were not mentioned in the previous procedure.

3.3. Appeal

Indicators: Admissibility Procedure: Appeal

☐ Same as regular procedure

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

- | | | |
|----------------------------|--|--|
| ❖ If yes, is it | <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 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.¹⁹³

As for suspensive effect, the LITP provides all lawsuits with suspensive effect, except for lawsuits against dismissal decisions on “first country of asylum” grounds where the applicant has refugee status in another country or when a subsequent application is dismissed.¹⁹⁴

3.4. Legal assistance

Indicators: Admissibility Procedure: Legal Assistance

☒ Same as regular procedure

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

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

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

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

Regarding free legal assistance in “inadmissible” cases, the general provisions about the right and access to free legal assistance apply, meaning that free legal aid in terms of representation is not foreseen in the first instance procedure, but only in the preparation of a lawsuit to the Administrative Court, including representation before the Administrative Court,¹⁹⁵ if requested by the applicant (see section on [Regular Procedure: Legal Assistance](#)).

¹⁹² Article 35(8)(3) LITP.

¹⁹³ Article 43(3) LITP.

¹⁹⁴ Article 51(1)(2)-(3) LITP, citing Article 43(1)(1)-(2) and Article 43(2) LITP.

¹⁹⁵ Article 60 LITP.

4. Border procedure (border and transit zones)

4.1. General (scope, time limits)

Indicators: Border Procedure: General

1. Do border authorities receive written instructions on the referral of asylum seekers to the competent authorities? ☒ Yes ☐ No
2. 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.¹⁹⁶ However no information is publicly available whether this has change in the course from 2019 until the end of 2021. 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
- 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.¹⁹⁷

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.¹⁹⁸

4.2. Personal interview

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

¹⁹⁶ Information provided by the Ministry of Interior, 2 March 2017; 13 February 2018.; 28 January 2019.

¹⁹⁷ Article 42(1) LITP.

¹⁹⁸ Article 42(4)-(5) LITP.

4.3. Appeal

Indicators: Border Procedure: Appeal

☒ Same as regular procedure

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

❖ If yes, is it

❖ If yes, is it suspensive

☒ Yes

☐ 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,¹⁹⁹ and are subject to shorter time limits: a lawsuit 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.²⁰⁰

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?

☐ Yes

☐ With difficulty

☒ No

❖ Does free legal assistance cover:

☐ Representation in interview

☐ Legal advice

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

☒ Yes

☐ With difficulty

☐ No

❖ Does free legal assistance cover

☒ Representation in courts

☒ Legal advice

According to the LITP, applicants in all types of procedures shall have access to free state funded legal aid in the preparation of a lawsuit to the Administrative Court, including representation before the Administrative Court where requested by the applicants. However, this could be restricted, as the LITP allows the possibility to temporarily restrict access to those locations (and therefore to applicants accommodated there) for the applicant's legal representative or a representative of an organisation engaged in the protection of refugee rights, other than UNHCR, when it is necessary for the protection of the national security and legal order of the Republic of Croatia.²⁰¹

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:²⁰²

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;

¹⁹⁹ Article 51(1) LITP:

²⁰⁰ Article 42(6) LITP.

²⁰¹ Article 42(3) LITP.

²⁰² Article 41(1) LITP.

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.²⁰³

There is no available information on the number of the cases that were handled in accelerated procedure in the course of 2021.

5.2. Personal interview

Indicators: Accelerated Procedure: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the accelerated procedure? ☒ Yes ☐ No
 - ❖ If so, are questions limited to nationality, identity, travel route? ☐ Yes ☒ No
 - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

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

- A positive decision on application may be taken on the basis of the available evidence;
- In cases when an applicant is unfit or unable to be interviewed, owing to enduring circumstances beyond his or her control; or
- The admissibility of a subsequent application is being assessed.²⁰⁴

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

5.3. Appeal

Indicators: Accelerated Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the accelerated procedure?
 - ☒ Yes ☐ No
 - ❖ If yes, is it ☒ Judicial ☐ Administrative
 - ❖ If yes, is it suspensive ☐ Yes ☐ Some grounds ☒ No

²⁰³ Article 41(1) LITP.

²⁰⁴ Article 35(8) LITP.

The Administrative Court is the competent appeal body in the accelerated procedure, so there is no difference in the authority responsible for handling the lawsuit compared to regular procedure. However, time limits are shorter: a lawsuit may be lodged to the Administrative Court within 8 days from the delivery of the decision of the Ministry of Interior.²⁰⁵

Moreover, lawsuits against negative decisions in the accelerated procedures do *not* have suspensive effect.²⁰⁶ The applicant can apply for suspensive effect, which the Court has to decide on within 8 days from the receipt. However, lawsuits 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.²⁰⁷

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
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 - ❖ 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
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 - ❖ 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 lawsuit to the Administrative Court and representation before the Administrative Court, if requested by the applicant (see section on [Regular Procedure: Legal Assistance](#)).

D. Guarantees for vulnerable groups of asylum seekers

1. Identification

Indicators: Identification

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum seekers?

<input type="checkbox"/> Yes	<input type="checkbox"/> For certain categories	<input checked="" type="checkbox"/> No
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 - ❖ If for certain categories, specify which:
2. Does the law provide for an identification mechanism for unaccompanied children?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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.²⁰⁸

²⁰⁵ Article 41(5) LITP.

²⁰⁶ Article 51(1)(1) LITP.

²⁰⁷ Article 51(1)(2) LITP, citing Article 41(1)(6) LITP.

²⁰⁸ Article 4(1)(14) LITP.

1.1. Screening of vulnerability

The LITP has introduced special procedural and reception guarantees.²⁰⁹ 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.²¹⁰ 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.²¹¹ The Rehabilitation Centre for Stress and Trauma (RCT) reported that there was still no appropriate mechanism for the identification of torture victims and persons with mental health disabilities, so consequently, applicants for international protection who are victims of torture or have some mental health problems 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 not recognised within the health and social care system.²¹² However in April 2021, a Standard Operational Procedure in Cases of Sexual and Gender-Based Violence in the Reception Centres for Applicants of International Protection entered into force. The latter was developed in cooperation with the Ministry of Interior, UNHCR, IOM, MDM-BELGIQUE, the Croatian Red Cross and the Croatian Law Centre.

The Croatian Red Cross (CRC) provides psychosocial and practical support and assistance to applicants for international protection in Reception Centres for Applicants for International Protection, based on the identified needs of individuals and families. CRC identifies vulnerable groups (children, unaccompanied children, the elderly, single women, people with physical and mental disabilities, people who have experienced trauma or torture, potential victims of trafficking, victims of domestic violence) and plans work tailored to their specific needs.²¹³

Unaccompanied children

The Government adopted a Protocol on the treatment of unaccompanied children on 30 August 2018.²¹⁴ The protocol aims to improve the position of unaccompanied children, provides a detailed overview of all procedures and provides guidance for all relevant actors coming in contact and working with this category of children. The Protocol elaborates in 14 chapters on the various issues in regard to unaccompanied children. According to the Ministry of Interior, an Interdepartmental Commission for the protection of unaccompanied children has been established. The Commission was established with the aim to improve inter-agency cooperation between state administration bodies and other stakeholders involved in the protection of unaccompanied children. The Commission is composed of representatives of the

²⁰⁹ Article 15 LITP.

²¹⁰ ECRE, *Balkan route reversed*, December 2016, 26.

²¹¹ *Ibid*, 24.

²¹² Information provided by Rehabilitation Centre for Stress and Trauma, 14 January 2022.

²¹³ Croatian Red Cross, Annual report for 2021, available at: <https://bit.ly/38wcCf8>.

²¹⁴ Protokol o postupanju prema djeci bez pratnje, 30 August 2018, available in Croatian at: <https://bit.ly/2DEgBEu>.

the Ministry of Labour, Pension System, Family 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.²¹⁵ According to the Ombudsperson for Children, this possibility was not used in 2020,²¹⁶ while in 2021, 3 unaccompanied children were placed in foster families.²¹⁷ However, it should be noted that the Ministry of Labour, Pension System, Family 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.²¹⁸

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.²¹⁹ UNICEF reported that they participated in the work of Commission which met twice during 2019, however without significant and concrete results.²²⁰ 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.²²¹ According to the Ombudsperson for Children, the Commission for unaccompanied minors did not meet in 2021.²²² A new commission was established by a decision of the Government of the Republic of Croatia on 5 January 2022.²²³

The Ministry of Interior and the Ministry of Labour, Pension System, Family and Social Policy issued Instruction on the Treatment of Unaccompanied Children, which was disseminated to the MoI Border Directorate, police administrations and stations and centres for social welfare.²²⁴

In 2020, the Croatian Law Centre prepared an update of the paper dealing with different aspects of treatment of unaccompanied children.²²⁵ 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.

²¹⁵ Official Gazette 115/18

²¹⁶ 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>.

²¹⁷ It is not clear whether they were applicants for international protection. Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2021*, available in Croatian: <https://bit.ly/3jonKNp>.

²¹⁸ FRA, *Migration: Key fundamental rights concerns - Quarterly bulletin 3 – 2020* (1.4.2020 - 30.6.2020), available at: <https://bit.ly/3ekErGz>.

²¹⁹ EMN, *Bulletin*, July 2019 available at: <https://bit.ly/39MwSV1>.

²²⁰ Information provided by UNICEF, 8 January 2020.

²²¹ 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>

²²² Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2021*, available in Croatian: <https://bit.ly/3LW66Nf>.

²²³ Government of the Republic of Croatia, *Decision on the establishment of the Interdepartmental Commission for the Protection of Unaccompanied Children*, available in Croatian at: <https://bit.ly/3JuF1Pu>.

²²⁴ Ombudsperson, *Annual report 2021*, available in Croatian at: <https://bit.ly/3rcoPFf>.

²²⁵ Croatian Law Centre, *Dealing with unaccompanied children - legal and institutional framework*, 2020, available in Croatian at: <https://bit.ly/3sFhyTr>.

In 2021, Centre for Peace Studies, Rehabilitation Centre for Stress and Trauma, together with an independent expert prepared a Policy brief on the protection of unaccompanied children in the Republic of Croatia.²²⁶ Based on the analysis of the current situation, the following recommendations for improvement of the system of protection of unaccompanied children were given: to develop a new National Strategy for the Rights of the Child, to develop a Plan for capacity building of alternative care for unaccompanied children, to establish uniform records and consistent and systematic collection and recording of data on unaccompanied children in the Republic of Croatia, to encourage and support advocacy activities of CSOs and the entire professional community, aimed at raising public awareness on the needs of unaccompanied children and improving cultural competencies and sensitivity of the professional and general community and to develop a new Migration Policy.

In June 2021, the Croatian Law Centre signed a cooperation agreement with the European Federation for Missing and Sexually Exploited Children (Missing Children Europe) related to the project on so-called Miniila application. The purpose of this application is to inform children in simplified language adapted to them about their rights and explain to them the procedures such as the procedure for granting international protection and family reunification, and also give them an overview of the organisations in the country, which they can contact for information and services they need (e.g. information on the asylum system, support in cases of trafficking and sexual violence, language learning etc.). The application is available in five languages Farsi, English, Arabic, French and Tigrinya).

The number of unaccompanied children applicants for international protection increased from 186 UASC in 2020 to 195 in 2021.²²⁷

According to the Ministry of Labour, Pension System, Family and Social Policy, unaccompanied children continue to experience difficulties in accessing education, as well as local communities' resistance to their integration, and can only stay briefly in social welfare institutions. Further difficulties concern a lack of interpreters, a lack of interdepartmental cooperation and insufficient cooperation of special guardians with accommodation facilities for unaccompanied children.²²⁸

During 2021, the Office of the Ombudsperson for Children continued to receive information on cases of authorities separating migrant and asylum-seeking children from their families for months.²²⁹ The media also reported two cases of parent-child separation by Croatian border guards at the external borders, with no information about the whereabouts of the parent(s).²³⁰ The Jesuit Refugee Service reported an increasing number of families who are separated at the border when mothers and children are allowed to apply for asylum while fathers are pushed back to Bosnia and Herzegovina.²³¹

The Croatian Red Cross provided support to employees working in social welfare institutions where unaccompanied children are accommodated and to special guardians. In addition, CRC developed 64 individual assistance plans and their mobile team conducted 26 visits to institutions where unaccompanied children are accommodated.²³²

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*".²³³ The project ended at the end of March 2020 and aimed at strengthening the capacity and coordination of existing national support services for sexual

²²⁶ Policy brief on the protection of unaccompanied children in the Republic of Croatia, available at: <https://bit.ly/3E3FpTX>.

²²⁷ Ministry of Interior, *Statistics 2021*, available in Croatian at: <https://bit.ly/3usNmyR>.

²²⁸ FRA Quaterly bulletin for the period 1 October to 31 December 2021, available at: <https://bit.ly/3v7Jvq7>.

²²⁹ FRA Quaterly bulletin for the period 1 January to 30 June 2021, available at: <https://bit.ly/3us2pZS>.

²³⁰ FRA Quaterly bulletin for the period 1 July until 30 September 2021, available at: <https://bit.ly/3LVhWat>.

²³¹ FRA Quaterly bulletin for the period 1 October to 31 December 2021, available at: <https://bit.ly/3LRlcT2>.

²³² Croatian Red Cross: Annual report for 2021, available at: <https://bit.ly/3uq6MEF>.

²³³ Information on the project available at: <https://bit.ly/3at8KcS>.

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 pedagogues 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));²³⁴
- 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 Farsi²³⁵,

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".²³⁶ The Standard Operational Procedure was developed in cooperation with the Ministry of Interior, UNHCR, IOM, MDM-BELGIQUE, the Croatian Red Cross and the Croatian Law Centre. It entered into force in April 2021.

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.²³⁷ 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 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.

²³⁴ The videos are available on youtube in all mentioned languages here: <https://bit.ly/3gqYuG7>.

²³⁵ The PROTECT project, see the English versions available at: <https://bit.ly/3yaMVsw>; and for children at: <https://bit.ly/3omPXWB>.

²³⁶ Information provided by MdM, 17 January 2021.

²³⁷ MdM, *Nearing a point of no return? Mental health of asylum seekers in Croatia*, February 2019, available at: <https://bit.ly/2XeDQiD>.

In 2020, MdM published the report „Everyone has the right to healthcare - model of healthcare mediation/support intended for asylum seekers in Croatia”.²³⁸ 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. The same challenges were reported by MdM team in relation to 2021.²³⁹ MdM further reported that, in 2021, interdisciplinary cooperation in the organisation of preventive and treatment interventions related to the mental health of applicants for international protection had been improved. In addition, applicants were referred to the appropriate hospitals accompanied by MdM staff and interpreters when necessary.

In 2021, the Rehabilitation Centre for Stress and Trauma (RCT) reported that the identification of vulnerable applicants, including victims of torture, is not implemented in accordance with established standards.²⁴⁰ 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. In addition, according to RCT, the health and social care system does not address the rights and needs of victims of torture as a vulnerable group.

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.²⁴¹ 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

²³⁸ 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>.

²³⁹ Information provided by MDM-BELGIQUE, 19 January 2022.

²⁴⁰ Information provided by the Rehabilitation Centre for Stress and Trauma, 14 January 2022.

²⁴¹ Article 18 LITP.

communicate about the manner of examination and its possible consequences for his or her health, the consequences of the results of the medical examination for his or her application, as well as the consequences of unjustified refusal. In the case of unjustified refusal of consent, the unaccompanied child shall be deemed to be an adult applicant. The application cannot be refused exclusively on the basis of the fact that consent to perform a medical examination was not given. During the medical examination, an unaccompanied child who does not understand Croatian shall be provided with a translator/interpreter for a language which he or she may justifiably be presumed to understand and in which he or she is able to communicate. The costs of the medical examination shall be borne by the Ministry. If, even following the results and report on the medical examination undertaken, there is still doubt regarding the age of the minor, the concept of benefit of the doubt shall be applied.

In relation to appeal to the age assessment outcome, the Ministry stressed that in case of doubt in the opinion of the doctor, new medical check would be initiated. The Ministry also emphasises that in such case, the concept of benefit of the doubt shall be applied.²⁴²

According to the Ministry of Interior, in 2017 and 2018, the age assessment procedure was not conducted.²⁴³ No information is available for the period from 2019 until the end of 2021.

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.²⁴⁴ 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,²⁴⁵ 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 2018.²⁴⁶

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,²⁴⁷ in particular the acts of persecution or serious harm already undergone.²⁴⁸ 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;²⁴⁹

²⁴² Information provided by the Ministry of Interior, 2 March 2017.

²⁴³ Information provided by the Ministry of Interior, 13 February 2018, 28 January 2019.

²⁴⁴ Article 52(2) LITP.

²⁴⁵ Information provided by the Ministry of Interior, 21 July 2017.

²⁴⁶ Information provided by the Ministry of Interior, 28 January 2019.

²⁴⁷ Article 28(2)(3) LITP.

²⁴⁸ Article 28(3) LITP.

²⁴⁹ Article 35(5) LITP.

- to an interpreter of the same sex, if possible;²⁵⁰
- to be interviewed as soon as possible upon the submission of the application for international protection;²⁵¹
- in cases where the interview is omitted,²⁵² 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;²⁵³
- in case of an application of an unaccompanied child, the application has priority in decision-making (see section on [Regular Procedure: Fast-Track Processing](#)).²⁵⁴

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.²⁵⁵ According to the Ministry of Interior during 2018 applications lodged by unaccompanied children were not processed under the accelerated procedure.²⁵⁶ However, there is no information available on whether applications lodged by unaccompanied children were processed under the accelerated procedure in the period from 2019 until the end of 2021.

Procedures at border crossings or in transit zones would not apply to cases of application lodged by an unaccompanied child.²⁵⁷ However, as mentioned in

²⁵⁰ Article 14(3) LITP.

²⁵¹ Article 35 LITP.

²⁵² Article 35(8)(2) LITP.

²⁵³ Article 35(9) LITP.

²⁵⁴ Article 17(9) LITP.

²⁵⁵ Article 17(10) LITP.

²⁵⁶ Information provided by the Ministry of Interior, 28 January 2019.

²⁵⁷ Article 10(11) LITP.

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").²⁵⁸

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.²⁵⁹

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

The Rehabilitation Centre for Stress and Trauma noted that no appropriate procedures are implemented in relation to documentation and verification, including medico-legal documentation, of victims of torture.²⁶⁰

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?

²⁵⁸ Article 15(3) LITP.

²⁵⁹ Article 58(1) Law on General Administrative Procedure.

²⁶⁰ Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2019, 7 February 2021.

☒ 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.²⁶¹

In 2021, 195 unaccompanied children sought international protection in Croatia.²⁶²

4.1. Time of appointment

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

The procedure of identification includes:

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

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

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

During 2019, the Ombudsperson received 10 allegations of violations of the rights of migrant children (including both children with families and unaccompanied children).²⁶³ 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 2021 allegations of pushbacks have continued (see [Access to the territory and pushbacks](#)) including pushbacks of children. In 2021, the Office of the Ombudsperson for Children continued to receive information on cases of authorities separating migrant and asylum-seeking children from their families for months. In addition, the Office of the Ombudsperson for Children reported that children were regularly placed into pre-removal detention centres, as well as in community service centres in Zagreb and Split which are intended for children with behavioural issues.²⁶⁴

²⁶¹ Article 2(1)(17) LITP.

²⁶² Ministry of Interior, *Statistics 2021*, available in Croatian at: <https://bit.ly/3DYJpoY>.

²⁶³ Ombudsperson for Children, *Report on the work of Ombudsman for Children in 2019*, March 2020, available in Croatian: <https://bit.ly/2VHkC2Z>.

²⁶⁴ FRA Quaterly bulletin for the period 1 January to 30 June 2021, available at: <https://bit.ly/3O26z2s>.

The media also reported two cases of parent–child separation by Croatian border guards at the external borders, with no information about the whereabouts of the parent(s). Are You Syrious also reported on family separation at the borders: mothers and children are often allowed to enter the territory to seek asylum while fathers are pushed back to Bosnia and Herzegovina by Croatian police.²⁶⁵

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.²⁶⁶ 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 2018.²⁶⁷ According to the knowledge of Croatian Law Centre this issue persisted in 2020 and 2021 in some cases 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. In 2021 CLC's lawyer participated in activities aimed at education of relevant actors. The project will end on 1 May 2022.

4.2. Qualifications of guardians

Until now, no special qualifications were required for the appointment of guardians. In practice, according to the information available to the Croatian Law Centre, when workers from Centres for Social Welfare were appointed as guardians, these were usually lawyers, social workers or social pedagogues who are working within the Centre for Social Welfare.

According to the Report of the Croatian Ombudsperson for Children for 2018, published in March 2019, centres for social work are still appointing guardians for unaccompanied children from the circle of adults that arrive with the child.²⁶⁸ 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.²⁶⁹ However, the Ombudsperson for Children reported that during 2020, nine persons that arrived with children were appointed as guardians to unaccompanied children.²⁷⁰

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

²⁶⁵ FRA Quaterly bulletin for the period 1 July until 30 September 2021. available at: <https://bit.ly/3rgwd9A>.

²⁶⁶ Article 17(1) LITP.

²⁶⁷ Information provided by the Ministry of Interior, 28 January 2019.

²⁶⁸ 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>.

²⁶⁹ FRA, *Migration flows: Key fundamental rights concerns – Q2*, 2019, available at: <https://bit.ly/3dXREnQ>.

²⁷⁰ 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>.

social welfare institutions in which unaccompanied children were accommodated (7 employees were appointed in 2019).²⁷¹

The Ombudsperson for Children reported that problems still existed in the guardianship system in 2021. Some special guardians did not have contact with unaccompanied children, which is why children did not receive adequate information about their rights and obligations. Some guardians are reportedly also not motivated, which stems from the scope of work that they regularly perform.²⁷²

During some periods of 2020, visits to UASC accommodated in Residential Child Care Institutions were not possible due to the COVID-19. Croatian Red Cross reported that in 2021 their mobile team conducted a large number of visits to those institutions to provide psychosocial support to children and provide material services (such as clothing and school supplies).²⁷³

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.²⁷⁴

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 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,²⁷⁵ started providing free legal aid in places where unaccompanied children are accommodated (Residential Child Care Institutions in **Zagreb, Split, Rijeka** and **Osijek**, and Child Reception Units), when needed and depending on the number of children accommodated. The activity continued in 2018. In 2019 the majority of counselling services were organised in Zagreb. In 2020 and 2021 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 the course of 2021, the Croatian Law Centre held 3 online workshops in cooperation with UNHCR on „The Protection of Unaccompanied Children: Procedure and Exercising Rights After the Accommodation of Children” for relevant actors working within social welfare system. The following topics were presented at the workshops: UNHCR standards in the treatment of unaccompanied children, the right and possibilities of accommodation of unaccompanied children within the social welfare system, the right to health care and health support for children, the importance of intersectoral cooperation in the inclusion of unaccompanied children in educational system, unaccompanied children in the procedure for granting international protection, expression of intention in the procedure for international protection, Dublin

²⁷¹ Ombudsperson for Children, *Report on the work of Ombudsman for Children in 2019*, March 2020, available in Croatian: <https://bit.ly/2VHkC2Z>.

²⁷² Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2021*, available in Croatian: <https://bit.ly/3jxpvaZ>.

²⁷³ Information provided by the Croatian Red Cross, 4 January 2022.

²⁷⁴ 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>.

²⁷⁵ 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.

procedure and temporary stay for humanitarian reasons and integration of unaccompanied children into Croatian society.

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**.²⁷⁶

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, although in the Policy brief on the protection of unaccompanied children in the Republic of Croatia which was prepared by the Centre for Peace Studies, the Rehabilitation Centre for Stress and Trauma, together with an independent, it is reported that in recent years, they are being appointed from the ranks of employees of social welfare institutions in which unaccompanied children are accommodated.²⁷⁷

According to the law, the best interests of children should be considered when implementing provisions of LITP,²⁷⁸ 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,²⁷⁹ 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.

The Centre for Peace Studies reported that unaccompanied children have insufficient or no contact with guardians in some cases, which leads to inadequate support and access to information and services.²⁸⁰

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

²⁷⁶ Information provided by IOM, 30 December 2020.

²⁷⁷ Policy brief on the protection of unaccompanied children in the Republic of Croatia, available at: <https://bit.ly/3vsEZTB>.

²⁷⁸ Article 10 LITP.

²⁷⁹ Article 17(3) LITP.

²⁸⁰ Information provided by Centre for Peace Studies, 10 January 2022.

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.²⁸¹

If a person decides to submit a subsequent application,²⁸² 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.²⁸³

Under the LITP,²⁸⁴ 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,²⁸⁵ and that in that case appeal to Administrative Court does not have a suspensive effect,²⁸⁶ (which means that the decision is final)²⁸⁷ 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.²⁸⁸ 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.²⁸⁹

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.

²⁸¹ Article 4(1)(13) LITP.

²⁸² Article 47 LITP.

²⁸³ Article 35(8)(3) LITP.

²⁸⁴ Article 53(3)-(4) LITP.

²⁸⁵ Article 43(2) LITP.

²⁸⁶ Article 51(1)(3) LITP.

²⁸⁷ Article 4(1)(21) LITP.

²⁸⁸ Article 51(2) LITP.

²⁸⁹ Article 53 LITP.

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 from 2019 until the end of 2021 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,²⁹⁰ a country is considered as a safe country of origin where, on the basis of the legal situation, the application of the law and the general political circumstances, it can be shown that there is generally and consistently no persecution, or risk of suffering serious harm, as established on the basis of information on:

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

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

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

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

²⁹⁰ Article 44 LITP.

- (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](#)).²⁹¹ 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.²⁹² 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), 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.²⁹³ No information on decisions based on the concept of safe country of origin is available for the period from 2019 until the end of 2021.

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.²⁹⁴

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.

²⁹¹ Article 41(1)(9) LITP.

²⁹² Official Gazette 45/2016, available in Croatian at: <http://bit.ly/2lcRePz>.

²⁹³ Information provided by the Ministry of Interior, 28 January 2019.

²⁹⁴ Article 45 LITP.

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. No information is available for 2019 ,2020 and 2021.

The LITP also provides a definition of the concept of safe European third country.²⁹⁵ 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 third country concept.²⁹⁶ 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 limited themselves to the normative framework and the number of persons granted international protection in their assessment of the situation in Serbia , 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

²⁹⁵ Article 46 LITP.

²⁹⁶ Constitutional Court, Decision U-III-4865/2018, 4 March 2021, available in Croatian at: <https://bit.ly/3bQYmMZ>.

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.²⁹⁷ In 2018, no decision was taken based on the concept of first country of asylum.²⁹⁸ No information on decisions taken based on the concept of first country of asylum from 2019 until the end of 2021 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.²⁹⁹ 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.³⁰⁰ 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.³⁰¹

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.³⁰² 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.³⁰³ According to the Ministry of Interior, if information is not translated in a particular language, then it is translated from Croatian in the presence of an interpreter.

Applicants are informed about the Dublin procedure when expressing the intention to apply international protection, and later on when lodging the application for international protection. They are provided with information explaining the purpose of the Dublin procedure as well as the purpose of taking fingerprints and of the Eurodac database. Also, information has clarified the procedure to be carried out if the applicant for international protection is unaccompanied child. The above information is available in 8 language versions: Urdu, English, French, Arabic, Croatian, Somali, Farsi and Turkish.³⁰⁴

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

²⁹⁷ Article 43(1)(2) LITP.

²⁹⁸ Information provided by the Ministry of Interior, 28 January 2019.

²⁹⁹ Article 59(2) LITP.

³⁰⁰ Article 14 LITP.

³⁰¹ Article 59(1) LITP.

³⁰² Information provided by the Ministry of Interior, 28 January 2019.

³⁰³ Information provided by the Ministry of Interior, 28 January 2019.

³⁰⁴ Information provided by the Ministry of Interior, 28 January 2019.

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

No information is available on whether the common leaflet and the specific leaflet for unaccompanied children have been created in accordance with 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 leaflet prepared in cooperation of UNHCR, Croatian Law Centre and the Ministry of Interior 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. The leaflet is available in Arabic, Croatian, English, Farsi, French, Pashto, Somali, Turkish, Ukrainian and Urdu. The leaflet is also available online on the Croatian Law Centre's web page.³⁰⁵

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.³⁰⁶

The Centre for Missing and Exploited Children has produced and printed leaflets for unaccompanied children, available in Croatian, English, Arabic and Farsi.³⁰⁷

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.³⁰⁸

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.³⁰⁹

Information at the border

Leaflets aligned with the LITP were prepared by the Croatian Law Centre and UNHCR in cooperation with the Ministry of Interior and distributed by the Ministry of Interior. At some border crossing points, there is a lack of available interpreters. This prevents effective communication between foreigners (among whom some are potential applicants i.e. applicants for international protection) and border officers. However, according to the LITP third-country nationals or stateless persons in a reception centre, at a border crossing or in a transit zone of an airport, sea port or inland water port who wish to express their intention to apply for international protection shall be provided by police officers with all necessary information on

³⁰⁵ The leaflet may be found at CLC web page in Croatian at: <https://bit.ly/3ux3zTR>; in English at: <https://bit.ly/3uzy9wk>; in Arabic at: <https://bit.ly/3E2AEKC>; in Somali at: <https://bit.ly/3E2Pxwi>; in Turkish at: <https://bit.ly/3jsn9Ku>; in Pashto at: <https://bit.ly/3rkgdn3>; in Farsi at: <https://bit.ly/3vbDORh>; in French at: <https://bit.ly/3xhYksT>; in Urdu at: <https://bit.ly/37cZBH1>; and in Ukrainian at: <https://bit.ly/3KCbpB9>.

³⁰⁶ According to the Centre for Peace Studies, the brochure is available in Arabic, Croatian, Farsi, French, English, Russian and Turkish.

³⁰⁷ Centre for Missing and Exploited Children, *Welcome to Croatia: Guide for unaccompanied children*, available at: <https://bit.ly/2TBXncq>.

³⁰⁸ 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>.

³⁰⁹ The video is available at: <https://bit.ly/32CTDJP>.

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.³¹⁰

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.³¹¹ 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 2021 (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. However since the end of March 2020 up to the end of the year 2021, access is limited due to COVID restrictions; i.e. CLC lawyers were visiting mentioned facilities only when they were representing clients in administrative court procedure. Contacts with applications were mainly maintained telephone, email or applicants would come to CLC office when needed.

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 begging of 2018, so their activities were provided out of the Centres in the course of 2021.³¹²

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

³¹⁰ Article 59(1) LITP.

³¹¹ ECRE, *Balkan route reversed*, December 2016, 11-12.

³¹² Information provided by the Centre for Peace Studies, 10 January 2022.

of Interior in autumn 2019.³¹³ 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**.³¹⁴

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?³¹⁵ ☒ 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. However, in 2021 Croatia accepted evacuated Afghan nationals and their family members and granted them international protection. A total of 41 Afghan citizens were admitted from August to December 2021, three of whom left the Republic of Croatia to reunite with their families, while the rest were granted asylum.³¹⁶ Out of total number, 16 were children.³¹⁷

³¹³ 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>.

³¹⁴ Information provided by Are You Syrious, 2 February 2021.

³¹⁵ Whether under the "safe country of origin" concept or otherwise.

³¹⁶ Ombudsperson, *Annual report 2021*, available in Croatian at: <https://bit.ly/3v5TsVi>.

³¹⁷ Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2021*, available in Croatian: <https://bit.ly/3KzksTm>.

Reception Conditions

Short overview of the reception system

The Ministry of the Interior, or more precisely 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.³¹⁸

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.³¹⁹ 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.³²⁰

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),³²¹ '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.'³²²

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

³¹⁸ Article 7(1) Ordinance on the realisation of material reception conditions

³¹⁹ Article 55(4) LITP.

³²⁰ Article 7(1) Ordinance on the Realisation of Material Reception Conditions.

³²¹ Article 23(2) Ordinance on the Realisation of Material Reception Conditions.

³²² Article 23(2) Ordinance on the Realisation of Material Reception Conditions.

consecutive days.³²³ 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.³²⁴

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.³²⁵ 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.³²⁶

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.³²⁷ 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.³²⁸

As of 28 December 2020, 328 applicants were accommodated in Reception centres in **Zagreb** and **Kutina**.³²⁹ According to the Ministry of Interior, 373 applicants for international protection were located in the Reception Centres as of 31 December 2021.³³⁰

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.³³¹

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,³³² and accommodation in the Reception Centre for Foreigners should be considered as the adequate standard of living is secured.³³³

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 2021 (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.³³⁴ The manner and conditions of providing material reception conditions shall be established by the Ministry of Interior, while the Reception Centre

³²³ Article 24(2) Ordinance on the Realisation of Material Reception Conditions.

³²⁴ Article 24(3) Ordinance on the Realisation of Material Reception Conditions.

³²⁵ Article 3(7) Ordinance on the Realisation of Material Reception Conditions.

³²⁶ Article 25 (1) (2) Ordinance on the Realisation of Material Reception Conditions.

³²⁷ Article 7(6) Ordinance on the Realisation of Material Reception Conditions.

³²⁸ Article 62(1) LITP.

³²⁹ UNHCR, *Annual Statistical Snapshot - Asylum: Croatia 2020*, available in English: <https://bit.ly/3dDHZEY>.

³³⁰ Response of the Croatian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its ad hoc visit to Croatia from 10 to 14 August 2020, available in English: <https://rm.coe.int/1680a5acfc>; and Croatian: <https://rm.coe.int/1680a5acfd>.

³³¹ Article 25(1)-(2) Ordinance on the Realisation of Material Reception Conditions.

³³² Article 3(1) Ordinance on the Realisation of Material Reception Conditions.

³³³ Article 3(4) Ordinance on the Realisation of Material Reception Conditions.

³³⁴ Article 55(1) LITP and Article 1(2) Ordinance on the Realisation of Material Reception Conditions.

shall decide on the right to financial assistance.³³⁵ The amount of financial assistance should be established by the decision of the Minister of Interior.³³⁶

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 €13.30. 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.³³⁷

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).³³⁸

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 ,2020 and 2021.

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

³³⁵ Article 55(2) LITP.

³³⁶ Article 55(3) LITP.

³³⁷ Article 55(5) LITP and Article 4(1) Ordinance on the Realisation of Material Reception Conditions.

³³⁸ Article 55(6)-(9) LITP.

to the Ordinance on the Realisation of Material Reception Conditions, in order to stay at some other address, the applicant must provide a notarised copy of the rental agreement or a notarised statement of the owner of the apartment stating that they accept to accommodate the applicant and would provide him or her with the adequate standard of living, or a title deed if the applicant is the owner of the property in which he intends to reside, or a hotel reservation if the applicant is located in a hotel.³³⁹ 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.³⁴⁰

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:³⁴¹

- (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):³⁴²

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](#).

³³⁹ Article 10(2) Ordinance on the Realisation of Material Reception Conditions.

³⁴⁰ Article 17(1) Ordinance on the Realisation of Material Reception Conditions.

³⁴¹ Article 54(5) LITP.

³⁴² Article 54(2) LITP.

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation

1. Number of reception centres:³⁴³ 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: 2021			
Centre	Location	Maximum capacity	Occupancy
Hotel Porin	City of Zagreb	600	N/A
Kutina	80km from Zagreb	100	N/A
Total		700	N/A

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 700.³⁴⁴ More recent statistics on the maximum capacity and occupancy in 2019 and 2020 are 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.³⁴⁵

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".³⁴⁶ 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 population³⁴⁷, 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**.³⁴⁸

³⁴³ Both permanent and for first arrivals.

³⁴⁴ Information provided by the Ministry of Interior, 28 January 2019.

³⁴⁵ Information provided by Croatian Red Cross, 20 December 2019.

³⁴⁶ 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>.

³⁴⁷ N1, 'Petrinja does not want an asylum center', 11 February 2019, available at: <https://bit.ly/2JKWzKZ>.

³⁴⁸ 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.³⁴⁹

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.³⁵⁰ The purpose of the project is to arrange Reception Centres and improve reception and accommodation services as well as working conditions. Since October 2021, all applicants have been accommodated in the Reception Centre in Zagreb, since Reception Centre in Kutina is under renovation.

In January 2021, the Directorate for European Affairs, International Relations and European Union Funds of the Ministry of the Interior adopted a decision on the allocation of AMIF funds for the project "Procurement of equipment for needs of Mol's Service for reception and accommodation of applicants for international protection and Service for international protection- NOP2". The purpose of the project is to equip reception centres in accordance with the best European practice in order to improve the quality of life of applicants as well as the working conditions for state officials.³⁵¹ In April 2021, the decision on the allocation of AMIF funds for the project "Increase of accommodation capacity of the Reception Centre for applicants for international protection in Zagreb" was adopted.³⁵² The impact in practice remains to be seen.

As part of a project implemented by the Croatian Red Cross, CRC employees accepted and accommodated 3,038 applicants for international protection in 2021, of which 512 applicants in the Reception Centre in **Kutina** and 2,526 in **Zagreb**.³⁵³

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. The Reception Centre in **Zagreb** was renovated in 2019, subsequently improving the living conditions in the centre. Since October 2021, Reception Centre in Kutina is under renovation.

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.³⁵⁴

³⁴⁹ EMN, *Bulletin*, November 2019, available at: <https://bit.ly/34iMWN8>.

³⁵⁰ EMN, *Migration Bulletin*, May 2020, available at: <https://bit.ly/3n6Wx2G>.

³⁵¹ Ministry of Interior, Decision on the allocation of AMIF funds for the project "Procurement of equipment for needs of Mol's Service for reception and accommodation of applicants for international protection and Service for international protection- NOP2", available in Croatian: <https://bit.ly/3h1qzli>.

³⁵² Ministry of Interior, Decision on the allocation of AMIF funds for the project "Increase of accommodation capacity of the Reception Centre for applicants for international protection in Zagreb", available in Croatian: <https://bit.ly/3vL8AJm>.

³⁵³ Croatian Red Cross: Annual report for 2021, available at: <https://bit.ly/3xfFvXh>.

³⁵⁴ 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>.

This has continued through 2021. 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. The self isolation premises were also functioning in 2021. Also, during some periods of 2020 and 2021, 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 Médecins du Monde in 2021 all applicants who were tested positive and their contacts were accommodated in isolation corridors and rooms but without the possibility of complete self-isolation.³⁵⁵

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.³⁵⁶ The same organisation continued in 2021 and restrictions for nonessential entries to the centres remained in place until the end of 2021.

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.³⁵⁷

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.³⁵⁸ 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.³⁵⁹ There are sufficient showers and toilets and facilities are cleaned on a regular basis.

As reported by the Croatian Red Cross, after the renovation of Reception Centre in **Zagreb** in 2019, the overall living conditions have improved greatly. Since October 2021, accommodation of applicants was organized only in the Reception Centre in Zagreb, since the Reception Centre in **Kutina** was closed due to construction work on the facility.

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.³⁶⁰

³⁵⁵ Information provided by MDM, 19 January 2022.

³⁵⁶ 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>.

³⁵⁷ Article 56(6) LITP.

³⁵⁸ Information provided by the Croatian Red Cross, 18 March 2019.

³⁵⁹ Information provided by the Croatian Red Cross, 18 March 2019.

³⁶⁰ Article 20 Ordinance on the Realisation of Material Reception Conditions.

Kitchens, equipped by the Croatian Red Cross, where applicants can prepare meals by themselves, are provided in the Reception Centres in **Kutina**,³⁶¹ and in **Zagreb**.³⁶² However, there is no information available whether kitchens were in function in 2020 and 2021 due to pandemic.

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.³⁶³

2.2. Activities in the centres

The staff of the Ministry of Interior working in the reception centres was generally sufficient. In 2020 and 2021, the main challenges resulted from the COVID-19 pandemic. Access to reception centres was restricted from March 2020 until the end of 2021, with the exception of personnel of the Ministry of Interior, Croatian Red Cross and MdM who ensured the normal functioning of the facilities.³⁶⁴ Apart from CRC and MdM, other civil society organisations were not present in the centres in the course of 2021. In 2021, as in previous years, most of the applicants did not stay for long periods in the Reception Centres as they In 2021, **Croatian Red Cross (CRC)** continued to carry out activities with applicants for international protection in Reception Centres in **Zagreb** and **Kutina**.³⁶⁵ Applicants were provided with psychosocial support and social activities were organised.

CRC also provided assistance in the implementation of the medical programme in Reception Centres. More precisely, the CRC carried out the following activities in the Reception Centres in **Zagreb** and **Kutina**:

- reception of newly arrived applicants for international protection,
- accommodation in isolation,
- distribution of hygiene packages, baby diapers, baby hygiene, bedding, blankets, towels, clothing and footwear, including the purchase of clothing, footwear and underwear,
- ensuring the availability of washing machines, washing powder,
- arrangement of the interior and environment of the Reception Centre,
- distribution of meals during the stay in isolation,
- providing information on hygiene in order to promote hygienic habits and healthy lifestyles and health,
- activities such as billiards, creative workshop, library, hair salon,
- providing access to health care and assistance to applicants when going for medical examinations,
- provision of medicines and other medical supplies for applicants on the recommendation of a doctor,
- provision of food and other necessities on the recommendation of a doctor, including food for babies and young children,
- provision of orthopaedic on the recommendation of a doctor,
- procurement of medical equipment, accessories and supplies, including small furniture for outpatient clinics in Reception Centre,
- organising care for children of single parents during their visits for medical examinations,
- activities for children, especially preschool children,
- support to parents in the care and upbringing of children,
- assistance to children in school enrolment and learning,

³⁶¹ Information provided by the Croatian Red Cross, 18 March 2019.

³⁶² Information provided by the Croatian Red Cross, 20 December 2019.

³⁶³ Ministry of Interior, 'Working together to successfully integrate asylum seekers', 3 March 2019, available in Croatian at: <https://bit.ly/34f1kWp>.

³⁶⁴ 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>.

³⁶⁵ Information provided by CRC, 4 January 2022.

- Croatian language workshops,
- informatics workshops for children and adults, and
- providing psychosocial support to applicants for international protection through initial and individual and group interviews/support.

Until April 2021, the work of the CRC team was organised in rotations i.e. a team A and team B worked in rotations for two weeks. The work was organised in two shifts from 8 am to 4 pm, and from 12 pm to 8 pm, and on weekends and during holidays from 8 am to 2 pm. The focus of the CRC activity was on the reception of new applicants, as there was a great fluctuation of applicants throughout 2021. Depending on the epidemiological situation, the activities were adapted to the situation. However, activities that took place in continuity were those related to the psychosocial support, the health programme, medical assistance, procurement of aids and other medical supplies, online teaching and school-related activities (e.g. learning and helping with homework, learning the Croatian language).

CRC reduced direct work with applicants during their accommodation in isolation. For applicants in isolation, CRC was delivering meals three times a day, packages of clothing and footwear and hygiene. Also, all rooms were equipped with cleaning products.

Organisations continued with providing assistance and activities also outside the Reception Centre:

- In 2020, AYS reported that they had access to the Reception Centre until 17 March 2020, after which all providers of activities who had signed agreements with the Ministry of Interior had to suspend their activities in the Centre due to the spread of COVID-19.³⁶⁶ 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. AYS reported that, due to the epidemiological situation and the relevant measures in place, there was a lack of integration activities and support for asylum seeking children when integrating into the school system. Another problem reported by AYS was the lack of access to free internet services (WiFi) within centres, after the introduction of epidemiological measures. Prior to COVID-19, applicants usually had access to wifi in the hallways, but such gatherings were not possible during COVID.

In 2021, AYS continued to run a so-called "free shop" where applicants for and beneficiaries of international protection could get clothes, shoes, hygiene items, dishes and other household items free of charge.³⁶⁷ According to AYS, applicants accommodated in the Reception Centre for Applicants of International Protection informed them that the distribution of clothing and hygiene in the Reception Centre was insufficient to meet basic living needs and that clothes were often not suitable for the weather conditions. Furthermore, during the stay in mandatory quarantine upon arrival at the Reception Centre, applicants were allegedly not provided with clothing.

AYS also provides support in learning the Croatian language. At the end of November 2021, free Croatian language courses for beginners started. The course is intended for both applicants of international protection and persons who were granted international protection and it took place in the premises of the AYS integration centre.

- In 2021, the Rehabilitation Centre for Stress and Trauma carried out sporadically and on voluntarily basis psychological counselling with the applicants for international protection due to lack of funding.³⁶⁸

The Croatian Law Centre's (CLC) lawyers were providing legal counseling to interested applicants mostly through telephone and e-mail due to the pandemic, although in specific cases meetings with clients were also held in CLC premises.

³⁶⁶ Information provided by Are you Syrious, 2 February 2021

³⁶⁷ Information provided by Are You Syrious, 7 February 2022.

³⁶⁸ Information provided by the Rehabilitation Centre for Stress and Trauma, 14 January 2022.

The Jesuit Refugee Service (JRS) reported that they provided their legal counseling activities for applicants of international protection in their Centre for Integration of Refugees SOL in 2021 due to measures introduced to combat the spread of the COVID-19 in the Reception Centre for Applicants of International Protection.³⁶⁹

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 outside or in an online format in 2021. In 2021, 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. CPS provided legal assistance to applicants for international protection in CPS premises but also online, by e-mail, and by telephone. In addition, CMS carried out other activities such as providing support in learning the Croatian language, support in job search, providing information about life in Croatia, carrying out workshops on the topic of employment, racism and discrimination, as well as psychosocial support. The majority of activities took place in CPS premises, in their collaborating organisations or online.³⁷⁰

IOM implemented the voluntary return and reintegration programme (AVRR.hr)³⁷¹ After the outbreak of the pandemic in 2020, 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).

The Assisted Voluntary Return and Reintegration Project (AVRR), was extended until 31 December 2021.³⁷² According to IOM, the number of applicants for international protection and irregular migrants covered by AVVR decreased significantly in 2021.³⁷³ Due to the COVID-19 pandemic, access to Reception Centres for applicants of international protection in **Zagreb** and **Kutina** was limited in order to prevent the spread of the SARS-CoV-2 virus, so IOM had to adjust its activities, relying on officials working in the Centre and employees of non-governmental organisations that provide necessary services to applicants. The number of visits to the centres has been reduced to include interviews according to the expressed interest for voluntary return. Due to the planned reduced number of visits, a sufficient number of informative multilingual posters and leaflets were sent to Reception Centre so that applicants can refer to IOM in case they wish to voluntary return. Open communication channels were regularly maintained with employees of the Ministry of the Interior and NGOs working in Reception Centres.

2.3. Duration of stay in the centres

No information on the average length of stay in the reception centres in 2019,2020 and 2021 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.

³⁶⁹ Information provided by JRS, 15 February 2022

³⁷⁰ Information provided by Centre for Peace Studies, 10 January 2022.

³⁷¹ Information provided by IOM, 30 December 2020.

³⁷² EMN Bulletin Number 34, January – March 2021, available at: <https://bit.ly/3MuY4Ms>;

³⁷³ Information provided by IOM, 7 February 2022.

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.³⁷⁴ 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.³⁷⁵ 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.³⁷⁶ In 2020, one attorney reported the same issue.³⁷⁷

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.³⁷⁸

One attorney reported that it was observed in 2020 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.³⁷⁹

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 2019.³⁸⁰ According to the data of the CES, 2 applicants for international protection (of which 1 woman) were registered in their records of unemployed persons on 31 December 2021, while 1 applicant for international protection was receiving individual counselling at CES.³⁸¹

Applicants can work on a voluntary basis in both Reception Centres.³⁸² According to the Ordinance on the Realisation of Material Reception Conditions, applicants accommodated in the Reception Centre for Applicants for International Protection may, at their own request and with a signed statement, assist in activities related to the maintenance of the centre and housing such as cleaning, landscaping, gardening, help in storehouse, washing, ironing, painting the walls, etc., and can be voluntarily involved in work for the benefit of local community or the work of humanitarian organisations.

³⁷⁴ Article 61(1) LITP.

³⁷⁵ Article 61(5) LITP.

³⁷⁶ Information provided by the attorney at law, 16 January 2020.

³⁷⁷ Information provided by an attorney-at-law, 26 January 2021.

³⁷⁸ Article 61(2)-(3) LITP.

³⁷⁹ Information provided by an attorney-at-law, 26 January 2021.

³⁸⁰ Article 14 Law on Labour Market, Official Gazette 118/2018, 32/2020, 18/2022.

³⁸¹ Information provided by the Croatian Employment Service, 11 January 2022.

³⁸² Article 19 Ordinance on the Realisation of Material Reception Conditions.

Are You Syrious (AYS) reported that during 2021 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).³⁸³ 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.

Centre for Peace Studies held workshops on job search.³⁸⁴

The Croatian Red Cross drafted a leaflet for employers on the employment of applicants for international protection and beneficiaries of international protection in cooperation with UNHCR,³⁸⁵ The leaflet was presented in December 2021 at the round table "Economic Empowerment of Refugees and Employment Opportunities". Once finalized, the leaflet will be available online in Croatian and English,

2. Access to education

Indicators: Access to Education

1. Does the law provide for access to education for asylum-seeking children? ☒ Yes ☐ No
2. Are children able to access education in practice? ☒ Yes ☐ No

The right to education is a constitutional right for all children staying in Croatia. According to the LITP, only child applicants (i.e. those under 18) are entitled to primary and secondary education.³⁸⁶ 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.³⁸⁷

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.³⁸⁸ 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.

AYS reported that the problems related to inclusion of children to preparatory classes persisted in 2021. According to them, in practice, organisation of preparatory classes is extremely lengthy and children often wait for months before preparatory classes are approved. Also, some children have to go to another school for preparatory classes, and as a result, they cannot attend part of classes at their own school. 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.³⁸⁹

³⁸³ Information provided by AYS, 7 February 2022.

³⁸⁴ Information provided by Centre for Peace Studies, 10 January 2022.

³⁸⁵ Information provided by CRC, 4 January 2022.

³⁸⁶ Article 58(1) LITP.

³⁸⁷ Article 58(3) LITP.

³⁸⁸ 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).

³⁸⁹ Information provided by Are You Syrious, 2 February 2021.

In 2021, Centre for Peace Studies (CPS) published the thematic report "Education of Children of Asylum Seekers and Refugees in the Republic of Croatia - (In) readiness for quality inclusion in the education system".³⁹⁰ The report analyses the response of the Republic of Croatia to the needs of children, with a specific focus on access to education but also the identified difficulties and existing legislative framework. In addition, the report provides some examples of good practices.

According to the Ministry of Science and Education, in order to be included in the educational system, candidates are required to have the 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, passport or corresponding document of the Ministry of the Interior of the Republic of Croatia); and a document on previous education.³⁹¹ 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.

According to the Ministry of Labour, Pension System, Family and Social Policy, unaccompanied children faced obstacles to accessing primary and secondary education. The problems include a lack of documentation proving these children's previous education, acquired knowledge and skills; lengthy school enrolment processes (especially in secondary schools); too few interpreters; issues with age assessment; and local community resistance.³⁹²

The ombudsperson for children reported that during 2021, most children left Reception Centres for Applicants for International Protection even though their inclusion in the education system had already begun. There are still difficulties when a child has reached the age of 15 and has not completed primary school in the country of origin or in the country of refuge. Children over the age of 15 who have not completed primary education can join the Adult Primary Education program, but in fact they lose the right to a regular education. Insufficient engagement of special guardians to initiate the process of inclusion in the education system was also reported by the Ombudsperson for Children.³⁹³

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? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Do asylum seekers have adequate access to health care in practice? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> Limited <input type="checkbox"/> No |
| 3. Is specialised treatment for victims of torture or traumatised asylum seekers available in practice? | <input type="checkbox"/> Yes | <input type="checkbox"/> Limited <input checked="" type="checkbox"/> No |
| 4. If material conditions are reduced or withdrawn, are asylum seekers still given access to health care? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited <input type="checkbox"/> No |

1. Primary health care

Applicants are entitled to health care. However, the LITP prescribes that health care includes emergency care and necessary treatment of illnesses and serious mental disorders.³⁹⁴

³⁹⁰ Information provided by Centre for Peace Studies, 10 January 2022. See also: <https://bit.ly/35VYJFI>.

³⁹¹ 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.

³⁹² FRA, Migration: Key fundamental rights concerns- January- June 2021, *Quarterly bulletin*, available at: <https://bit.ly/3w1ydGj>.

³⁹³ Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2021*, available in Croatian: <https://bit.ly/3Kyq3jw>.

³⁹⁴ Article 57(1) LITP.

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.³⁹⁵ 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.³⁹⁶

Medical assistance is available in the Reception Centres for Applicants for International Protection in **Zagreb** and **Kutina**. While no information is available for the period from 2019 until the end of 2021, 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.³⁹⁷ In the Health Centre, a competent ambulance (family medicine) has been designated for the provision of health care from the primary health care level for chronic and life-threatening illnesses. A specialist ambulance for vulnerable groups has been appointed by the Ministry of Health and Local Health Centres. This includes: paediatric ambulance, gynaecological ambulance, school medicine ambulance, neuropsychiatric ambulance at the Hospital of **Kutina**, ambulance for addiction treatment; dental ambulances and Psychiatric Hospital in **Zagreb**.

In addition, applicants are referred to local hospitals i.e. in **Sisak** for those accommodated in Kutina, and the Hospital of **Zagreb**. The competent pharmacies, one in Zagreb and one in Kutina, have also been determined. Vaccination is performed by doctors in health centres or by specialists of school medicine.

A medical team of MdM was present at the Reception Centre in **Zagreb** every working day.³⁹⁸

Due to outbreak of COVID 19, after being accommodated in Reception Centres for Applicants of International Protection, applicants for international protection were placed quarantine.

Until June 2021, the self-isolation period lasted 14 days for all newcomers who arrived from Bosnia and Herzegovina, Serbia and other high-risk countries, while from June 2021 the self-isolation period was shortened to 10 days (except for persons returned under the Dublin Regulation, whose duration of self-isolation remained at least 14 days).³⁹⁹

At the beginning of the COVID-19 pandemic, the Croatian Institute for Public Health issued Protocol related to testing for COVID-19 / SARS-CoV-2.⁴⁰⁰ The protocol states that, among others, applicants for international protection and refugees belongs to priority groups for testing.

³⁹⁵ Official Gazette 28/2020, available in Croatia at: <https://bit.ly/3asTWel>.

³⁹⁶ Article 9 (1) (4) Ordinance on health care standards for applicants for international protection and foreigners under temporary protection

³⁹⁷ Information provided by the Ministry of Interior, 28 January 2019.

³⁹⁸ Information provided by MdM, 19 January 2022.

³⁹⁹ Information provided by MdM, 19 January 2022.

⁴⁰⁰ 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>.

Information posters and/or leaflets on COVID 19 and hygiene were prepared by the Croatian Institute for Public Health and Ministry of the Interior,⁴⁰¹ Médecins du Monde (Mdm),⁴⁰² and the Croatian Red Cross.⁴⁰³

In July 2021, the government decided to provide access to COVID-19 vaccination both to Croatian citizens and other persons who hold foreign citizenship and who do not have status of insured persons in the Republic of Croatia.

Complementary services by NGOs

In 2021, the MDM-Belgique team consisted of a medical doctor, a nurse and interpreters for Arabic and Farsi (4 interpreters in total).⁴⁰⁴ The MDM-BELGIQUE team provided health care for applicants for international protection in the Reception Centre for Applicants for International Protection and facilitated their access to public health institutions in order to gain access primary health care, specialist-consultative and diagnostic examinations and treatment. This included conducting initial health examinations of newly arrived applicants and providing continuous health consultations in the premises of the Reception Centre (work with patients: 6 hours every working day) in order to facilitate access to a general practitioner of the Ambulance for applicants for international protection at the local Health Centre. These activities enabled the MDM-BELGIQUE medical team to assess the health status of applicants for international protection and to organise appropriate treatment and additional health care following the recommendation of a general practitioner of the Ambulance for applicants for international protection (if referral is required).

In order to provide comprehensive support and care to patients, the community worker / social worker and interpreters/cultural mediators provided practical support to applicants for international protection in terms of interpretation, provision of information and counselling, transport of patients to health care facilities. 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 2021 through the cooperation with Health Centre, **Andrija Stampar Teaching Institute of Public Health** and the Croatian Institute of Public Health and MDM-BELGIQUE.

In 2021, the Mdm's medical team carried out 1,603 medical consultations with applicants for international protection, out of which 211 initial medical examinations. Out of the 1,603 medical consultations: 44.3% were performed with women and 21.6% with children. The most represented nationalities were **Afghans** (42.1%) **Iranians** (10.3%) and **Iraqis** (8.2%). In addition, a total of 588 transports of 310 applicants for international protection to health care facilities for the necessary specialist and diagnostic treatment were performed (including 93 transports for children to paediatricians/vaccinations/school medicine specialists). In addition, 53 transports / escorts to public health facilities were also provided for the purpose of vaccination against the virus SARS CoV-2.

Applicants for international protection were informed about the maintenance of hygiene, health care and protection primarily during medical consultations and health examinations, especially during the initial medical examinations of newly arrived applicants and during organised preventive health workshops. A total of 10 workshops were held in 2021 for 91 applicants.

Two Mdm's psychologists conducted initial psychological assessments and individual psychological counselling sessions every working day for 6 hours and emergency interventions as needed. An external associate- psychiatrist visited the Reception Centre in **Zagreb** three times a month. Compared to 2020,

⁴⁰¹ 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>.

⁴⁰² Mdm, 'Washing hands poster', 2020, available in several languages at: <https://bit.ly/3vfZJw1>.

⁴⁰³ Croatian Red Cross information on available sources of information on COVID-19, available in Arabic at: <https://bit.ly/3avMuPT>.

⁴⁰⁴ Information provided by Mdm, 19 January 2022.

there was an increase in the number of reports on sexual and gender based violence (SGBV) during 2021, i.e. violence experienced within the Reception Centre, during transit or in the country of origin. MDM-BELGIQUE psychologists offered adequate psychological help and support and, if necessary, included them in adequate psychological and / or psychiatric treatment.

The Mdm team provided 657 individual psychological counselling sessions and 136 specialist psychiatric examinations in the course of 2021. Moreover, 7 informative-preventive workshops on mental health care were held with the participation of a total of 54 applicants for international protection as well as 6 workshops for a total of 72 women and girls.

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 2021, 58 pregnant women were accommodated in the Reception Centre.

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.

Mdm noted that the proportion of women, children, families, patients with chronic or serious illnesses, as well as people with disabilities, continued in 2021 among applicants. In addition, during 2021, there were five accidents in which foreigners were seriously injured while some of them died. (see more under [Access to the territory and pushbacks](#)). The victims suffered severe bodily injuries, which required daily care in conditions which were not intended for the treatment of such injuries. In addition, applicants needed adequate psychological assistance in the form of crisis interventions, individual psychological counselling group work and psychiatric care in order to try to overcome the trauma experienced, develop and strengthen psychological resilience and adequate coping mechanisms with traumatic experience, and maintain and / or improve functionality after a traumatic experience. All of the above required additional efforts from the MDM-BELGIQUE team.

Since March 2020 and during the whole 2021 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** and provision of health care to applicants who were affected by COVID-19. 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 until 1 March 2021, 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 doctor was hired. The total number of persons in preventive quarantine reached

2,797 persons in 2021. Out of the total number of persons in quarantine (2,797), 420 persons were tested during the year, out of which only 48 were tested positive on COVID-19.

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.

MDM-BELGIQUE supported the organisation of vaccination of applicants for international protection against COVID-19, which was carried out in the Reception Centre by the Croatian Institute of Public Health team on two occasions- i.e. on 19 July 2021 (79 applicants vaccinated) and on 28 December 2021 at the Shelter in Zagreb (67 applicants vaccinated). As of August 2021, regular transport / escorts to public health facilities for vaccination against COVID-19 were provided on regular basis.

However, MdM reported that the coronavirus pandemic continued to be 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".⁴⁰⁵ 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.

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,.

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.⁴⁰⁶ 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. The project will end on 31 December 2022.

2. Mental health

Psychological counselling and support was provided by MdM during 2021.⁴⁰⁷ Two MdM's psychologists conducted initial psychological assessments and provided individual psychological counselling sessions every working day for 6 hours, as well as emergency interventions as needed. An external associate-psychiatrist visited the Reception Centre in **Zagreb** three times a month. The MdM team provided 657 individual psychological counselling sessions and 136 specialist psychiatric examinations in the course of 2021. MDM reported that the organisation of preventive and treatment interventions related to the mental health of applicants for international protection is working well thanks to the established and

⁴⁰⁵ 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>.

⁴⁰⁶ Ministry of Interior: Decision on the allocation of financial resources 31 July 2020, available in Croatian at: <https://bit.ly/3eiRKat>.

⁴⁰⁷ Information provided by MdM, 19 January 2022.

improved interdisciplinary cooperation of MDM – BELGIQUE with a general practitioner, psychologist and psychiatrist, as well as due to referrals to psychiatric hospitals, Institute for Child and Adolescent Psychiatry and Psychotherapy of the University Hospital Centre Zagreb and the Child and Youth Protection Center of the City of Zagreb, which are supported by interpreters and MDM staff as needed.

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.⁴⁰⁸ 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).⁴⁰⁹

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".⁴¹⁰ The Standard Operational Procedure was developed in cooperation with the Ministry of Interior, UNHCR, IOM, MDM-BELGIQUE, the Croatian Red Cross and the Croatian Law Centre. It entered into force in April 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.⁴¹¹ The LITP provides special procedural and reception guarantees (see section on [Special Procedural Guarantees](#)).

⁴⁰⁸ Article 57(2) LITP.

⁴⁰⁹ Official Gazette 28/2020, available in Croatia at : <https://bit.ly/2QKE3ZK>.

⁴¹⁰ Information provided by MdM, 17 January 2021.

⁴¹¹ Article 4(1)(14) LITP.

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.⁴¹² 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.⁴¹³

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.⁴¹⁴

Applicants with special health care needs shall be provided a special diet, based on the recommendations of the physician.⁴¹⁵

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 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.⁴¹⁶

In 2020, the NGO Rehabilitation Centre for Stress and Trauma (RCT) 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.⁴¹⁷ The similar was reported by RCT in 2021.⁴¹⁸

⁴¹² Article 56(4) LITP; Article 6(1) Ordinance on the Realisation of Material Reception Conditions.

⁴¹³ Article 7(3) Ordinance on the Realisation of Material Reception Conditions.

⁴¹⁴ Article 12(1)-(3) Ordinance on the Realisation of Material Reception Conditions.

⁴¹⁵ Article 20(2) Ordinance on the Realisation of Material Reception Conditions.

⁴¹⁶ Information provided by the Ministry of Interior, 28 January 2019.

⁴¹⁷ FRA, *Migration: Key fundamental rights concerns - Quarterly bulletin 4 – 2020*, available at: <https://bit.ly/3avkqMn>.

⁴¹⁸ Information provided by the Rehabilitation Centre for Stress and Trauma, 14 January 2022.

Centre for Peace Studies (CPS) also pointed out that there is still an inadequate system for identifying vulnerable groups within Reception Centres for Applicants of International Protection and Reception Centre for Foreigners. CPS also reported the questionable level of providing psychological support to applicants in reception centres suffering from trauma, PTSD and similar conditions in which quality, professional, individualised psychological support is needed⁴¹⁹

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.⁴²⁰

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.⁴²¹

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.⁴²² However, according to the Ombudsperson for Children due to the increased number, children are accepted in other social welfare institutions.

The Ombudsperson for Children reported a lack of accommodation capacity, for example in relation to the Centre in Zagreb where unaccompanied children are accommodated. The number of accommodated children is not in accordance with the Ordinance on the minimum conditions for the provision of social services. In addition, there are not enough human resources, both professionals and accompanying support and technical staff to accommodate a larger number of children. Ombudsperson for Children received data on significantly higher needs for the care of unaccompanied children compared to the available capacities. As a result, only the minimum conditions for adequate care can be provided. There is also a lack of medical staff due to the continuing need for hygienic and medical care, as children, due to long-term poor living conditions, are neglected and in poor health condition. Social welfare Institutions where unaccompanied children are accommodated informed Ombudsperson for Children of the lack of systematic support from interpreters, which is why professionals communicate with children using Google Translate or English.⁴²³

⁴¹⁹ Information provided by the Centre For Peace studies, 10 January 2022.

⁴²⁰ Article 10(3) LITP.

⁴²¹ Information provided by the Centre For Peace studies, 10 January 2022.; see also Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2021*, available in Croatian: <https://bit.ly/3rhAPfQ>.

⁴²² 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>.

⁴²³ Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2021*, available in Croatian at: <https://bit.ly/3ri402d>.

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

A new Law on Foster Care, which entered into force on 1 January 2019 has opened the possibility for unaccompanied children to be accommodated in the foster families.⁴²⁴ According to Ombudsperson for Children, 3 unaccompanied children were placed in foster families in the course of 2021.⁴²⁵

Due to COVID 19 pandemic, 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.

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.⁴²⁶ 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.⁴²⁷ However in January 2022, the decision to implement the project was revoked considering that the funds of the mentioned project were intended for the reception and early integration of unaccompanied minor girls who were supposed to be relocated from Greece through the solidarity programme. After the girls applied for international protection at the airport in the Netherlands on their way to Croatia in April 2021, a notification was received by Croatia in December 2021 cancelling the transfer to Croatia as the competent Dutch court had designated the Netherlands as the state responsible for deciding on their applications for international protection.⁴²⁸

The Centre for Peace Studies stressed that inadequate accommodation, the right to access education, health care and family reunification are the most problematic obstacles faced by unaccompanied children in Croatia.⁴²⁹ The Croatian Red Cross reported that they have implemented two projects in 2021 aimed at supporting unaccompanied children and experts working with unaccompanied children.⁴³⁰ Since unaccompanied children are accommodated in various accommodation facilities where they often do not have services tailored to their needs and available interpreters, CRC mobile team conducted a large number of visits to those institutions to provide psychosocial support to children and provide material services (such as clothing and school supplies) in 2021. An initial needs assessment was conducted with each child involved in the projects in order to gather information about the child and determine needs and priorities. For some children who expressed a desire for further support or needed additional information, individual support continued. The CRC Tracing Service further assisted unaccompanied or separated children in finding their family members and in re-establishing contact with family members, and provided support to separated families and / or guardians in the process of reuniting with family members, in collecting relevant documentation and provided assistance in contacting institutions in countries where family members are located.

The City Red Cross Society Karlovac and Split were also taking part in some of the activities in 2021. Implemented activities included: providing psychosocial support, enabling contacts with family members, teaching the Croatian language with the help of volunteers, socialisation workshops, involvement in activities in the local community, etc.

⁴²⁴ Official Gazette 115/2018, available in Croatian at: <https://bit.ly/2xP8gh5>.

⁴²⁵ It is not clear whether they were applicants for international protection. Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2021*, available in Croatian: <https://bit.ly/3LYKiki>.

⁴²⁶ EMN, *Migration Bulletin*, February 2021 available at: <https://bit.ly/2QohgDc>.

⁴²⁷ 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>.

⁴²⁸ Ministry of Interior, Decision on revocation of the decision on the allocation of funds for the implementation of the project "New Home", available in Croatian: <https://bit.ly/35UVX3E>.

⁴²⁹ Information provided by Centre for Peace Studies, 10 January 2022.

⁴³⁰ Information provided by CRC, 4 January 2022;

The shortcomings observed by CRC include the following: inappropriate accommodation for unaccompanied children, insufficient number of available specialised services adapted to their age and needs, unavailability of interpreters and in most of the cases late inclusion or non-inclusion in the educational system, primarily for children aged 15-18. Additional challenges include difficulties in dealing with stress due to separation and / or loss of contact with family members, language barriers and lack of interpreters for certain languages, assessment of the child's age, lack of trained special guardians and lack of documentation as proof of identity or previous education.

During 2021, CRC held 3 trainings with the participation of 67 experts from institutions where unaccompanied children are accommodated and from the competent Centers for Social Welfare. Participants had the opportunity to acquire knowledge and skills on specific needs and mental health of unaccompanied children and psychosocial support for unaccompanied children, as well as the rights of unaccompanied children in the procedure for international protection. Two trainings were further held for CRC's volunteers in order to prepare them for activities with unaccompanied children aimed at reducing the negative effects of institutionalised accommodation, strengthening the social network and increasing the involvement and connection with the local community.

In 2021, CRC prepared leaflets with basic information about the project "Integrative Support to Unaccompanied Children" The leaflet is intended for the public and professionals who are in contact with unaccompanied children in order for them to be informed about the services and activities carried out within the project.

In 2021, the Croatian Law Centre in cooperation with - and with financial support from - UNHCR, organised three workshops on the topic „*The Protection of Unaccompanied Children: Procedure and Exercising Rights After the Accommodation of Children*” targeting special guardians and social workers of Centres for Social Welfares and Children Homes and Residential Child Care Institutions.

In its Annual report on 2021, the Ombudsperson for Children states that, according to the data of the Ministry of Interior, 1181 children seeking international protection were registered in 2021. Out of the total number of children seeking international protection, 195 were unaccompanied. Application for international protection was submitted for 151 unaccompanied children, of which two children were granted protection while for 37 children the procedure is still ongoing. For five children, the application was dismissed as the responsibility of another Member State was established, and in several cases the procedure was suspended as the children left the residence. Out of a total of 195 unaccompanied children, 131 children were accommodated in the Reception Centre for Applicants for International Protection, while 64 of them were placed in social welfare institutions.⁴³¹

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.⁴³²

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,

⁴³¹ Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2021*, available in Croatian: <https://bit.ly/377CLR6>.

⁴³² Article 57(2) LITP.

amongst other, also the scope of health care for vulnerable groups.⁴³³ 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 entered into force in 2021.

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.⁴³⁴

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.⁴³⁵

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,⁴³⁶ as well as information on legal counselling, accommodation and daily life,⁴³⁷ health care,⁴³⁸ education,⁴³⁹ obligation to respect the legal framework and customs of the Republic of Croatia,⁴⁴⁰ and cultural features in the local community.⁴⁴¹ The videos were made with English subtitles and synchronized to Arabic.

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

⁴³³ Official Gazette 28/2020, 13 March 2020, available in Croatia at : <https://bit.ly/2PcZGBM>.

⁴³⁴ Article 59(2) LITP.

⁴³⁵ Information provided by the Ministry of Interior, 2 March 2017.

⁴³⁶ The video is available at: <https://bit.ly/3awCMN4>.

⁴³⁷ The video is available at: <https://cutt.ly/qvKPaQo>.

⁴³⁸ The video is available at: <https://cutt.ly/6vKPjJp>.

⁴³⁹ The video is available at: <https://cutt.ly/YvKPcY4>.

⁴⁴⁰ The video is available at: <https://cutt.ly/YvKPQut>.

⁴⁴¹ The video is available at: <https://cutt.ly/6vKPTPm>.

Ministry of the Interior,⁴⁴² Médecins du Monde (MdM),⁴⁴³ and Croatian Red Cross.⁴⁴⁴ 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.

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.⁴⁴⁵

2. Access to reception centres by third parties

Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?

☒ Yes

☐ With limitations

☐ No

Relevant legislation does not contain any specific provisions on the access of third parties to the Reception Centres for Applicants for International Protection, but in practice family members, legal advisers, UNHCR and NGOs have access to these centres.

Also, both Reception Centres are open facilities and applicants may leave the centre according to the house rules and are able to meet anyone outside. According to the LITP, the Croatian Red Cross, UNHCR and other organisations involved in the protection of refugee rights or doing humanitarian work, may conduct pedagogical, educational and similar activities and provide other types of assistance at the reception centres, subject to prior authorisation by the Ministry of Interior.⁴⁴⁶

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

In practice, access to the centres by UNHCR and other relevant NGOs has not seemed to be problematic in the past. 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.⁴⁴⁷

As of mid-March 2020 until the end of 2021, 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.

⁴⁴² Croatian Institute for Public Health and Ministry of Interior leaflets available at: <https://bit.ly/3tJ9d2v>; <https://bit.ly/3gx4ehl>.

⁴⁴³ MdM, *Washing hands*, available at: <https://bit.ly/3v7ISMx>; <https://bit.ly/3sBfiws>.

⁴⁴⁴ Croatian Red Cross information on available sources of information on COVID-19, available in Arabic at: <https://bit.ly/3n89ut5>.

⁴⁴⁵ NGO Roda, *Koronavirus i trudnoća, porod i dojenje na engleskom jeziku*, available in Croatian and other languages at: <https://bit.ly/3v9MX1P>.

⁴⁴⁶ Article 56 (2) LITP.

⁴⁴⁷ 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>.

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2021: ⁴⁴⁸	Not available
2. Number of asylum seekers in detention at the end of 2021:	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.⁴⁴⁹ This brings the total capacity of detention centres to 219 according to information provided by the Ministry of Interior in 2019. No information is available whether this has changed in the course of 2020 and 2021. 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.⁴⁵⁰ 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**.⁴⁵¹

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.⁴⁵² The applicant considered that said provision is contrary to Article 22 para. 2 of the Constitution,⁴⁵³ 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).

⁴⁴⁸ Including *both* applicants detained in the course of the asylum procedure and persons lodging an application from detention.

⁴⁴⁹ Information provided by the Ministry of Interior, Border Directorate, 6 February 2019.

⁴⁵⁰ Ministry of Interior, *Statistical overview of basic safety indicators and work results in 2020*, available at: <https://bit.ly/33SizgV>, 161.

⁴⁵¹ Information provided by the Ministry of Interior, Border Directorate, 6 February 2019.

⁴⁵² Constitutional Court, Decision Number: U-I-503/2018, 24 June 2020, available in Croatian at: <https://bit.ly/3wY8SLs>.

⁴⁵³ 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.⁴⁵⁴ Detention may be ordered for 4 reasons,⁴⁵⁵ 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:⁴⁵⁶

- 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 2018.⁴⁵⁷ No information on detention during the Dublin procedure is available for 2021.

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

⁴⁵⁴ Article 54(5) LITP.

⁴⁵⁵ Article 54(2) LITP.

⁴⁵⁶ Article 54(4) LITP.

⁴⁵⁷ Information provided by the Ministry of Interior, 28 January 2019.

of movement.⁴⁵⁸ 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, in 2019 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.⁴⁵⁹ The similar was reported in 2021 by two attorneys at law.⁴⁶⁰

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.⁴⁶¹

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.⁴⁶²

In 2021, the Ombudperson conducted one investigative proceedings in regard to preventing access to international protection in the reception center for foreigners.⁴⁶³

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

⁴⁵⁸ Article 54(6) LITP.

⁴⁵⁹ Information provided by attorneys at law on 3 December 2019, 6 December 2019, 16 December 2019 and 21 January 2020.

⁴⁶⁰ Information provided by attorneys at law on 27 December 2021 and 29 December 2021.

⁴⁶¹ Information provided by the Ministry of Interior, 2 March 2017.

⁴⁶² Information provided by the Ministry of Interior, Border Directorate, 17 August 2018.

⁴⁶³ Ombudsperson, *Annual report 2021*, available in Croatian at: <https://bit.ly/37ypocG>.

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.⁴⁶⁴

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.⁴⁶⁵ No information is available for 2019, 2020 and 2021.

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.⁴⁶⁶ Moreover, it provides for detention of unaccompanied children, although for as short a period as possible.⁴⁶⁷ No information is available on the number of vulnerable applicants who were detained in the detention centres in the course of 2019, 2020 and 2021.

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.⁴⁶⁸

While there is no data on the use of detention for applicants for international protection in 2021, the Ombudsperson for Children reported that the freedom of movement of 37 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**.⁴⁶⁹

4. Duration of detention

Indicators: Duration of Detention

1. What is the maximum detention period set in the law (incl. extensions): 6 months
2. In practice, how long in average are asylum seekers detained? Not available

⁴⁶⁴ Article 54(11) LITP.

⁴⁶⁵ Information provided by the Ministry of Interior, 28 January 2019.

⁴⁶⁶ Article 54(7) LITP.

⁴⁶⁷ Article 54(8) LITP.

⁴⁶⁸ Border Violence Monitoring Network, October 2019, available at: <https://bit.ly/2wnErUo>.

⁴⁶⁹ Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2021*, available in Croatian: <https://bit.ly/3v8N0wL>.

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.⁴⁷⁰

According to the Ministry of Interior the average duration of detention of applicants in 2018 was 3 months.⁴⁷¹ However no information is available since 2019.

C. Detention conditions

1. Place of detention

Indicators: Place of Detention

1. Does the law allow for asylum seekers to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)? ☐ Yes ☒ No
2. If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure? ☐ Yes ☒ No

1.1. Pre-removal and transit detention centres (“Reception Centres for Foreigners”)

Applicants for international protection are detained in the same premises as irregular migrants.⁴⁷²

There is a pre-removal detention centre (“Reception Centre for Foreigners”) in **Ježevo**, 30km from **Zagreb**, which has a total capacity of 95 places.⁴⁷³ 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.

According to the CPT report, the separate two-storey residential unit for vulnerable groups in the Reception centre for Foreigners in Ježevo consisted of five three-bedded rooms (each measuring 10 m²) and four four-bedded family rooms (each measuring approximately 16 m²) all of which have an adjoining sanitary annex equipped with a toilet, washbasin, and shower. The unit also possessed a spacious communal room, a kitchen for the preparation of food for children and a playground. The premises were in an adequate state of repair and hygiene and provided ample space and equipment.⁴⁷⁴

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.⁴⁷⁵ Each centre can accommodate 62 migrants, and include a separate wing for vulnerable groups with 12 places.⁴⁷⁶

The activities performed by these centres are defined by the Decree on Internal Organisation of the Ministry of Interior,⁴⁷⁷ 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

⁴⁷⁰ Article 54(10) LITP.

⁴⁷¹ Information provided by the Ministry of Interior, 28 January 2019.

⁴⁷² Article 54(5)-(6) LITP.

⁴⁷³ Information provided by the Border Directorate, 30 January 2018.

⁴⁷⁴ Council of Europe, Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 14 August 2020, available at: <https://rm.coe.int/1680a4c199>

⁴⁷⁵ ECRE, *Balkan route reversed*, December 2016, 17.

⁴⁷⁶ Information provided by the Border Directorate, 6 February 2019.

⁴⁷⁷ Official Gazette 97/2020, 7/2022 Article 100f, Article 409 and Article 674.

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,⁴⁷⁸ places of deprivation of liberty for the accommodation of irregular migrants also include airport transit zones and premises in police stations. Special premises exist at **Zagreb Airport** (14 places) and at **Dubrovnik Airport** (6 places), while at other airports, space for international departure is in use for these purposes. The total number of persons whose entry was refused at the airports in 2018 was 468. The total number of refusal of entry in 2018 was 12,633, which also includes land (12,107) and sea (58). According to the Ministry of Interior there were 12,447 refusals of entry in 2019, and 14,678 refusals of entry in 2020.⁴⁷⁹ No information is available for 2021.

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, 2020 and 2021.

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.⁴⁸⁰ 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.⁴⁸¹ The CPT report on the visit to Croatia was finally published in December 2021.⁴⁸²

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**.⁴⁸³ No new data are available for 2020 and 2021.

An Ordinance on stay in the Reception Centre for Foreigners ("Detention Centre Ordinance") entered into force in November 2018,⁴⁸⁴ and was amended in 2019.⁴⁸⁵ The initial text of Ordinance from 2018 foresaw the need for the Ombudsperson, national or international courts, or other state or international

⁴⁷⁸ Information provided by the Border Directorate, 6 February 2019.

⁴⁷⁹ Ministry of Interior, *Statistical overview of basic safety indicators and work results in 2020*, available at: <https://bit.ly/3eRJR5E>, 158.

⁴⁸⁰ 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/3dIr9ok>.

⁴⁸¹ Ombudsman, Annual report 2020, available in Croatian at: <https://bit.ly/3aaQXar>.

⁴⁸² Council of Europe, Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 14 August 2020, available at: <https://rm.coe.int/1680a4c199>.

⁴⁸³ Information provided by the Ministry of Interior, Border Directorate, 6 February 2019.

⁴⁸⁴ Official Gazette 101/2018.

⁴⁸⁵ Official gazette 57/2019.

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 new Ordinance on accommodation in the Reception Centre for Foreigners and the method of calculating the costs of forced removal entered into force at the beginning of January 2022.⁴⁸⁶

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 **Ježev**. 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.⁴⁸⁷ In 2021, the Ombudsperson's staff conducted a control visit to the Transit Reception Centre in Trilj and reported that migrants are not sufficiently informed in languages that they understand about their rights and obligations in relation to the possibility of contacting consular or diplomatic missions and other rights.

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 **Ježev**. 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 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.⁴⁸⁸ In 2021, the Ombudperson conducted one investigative proceedings regarding the inability to access the international protection procedure in the reception center for foreigners.⁴⁸⁹

The CPT report on its visit to Croatia in 2020 was published in December 2021.⁴⁹⁰ The CPT delegation visited *inter alia* the Reception Centre for Foreigners in **Ježev**. Almost all the persons who met with CPT's delegation at Reception Centre for Foreigners in Ježev stated that they were treated correctly and respectfully by the staff in Ježev. However, the CPT recommended that staff working in the Centre no longer carry baton s in detention areas and that staff should be provided with regular training on cultural mediation and on techniques to de-escalate tense situations. The CPT also provided a set of other recommendations regarding the conditions in the Centre, the importance to schedule outdoor activities and the access healthcare. It also recommended that more formal and reliable systems should be put in place to ensure that all detained persons fully understand the grounds for their detention and the possibilities to challenge such a decision as well as any decisions on extending the period of detention, but also that all persons held under aliens' legislation (i.e. under the Law on Foreigners and the LITP) have an effective right of access to a lawyer. In addition, even if the right of detainees to lodge complaints to the Director of the Reception Centre is already regulated, the CPT recommended that an effective complaint system should be introduced at the Reception Centre in Ježev. This should include the installation of dedicated complaints boxes as well as a central register of complaints where the date, subject matter, processing, and response should be recorded. Further, in order to strengthen the effectiveness of the system, detained persons who are dissatisfied with the response to their complaints should be able to appeal to a second instance body within the Ministry of the Interior.

2.1. Overall conditions

Conditions in the detention centre are satisfactory. According to the Ordinance that were still in force in 2021, each room must guarantee 4m² per person and have access to daylight.⁴⁹¹ Every person has his or her own bed and there is sufficient space and separation between beds, as well as sufficient space to

⁴⁸⁶ Official Gazette 145/2021,

⁴⁸⁷ Ombudsperson, *Report for 2019*, available in Croatian at: <https://bit.ly/2VaHJUt>.

⁴⁸⁸ Ombudsman, *Annual report 2020*, available in Croatian at: <https://bit.ly/3aaQXar>.

⁴⁸⁹ Ombudsperson, *Annual report 2021*, available in Croatian at: <https://bit.ly/3OdvWOS>.

⁴⁹⁰ Council of Europe, Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 14 August 2020, available at: <https://rm.coe.int/1680a4c199>.

⁴⁹¹ Article 8 Detention Centre Ordinance.

store personal possessions. Men and women are separated.⁴⁹² Detainees are provided with clothes,⁴⁹³ although they are all dressed in identical tracksuits and cannot, in usual circumstances, use their clothes.

According to the CPT report, upon admission, detained persons had their personal clothes washed, disinfected, and stored for the entire period of detention and were provided with two sets of standard clothes and shoes from the centre. However, several detained persons complained that they could only change their clothes once a week, which was insufficient to maintain basic hygiene, especially during summer. Furthermore, personal hygiene kits were provided to all detainees on a weekly basis. In terms of food, several foreign nationals complained about the monotonous food provide for dinner which always consisted of canned meat paste, which is confirmed by the weekly menus.⁴⁹⁴

There used to be a so-called library within the centre so detainees had access to books in a few languages. Yet, according to the CPT report, the Centre had no library. However, in response to the report, the Croatian Government reported that bookcases have been set up in the living area. The books are available in English, German, Italian, Spanish, Russian, Turkish, Arabic, Urdu, Pashto and Farsi and the list is continuously updated.

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.⁴⁹⁵

If a person is in possession of any cash, it will be temporarily seized and safeguarded by an authorised officer.⁴⁹⁶ While staying in the Centre, people may use the seized cash, but may not have an amount exceeding HRK 300 (approximately €30) on them.⁴⁹⁷

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.⁴⁹⁸ 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).⁴⁹⁹ 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).⁵⁰⁰ This does not always happen for example during bad weather conditions

⁴⁹² *Ibid.*

⁴⁹³ Article 10 Detention Centre Ordinance.

⁴⁹⁴ Council of Europe, Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 14 August 2020, available at: <https://rm.coe.int/1680a4c199>.

⁴⁹⁵ Article 7 Detention Centre Ordinance.

⁴⁹⁶ *Ibid.*

⁴⁹⁷ Article 24 Detention Centre Ordinance.

⁴⁹⁸ 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.

⁴⁹⁹ Article 19 Detention Centre Ordinance.

⁵⁰⁰ Article 18 Detention Centre Ordinance.

Migrants are entitled to freedom of religion,⁵⁰¹ and one room is used for this purpose.

With the support of the EU financial instrument "Asylum, Migration and Integration Fund" (AMIF) a new kitchen, laundry and heating system were installed in the course of 2019 as well as a football field.⁵⁰² At the end of 2020, the decision was brought on the allocation of additional financial resources for the implementation of the project "Assistance in maintaining an adequate level of accommodation in the Reception Centre for Foreigners" within the Asylum, Migration and Integration Fund.⁵⁰³

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 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.⁵⁰⁴ In June 2021, the Decision on the allocation of financial resources for the implementation of the project "Improvement of accommodation and working conditions in the Reception Center for Foreigners in Ježevo - II. phase" was adopted.⁵⁰⁵

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 2018.⁵⁰⁶ 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.

According to Ministry of Interior, health and medical care of persons who are accommodated at the Reception Centre in **Ježevo** is conducted by a general practitioner in the branch office of the Medical Centre Dugo Selo.⁵⁰⁷ As of 1 January 2021, a full-time nurse has been employed in the office who conducts a basic medical examination and screening immediately after a foreign national is accommodated in the Centre. A doctor comes to the office on Tuesdays and Thursdays and when called by the nurse. An emergency medical service also comes to the Centre when called. If a person does not speak English, the telephone interpretation is conducted by interpreters with whom the Ministry of the Interior has concluded an agreement either during a basic medical examination, a screening, or during health checks but also when transporting persons to specialist examinations and during treatments in hospitals and specialised institutions. Psychosocial assistance and protection is conducted in cooperation with the Croatian Red Cross whose psychologists and psychiatrists come to the Centre accompanied by interpreters twice a week and when called. They transfer foreign nationals to specialised institutions if specialist examinations are needed and with the authorisation of a doctor. Due to the COVID-19 pandemic, persons undergo a PCR test before accommodation at the Centre and by a rapid antigen tests

⁵⁰¹ Article 20 Detention Centre Ordinance.

⁵⁰² Council of Europe, Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 14 August 2020, available at: <https://rm.coe.int/1680a4c199>.

⁵⁰³ Decision on the allocation of additional financial resources for the implementation of the project "Assistance in maintaining an adequate level of accommodation in the Reception Centre for Foreigners", available at: <https://bit.ly/3KAeu4W>.

⁵⁰⁴ 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/3emgiiW>.

⁵⁰⁵ Decision on the allocation of financial resources for the implementation of the project "Improvement of living and working conditions in the Reception Centre for Foreigners in Ježevo - II. phase", available at: <https://bit.ly/3KzJKRi>.

⁵⁰⁶ ECtHR, *Daraibou v. Croatia*, Application No 84523/17, available at: <https://bit.ly/2RZ2uCl>.

⁵⁰⁷ Response of the Croatian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its ad hoc visit to Croatia from 10 to 14 August 2020, available in English: <https://rm.coe.int/1680a5acfc> and Croatian: <https://rm.coe.int/1680a5acfd>.

during their stay at the Centre. In addition, all persons located at the Centre have the option to be vaccinated against COVID-19.

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.⁵⁰⁸

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.⁵⁰⁹

Persons are allowed to receive visits at least twice a week.⁵¹⁰ The centre must be notified about the visit in writing at least two days earlier. A visit may be prohibited if it is established that the visitor is not announced or if he or she poses a threat to public order, public security and health or that he or she is prone to improper behaviour and violation of regulations. Visits to third-country nationals shall take place in a special room for visits. The visit may last for up to an hour, regardless of the number of visitors. On an exceptional basis, a visit may last longer if approved by the head of the centre or the person designated by the head of the centre.

Persons shall be provided with an opportunity to communicate with their attorney and the competent national or international institutions or organisations in the field of protection of human rights and fundamental freedoms, with which the Ministry of Interior has concluded a cooperation agreement. In order to effectively realise such communication, the attorney and representatives of humanitarian and other organisations for the protection of human rights shall be provided with access to the centre in accordance with the rules on visits,⁵¹¹ meaning that visits must be announced two day in advance and may last up to maximum one hour.

3.1. Access of lawyers to detention facilities

In 2019, attorneys at law reported problems in accessing the Reception Centre **Jezevo** as well as problems in relation to privacy with their client.⁵¹² No such information was received in relation to 2020. In 2021, one lawyer reported that problems persisted in that regard.⁵¹³

⁵⁰⁸ Information provided by the Border Police Directorate, 14 October 2015.

⁵⁰⁹ Articles 4 and 21 Detention Centre Ordinance.

⁵¹⁰ Article 22 Detention Centre Ordinance.

⁵¹¹ Article 26(3) Detention Centre Ordinance, citing Article 22.

⁵¹² Information provided by attorneys at law, 3 December 2019.

⁵¹³ Information provided by attorneys at law, 29 December 2021.

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.⁵¹⁴

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.⁵¹⁵ 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.⁵¹⁶ Apart from epidemiological restrictions, CRP did not notice any other difficulties in visiting the Reception Center or in cooperation with the competent services and the same was reported by CRP in 2021.⁵¹⁷ The Croatian Law Centre's lawyer was granted access in the Reception Centre for Foreigners in cases of representation of detained applicants for international protection during 2021.

3.2. Access of NGOs and UNHCR to detention facilities

During 2021, the Croatian Red Cross did not face issues in accessing transit reception centres and reception centres for foreigners. In accordance with the Cooperation agreement with the Ministry of the Interior, the Croatian Red Cross implemented a programme of psychosocial support and the renewal of family ties in all three centers for foreigners.⁵¹⁸ During 2021, CRC visited the Transit Center in **Trilj** 3 times, the Transit Center in **Tovarnik** 2 times and the Reception Center for Foreigners in **Ježevo** was visited by CRC on a weekly basis during the second half of the year (21 times in total). As a rule, centers were visited by the CRC's psychologist and the employee of CRC's Tracing Service together with interpreters, when necessary.

According to the CRC, access was limited to persons who have just arrived in detention centers and were accommodated in quarantine due to epidemiological measures in detention centers. Upon arrival at the Center, all foreigners were tested for COVID-19 and placed in a 7-day quarantine. During 2021, the fluctuation of foreigners increased in both Transit Centers as a large number of people were accommodated there for a very short time. In contrast to previous years, a much smaller number of foreigners were accommodated in the Reception Centre for Foreigners in **Ježevo**. According to CRC, some of the detainees stated that they had difficulties in contacting selected attorneys.

During 2021, the Croatian Red Cross held trainings for employees in the Reception centres in **Ježevo**, **Trilj** and **Tovarnik**. CRC in cooperation with the ICRC, held a workshop "Capacity Building, Review of Cooperation and Exchange of Best Practices" for the heads of all centres and 2 employees of each centre. Educational workshops on identifying vulnerable groups of migrants were also held in **Trilj** and **Tovarnik** in cooperation with UNHCR. In addition to police officers working in the Centres, police officers from border police stations **Trilj** and **Tovarnik** also participated.

In 2021, the Croatian Law Centre's lawyer visited the Reception Centre for Foreigners in **Ježevo** whilst representing a client accommodated in Ježevo.

IOM reported that they did not encounter any problem with accessing reception centre.⁵¹⁹ IOM maintained open communication channels with staff working in the Reception Centers to allow migrants staying there to return voluntarily to their country of origin.

In 2021, IOM held two trainings for border police officers as part of the project "Improving Access to COVID-19 Vaccinations for Vulnerable Migrants" funded by the Swiss Agency for Development and

⁵¹⁴ 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>.

⁵¹⁵ Information provided by Civil Rights Project, 6 December 2019.

⁵¹⁶ Information provided by Civil Rights Project Sisak, 5 February 2021.

⁵¹⁷ Information provided by Civil Rights Project Sisak, 10 January 2022.

⁵¹⁸ Information provided by CRC, 4 January 2022.

⁵¹⁹ Information provided by IOM, 7 February 2022.

Cooperation. The training was held in the premises of the Transit Reception Center for Foreigners in **Tovarnik** and in the premises of the Police Academy for employees of the Reception Center for Foreigners **Ježevo**. The topic of the training was: health care at the workplace - prevention of COVID-19 diseases and other infectious diseases, vaccination and health needs, challenges among migrants and refugees from the perspective of border police officers (how to identify a potentially ill migrant person, further treatment), and maintaining mental health. 27 border police officers participated to the training.

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 2018.⁵²⁰ Are you Syrious (AYS) did not ask for access to Reception Centres in **Ježevo**, **Trilj** and **Tovarnik** in the course of 2021. 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.⁵²¹

The LITP does not provide for automatic review of the lawfulness of detention.

Applicants may lodge a law suit 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.⁵²² 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 and 2021.

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**⁵²³ and 43 days in 2021.⁵²⁴

⁵²⁰ Information provided by the Centre for Peace Studies, 22 January 2021.

⁵²¹ Information provided by attorneys-at-law, 3 December 2019.

⁵²² Information provided by the Administrative Court in Zagreb, 18 February 2021.

⁵²³ *Ibid.*

⁵²⁴ Information provided by the Administrative Court in Zagreb, 31 January 2022.

The majority of law suits against restriction of the freedom of movement before Administrative Court in Zagreb were rejected in 2021. Out of the total 15 law suits, more than half (8) were rejected and one was suspended. Only 2 were accepted, 1 was accepted and referred back and 3 were partially accepted.⁵²⁵ Other Administrative Courts did not deal with lawsuits against restrictions to the freedom of movement in the course of 2021.

In 2021, the High Administrative Court did not receive onward appeals in cases of detention in the Reception Centre for Foreigners.⁵²⁶

2. Legal assistance for review of detention

Indicators: Legal Assistance for Review of Detention

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

In detention cases, applicants are entitled to free legal aid 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.⁵²⁷ One attorney reported that detention decisions are often brought in standard form that all look alike, and that the Administrative Court usually confirms them.⁵²⁸

In the past lawyers and legal representatives could easily contact and meet with their clients. However in 2018 and 2019, they faced difficulties in accessing the Reception Centre for Foreigners in **Ježevo** as well as the Transit Reception Centres. The Centre for Peace Studies in Croatia reported that lawyers providing support to applicants for international protection in the **Ježevo** Reception Centre for Foreigners could not hold confidential conversations with their clients, as a police officer is always in the room.⁵²⁹ No such difficulties were reported in 2020 and 2021.

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.

⁵²⁵ Information provided by the Administrative Court of Zagreb, 31 January 2022.

⁵²⁶ Information provided by the High Administrative Court, 14 January 2022.

⁵²⁷ Information provided by attorneys at law, 3 December 2019, 6 December 2019, 16 December 2019, 21 January 2020.

⁵²⁸ Information provided by attorney at law, 27 December 2021.

⁵²⁹ 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.⁵³⁰ 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 2021, although it was planned that it would cover the period from 2020 to 2022.⁵³¹ By the end of 2021, the new Action Plan was still not adopted.⁵³²

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.⁵³³

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.⁵³⁴ 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.⁵³⁵

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.⁵³⁶ 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.

In 2021, the City of Zagreb prepared the draft of the 'Action plan of the City of Zagreb for integration of beneficiaries of international protection for the period from 2021 to 2022'.⁵³⁷ The draft was under public consultation until 15 July 2021.⁵³⁸ The Conclusion on the establishment and appointment of the Commission for the development and monitoring of the implementation of the Action Plan of the City of Zagreb for the integration of applicants for international protection and persons granted international

⁵³⁰ 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>.

⁵³¹ EMN, Migration bulletin, November 2020, available at: <https://bit.ly/3vjA5Xf>.

⁵³² Ombudsman, Annual report 2020, available in Croatian at: <https://bit.ly/3aaQXar>.

⁵³³ EMN Migration bulletin, February 2021 available at: <https://bit.ly/2QMD8YW>.

⁵³⁴ 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>.

⁵³⁵ 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>.

⁵³⁶ Governmental Office for cooperation with NGOs : public call, 15 January 2020, available in Croatian at: <https://bit.ly/3dMGpAF>.

⁵³⁷ The draft of the Action plan is available at: <https://bit.ly/3hHLvzj>.

⁵³⁸ City of Zagreb: Report on the conducted public consultation available at: <https://bit.ly/3HPcgwh>.

protection for 2022 was adopted in November 2021.⁵³⁹ According to the Conclusion, the tasks of the Commission include the development of the Action Plan of the City of Zagreb for the integration and implementation and monitoring of the implementation of measures from the Action Plan.

In 2021, the Ministry of Interior published frequently asked questions and answers in regard to status of international protection in several language.⁵⁴⁰

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).⁵⁴¹ In 2021, the Office for Human Rights and Rights of National Minorities produced informative video to raise awareness of the importance of the successful integration of persons granted international protection.⁵⁴² The objective of the video is to promote the acceptance and inclusion in society of third-country nationals seeking international protection and those granted it through a clear and concise overview of their rights and obligations and the challenges they face along the way.

On the occasion of the World Refugee Day 2021, the Croatian Law Centre prepared seven short videos in Croatian entitled "This is why they are coming.", in order to present the reasons why refugees are leaving their countries of origin to public. The videos cover the topics of international protection, five grounds for persecution and subsidiary protection and can be found at the following links:

- International protection: <https://www.youtube.com/watch?v=d4JhAaL1CxY>
- Race/Religion/Particular social group: <https://www.youtube.com/watch?v=ptHtV11UBug>
- Nationality: <https://www.youtube.com/watch?v=uPAHiEPak50>
- Religion: <https://www.youtube.com/watch?v=Bdg9oEpV554>
- Particular social group: https://www.youtube.com/watch?v=acUh1q_uJio
- Political opinion: https://www.youtube.com/watch?v=FaG6E_o7H_E
- Subsidiary protection : https://www.youtube.com/watch?v=-n_Vt6PWnlw

The Croatian Red Cross has also prepared leaflets in 4 languages (English, Arabic, Farsi, French) containing basic information for beneficiaries of international protection as well as contact details to relevant institutions and NGOs.⁵⁴³

In 2021, the Ministry of Interior created the application "Resettle in Croatia".⁵⁴⁴ The application was created with the aim of providing faster and easier access to information and guidelines for persons who arrive in Croatia under a resettlement programme, and who are granted international protection upon arrival. The application was developed as part of the project "Establishment of a resettlement mechanism" co-financed by the European Union from the Asylum, Migration and Integration Fund. In addition to information on the different steps, i.e. the procedure in the Republic of Turkey and after the arrival in the Republic of Croatia for persons from the resettlement programme, the application offers information on the rights that persons acquire after obtaining international protection and how to exercise these rights and obligations in the Republic of Croatia. The application further offers all persons who have been granted asylum or subsidiary protection in the Republic of Croatia useful information on all important aspects of life in the Republic of

⁵³⁹ Official gazette of the City of Zagreb, Number 27, conclusion available at: <http://www1.zagreb.hr/slglasnik/index.html#/akt?godina=2021&akt=1796C665B839E91AC1258797002A4FF3&broj=270&akt=1796C665B839E91AC1258797002A4FF3>.

⁵⁴⁰ Ministry of Interior: Frequently asked questions, available at: <https://bit.ly/3jrmayt>.

⁵⁴¹ Croatian Government, 'An updated edition of the Integration Guide has been published', 21 January 2019, available in Croatian at: <https://bit.ly/2Xi52wX>.

⁵⁴² EMN HR, Video: *Inclusion of a person under international protection into Croatian society*, 16 September 2021, <https://bit.ly/3Ms4kof>. The video is a part of the INCLuDE project - Interdepartmental Cooperation in Empowering Third-Country Nationals co-financed by the Asylum, Migration and Integration Fund (AMIF), which aims to strengthen the preconditions for social inclusion of third-country nationals with emphasis on persons granted international protection in the Republic of Croatia.

⁵⁴³ 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.

⁵⁴⁴ EMN HR. *Resettle in Croatia*, available at: <https://bit.ly/3hRLEQt>.

Croatia from health care, education, work, housing to easier access to activities necessary for daily functioning. The application is available in Croatian, English, Arabic and Kurdish.⁵⁴⁵

IOM Croatia has issued a Guidebook for the stakeholders involved in the integration process of the persons granted the international protection.⁵⁴⁶ The manual is available in Croatian and English.⁵⁴⁷ 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.⁵⁴⁸

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.⁵⁴⁹

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*.⁵⁵⁰

In the summer 2020, UNHCR conducted a so-called participatory assessment, a process through which consultations with refugees are carried out. The participatory assessment confirmed that COVID-19 had an impact on all areas of refugee lives, from language learning, access to gainful employment to social integration into local communities.⁵⁵¹ The lack of language skills and the need to have additional Croatian language classes were repeatedly mentioned throughout the assessment, covering employability (especially for women), additional training, communication with neighbours, doing errands and generally through their perception of being accepted and integrated into society

Refugees often face multiple challenges while attempting to successfully integrate into local labour markets, such as language barriers, difficulties in recognition of previously acquired skills, and limited social and professional networks in the area where they are looking for jobs.

In 2021, Centre for Peace Studies (CPS) published a short thematic manual on how to facilitate integration into the Croatian labour market.⁵⁵² The manual is divided in three parts, one part aimed for third-country nationals and the other two for NGOs and employers on how to help third - country nationals with integration into the labour market in Croatia.

According to Ombudsperson’s report for 2021, beneficiaries of international protection are exposed to discrimination based on racial or ethnic origin, after two years of subsidised housing, when trying to rent an apartment on the rental market. The main problems in integration identified by the Ombudsperson are: non-implementation of continuous and quality Croatian language courses for adults and their certification,

⁵⁴⁵ Application (Re)Settle in Croatia is available via Google Play: <https://bit.ly/3hHzBp4>; and Apple App Store: <https://apple.co/3Mvkihh>.

⁵⁴⁶ 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/>.

⁵⁴⁷ 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>.

⁵⁴⁸ IOM, ‘COMMIT - Facilitating the integration of resettled refugees in Croatia, Italy, Portugal and Spain’, available at: <https://bit.ly/2JOXCJC>.

⁵⁴⁹ UNHCR, Help, Website available at: <https://bit.ly/3sPxNNF>; see also videos available at: <https://bit.ly/3nki3RI>.

⁵⁵⁰ 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>.

⁵⁵¹ UNHCR, 2020 Participatory Assessment Croatia, Impact of COVID-19 pandemic on refugee integration in Croatia, March 2021, available at: <https://bit.ly/35WojdK>.

⁵⁵² Available at: <https://bit.ly/3sOwwcZ>.

delays in preparatory classes for children, employment and protection of labour rights of persons under international protection, and difficulties in accessing health care and health insurance.⁵⁵³

The Croatian Red Cross reported that challenges in integration are more present in families than for single persons as the latter are more mobile, they find job faster, have a widespread social network and accordingly integrate more easily into Croatian society.⁵⁵⁴ On the contrary, women find it more difficult to work in families with children. Most of them told CRC that they prefer to take care of their children. According to CRC, the integration of women from these families is not going well as their social life takes place in the family and they do not socialise with the local community. Beneficiaries of international protection continued to face challenges in exercising their rights in the health care system and in securing accommodation after having lost a right to subsidised accommodation two years after having been granted protection. Croatian language courses are still problematic as reported by CRC. Additional challenge reported by CRC is the lack of information about the new persons who were granted international protection.

Since the Ministry of the Interior signed an agreement on cooperation with the Center for Cultural Dialogue (CCD), CRC is no longer receiving information about beneficiaries to whom they might offer their services in the integration process. CCD reported several challenges in integration: finding housing units after the expiration of the two-year right to free accommodation, difficulties in finding a doctor (e.g. general practitioner, gynaecologist, dentist), learning Croatian language and difficulties with the possibility of scholarships for pupils and students with granted international protection.⁵⁵⁵

JRS reported problems in relation to Croatian language courses, health care system and family reunification.⁵⁵⁶ The Rehabilitation Centre for Stress and Trauma (RCT) reported that there is a lack of systematic and accessible free learning of the Croatian language. RCT also stated that courses are sporadic and that there is no publicly announced plan when they will be available and where. They also pointed out to existing problems within social housing system and health care system.⁵⁵⁷

The Centre for Peace studies (CPS) reported that in 2021, beneficiaries of international protection encountered a number of institutional barriers as well as discrimination practices in exercising their rights. CPS pointed out that the health crisis due to COVID-19, affected beneficiaries specially regarding employment opportunities as they get fired more often due to reduced business activities of their employers. This is an additional problem to those already in place – i.e. underpaid jobs, precarious jobs conditions, problematic and often short-term employment contracts. Furthermore, CPS reported problems relating to the language barrier, the access to the healthcare system, delays in preparatory classes for children and the access to the housing system. CPS also reported problems in the recognition of qualifications and nostrification of diplomas when persons have documents proving their education, as well as a lack of customised procedures for recognition of qualifications when they do not have documents.⁵⁵⁸

Similarly, Civil Rights Project Sisak reported problems with the access to the labour market, education, status rights, social services, and familiarisation with rights and obligations.⁵⁵⁹ Are You Syrious? (AYS) also reported problems within the system of subsidised housing as in practice, accommodation is waived for several months. AYS also reported problems regarding integration into the educational system as well as difficulties in recognizing driver's licenses issued in their countries of origin.⁵⁶⁰

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

⁵⁵³ Ombudsperson, *Annual report 2021*, available in Croatian at: <https://bit.ly/377JVoB>.

⁵⁵⁴ Information provided by CRC, 4 January 2022.

⁵⁵⁵ Information provided by Center for Cultural Dialogue, 13 January 2022.

⁵⁵⁶ Information provided by JRS, 15 February 2022.

⁵⁵⁷ Information provided by the Rehabilitation Centre for Stress and Trauma, 14 January 2022.

⁵⁵⁸ Information provided by Centre for Peace Studies, 10 January 2022.

⁵⁵⁹ Information provided by Civil Rights Project Sisak, 10 January 2022.

⁵⁶⁰ Information provided by Are You Syrious, 7 February 2022.

focus on persons who have been granted international protection. The project is co-financed by AMIF and has a duration of 36 months.⁵⁶¹

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.⁵⁶² 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.⁵⁶³ 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.⁵⁶⁴ In 2021, Danube Compass, has been updated and translated into Arabic, English, Farsi and Urdu.⁵⁶⁵
- A [Web platform for integration](#) is provided by the **NGO Mi**.⁵⁶⁶
- 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.⁵⁶⁷ 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/>.

In the course of 2021, **RCT** carried out activities with beneficiaries of international protection in a limited scope due to reduced funding.⁵⁶⁸ It focused its activities on socio-economic inclusion, especially for women who were granted international protection, inter alia through workshops on socio-cultural orientation and social inclusion for 25 women who were granted international protection. Women also received employment assistance. In addition, RCT was selected to provide group and individual psychosocial support to persons granted international protection who did a paid internship at IKEA, in a project implemented by IKEA in cooperation with UNHCR in several countries in Southeast Europe. RCT also contributed to this project by finding and motivating potential interns. The programme included 15 beneficiaries of whom 13 completed it, and 9 persons received an extension of their employment contract with IKEA.

- In March 2020, the Ministry of Interior and the NGO “**Centre for Cultural 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 2020.⁵⁶⁹ 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

⁵⁶¹ EMN, *Migration bulletin*, May 2020, available at: <https://bit.ly/3dGNvXg>.

⁵⁶² 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.

⁵⁶³ Information provided by Centre for Peace Studies, 27 December 2018. See also: <http://hr.danubecompass.org/>.

⁵⁶⁴ EMN, *Bulletin*, July 2019, available at: <https://bit.ly/34GhR5V>.

⁵⁶⁵ EMN Bulletin Number 35, April – June 2021, available at: <https://bit.ly/34sYBxm>.

⁵⁶⁶ The website is available at: <https://www.irh.hr/>.

⁵⁶⁷ The website is available at: <https://welcomm-europe.eu/croatia/>.

⁵⁶⁸ Information provided by the Rehabilitation Centre for Stress and Trauma, 14 January 2022.

⁵⁶⁹ EMN, *Migration Bulletin* number 31, August 2020, available at: <https://bit.ly/2QRsD6C>.

protection.⁵⁷⁰ 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.⁵⁷¹ In 2021, individual assistance was regularly provided for 126 beneficiaries of international protection located in **Zagreb, Sisak, Karlovac, Rijeka, Viškovo** and **Maruševac** CCD published an information leaflet for beneficiaries of international protection in four languages: Croatian, English, Arabic and Farsi, regarding the possibilities within the project.⁵⁷²

- The **Croatian Red Cross (CRC)** provided support to beneficiaries of international protection under their integration programme.⁵⁷³ During 2021, the integration programme focused on providing psychosocial support, assistance in exercising rights, assistance to children in mastering the school curriculum, referral to counseling (legal and psychological) and assistance in the field of health care. CRC also provided group activities such as going to museums, Science Park, sports, educational activities for beneficiaries in Zagreb, Karlovac and Sisak. A leaflet on the first steps in integration of refugees is available at CRC's website.⁵⁷⁴
- 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".⁵⁷⁵ The main goal of the project is to help families, who were granted international 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.)
- In November 2020, **CRP Sisak** published a Brochure in Croatian and Arabic entitled: "Providing support to beneficiaries of international protection for their inclusion in the life of the local community and the labor market" with basic information on their rights.⁵⁷⁶ In January 2021, the Centre for the Integration of Foreigners was established in Sisak and permanent legal and psychological assistance is provided, among others, to applicants for international protection and refugees resettled through the resettlement program from Turkey.⁵⁷⁷ CRP Sisak has started with the implementation of the project "Tolerance over Prejudice". The implementation of the project began on 1 September 2021 and will last for 24 months. The project is funded by the Ministry of Labour, Pension System, Family and Social Policy. In terms of content, the project will provide permanent support for 100 beneficiaries of international protection in Sisak, Karlovac and Kutina in exercising their status, social, labour and other rights. In addition, CRP introduced a 24-hour free telephone hotline to provide support and any other type of assistance for beneficiaries of international protection.⁵⁷⁸

⁵⁷⁰ 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>.

⁵⁷¹ UNHCR: Living in Croatia, available at: <https://bit.ly/3vldp92>.

⁵⁷² Information provided by Centre for Cultural Dialogue, 13 January 2022

⁵⁷³ Information provided by CRC, 4 January 2022.

⁵⁷⁴ Leaflet available at: <https://bit.ly/32RH656>.

⁵⁷⁵ Information provided by Civil Rights Project Sisak, 5 February 2021.

⁵⁷⁶ Brochure is available at: <https://bit.ly/3HSS4JG>.

⁵⁷⁷ Leaflet with basic information on Centre is available in Croatian at: <https://bit.ly/34t0ASk>.

⁵⁷⁸ Information provided by Civil Rights Project Sisak, 10 January 2022.

- In 2021, **JRS** further assisted beneficiaries in different areas of integration.⁵⁷⁹ In the organisation of JRS, two courses at the initial level of the Croatian language were held from April to October 2021. In addition to learning the Croatian language, the course participants were trained for hospitality jobs. For each of them, individual plans, CVs and job applications were prepared together with a social worker, and they were trained on how to find jobs by themselves. In June 2021, JRS issued a new issue of "Staze".⁵⁸⁰ "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.
- In 2021, **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 in 2020, 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.⁵⁸¹ 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.⁵⁸²
- In the course of 2021, 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. In 2020, CLC prepared a series of nine videos subtitled in English, covering the rights that persons who were granted international protection are entitled to.⁵⁸³ 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 available in Croatian, English, Farsi and Arabic.⁵⁸⁴ Information on the family reunification procedure with leaflets in Croatian, English Arabic and Farsi is available on CLC webpage.⁵⁸⁵ The leaflet was prepared in cooperation with UNHCR Croatia, the Ministry of the Interior and the Ministry of Foreign and European Affairs. In 2021, the Croatian Law Centre prepared the online Publication on the rights of persons under international protection "Integration of refugees into Croatian society: legal regulation and implementation in practice" with the financial support of UNHCR. The booklet is intended to all those actors who provide direct assistance and support to persons who were granted international protection in Croatia, but also to all other actors in the field of integration assisting such persons. The booklet is available in Croatian and English and contains six chapters: Framework for the Integration of Refugees into Croatian Society; The Provision of Social Services to Persons Granted International Protection at the Local Level in Croatia; An Overview of the Standards Regarding the Right to work and Access to the Labour Market of Persons Granted International Protection; An Overview of International, European

⁵⁷⁹ Information provided by JRS, 15 February, 2022

⁵⁸⁰ JRS Croatia, *Staze*, god. 6, broj 9, 20 June 2021, available in Croatian at: <https://bit.ly/372DumV>.

⁵⁸¹ Information provided by Are You Syrious, 7 February 2022.

⁵⁸² Information provided by Are You Syrious, 27 January 2020.

⁵⁸³ The videos were made available on CLC's YouTube and website and are available at: <https://bit.ly/3gJeCTp>.

⁵⁸⁴ Croatian Law Centre, 'Although you are a refugee you have the right to ...', available in English at: <https://bit.ly/32Lu8Gj>, Croatian: <https://bit.ly/35JC1Rs>, Farsi: <https://bit.ly/3vOKFZx>; and Arabic: <https://bit.ly/3tFy5Jr>.

⁵⁸⁵ 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.=

and National Standards of the Recognition of Qualifications of Refugees; The Concept of Family Reunification in the Republic of Croatia, Access to Free Legal Aid for Persons Granted International Protection.⁵⁸⁶

- **Center for Peace Studies (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.⁵⁸⁷ 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. .

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,⁵⁸⁸ and to foreigner under subsidiary protection for a period of 3 years.⁵⁸⁹

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.⁵⁹⁰ The request for issuing residence permit should be submitted to the competent police administration,⁵⁹¹ and the residence permit should be issued within 30 days from submitting the request.⁵⁹²

According to the Ministry of Interior 411 residence permits were issued to asylees and 79 to foreigners under subsidiary protection in 2018.⁵⁹³ However no information is available since 2019.

However, the decision approving international protection shall be revoked in the part relating to approval of the right of residence in the Republic of Croatia if the asylee or foreigner under subsidiary protection moves out of the Republic of Croatia or resides continually abroad for longer than 6 months without previously informing the Ministry of Interior of this fact.⁵⁹⁴

2. Civil registration

According to the Law on State Register, 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.⁵⁹⁵ 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

⁵⁸⁶ Croatian Law Centre, The integration of refugees into Croatian society: Legislation and realisation in practice, available in Croatian at: <https://bit.ly/3tCsO5u>; and in English at: <https://bit.ly/3Mxlqjf>.

⁵⁸⁷ Information provided by the Centre For Peace studies, 10 January 2022.

⁵⁸⁸ Article 75(2) LITP.

⁵⁸⁹ Article 75(3) LITP.

⁵⁹⁰ Article 55(1)-(2) LITP.

⁵⁹¹ Article 75(1) LITP; Article 10(1) Ordinance on the Forms and Data Collections in the Procedure for International and Temporary Protection.

⁵⁹² Article 12(1) Ordinance on the Forms and Data Collections in the Procedure for International and Temporary Protection.

⁵⁹³ Information provided by the Ministry of Interior, 28 January 2019.

⁵⁹⁴ Article 65(3) LITP.

⁵⁹⁵ Official Gazette 96/1993, 76/2013,98/2019.

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.⁵⁹⁶ Preconditions for marriage are divided into those needed for the existence of marriage and preconditions for the validity of marriage. For the existence of marriage it is necessary for the spouses to be opposite sexes, to have given their consent to enter into marriage and for a civil marriage to be contracted before a registrar or a religious marriage to be contracted in accordance with the relevant provision of Family Law. If at the time of entering into marriage any of the preconditions referred to above has not been fulfilled, no legal effects of marriage shall ensue.

For the validity of marriage a marriage may not be entered into by a person under the age of eighteen.

As an exception, the court may allow a sixteen year old person to enter into marriage, provided that the court finds the person mentally and physically mature enough to marry, and that there is a justifiable reason for marriage. In addition, a person incapable of discernment may not enter into marriage. Marriage may not be contracted between persons of lineal consanguinity or collateral consanguinity between a sister and a brother, a stepsister and a stepbrother, the child and its sister or stepsister or brother or stepbrother, or between the children of sisters and brothers or stepsisters and stepbrothers. This shall also apply to relationships established by adoption. A marriage may not be entered into by a person who is already married or is in a same-sex life partnership registered under the relevant legislation. A marriage that is contracted contrary to the provisions above is not valid and the provisions for annulment shall apply.

Family Law regulates civil marriage and religious marriage with the effects of a civil marriage. Civil marriage is contracted before a registrar, while religious marriage is contracted before an official of a religious community that has a regulated legal relationship thereof with the Republic of Croatia. The spouses must give notice of their intention to enter into a civil marriage in person to the registrar competent for the place where they wish to enter into marriage. They must enclose relevant documents at the registrar's request. Asylees and foreigners under subsidiary protection, when reporting their intention, have to provide the certificate that they have been granted asylum or subsidiary protection and adequate proof of non-existence of another marriage. Adequate proof is considered to be a statement made before a public notary or before a registrar where they announce their intention to marry.

The registrar shall verify, on the basis of the spouses' consent and by using other means, whether the preconditions for entering into marriage have been met. If a court decision is needed for entering into marriage to take place, the registrar shall ask the spouses to obtain one. After having verified that the preconditions for entering into marriage have been met, the registrar shall take a statement from the spouses on the choice of the surname.

The spouses shall confirm by their signatures that they understand their personal rights and responsibilities in marriage, as well as the possibility of determining property relations.

The registrar shall determine the date of marriage upon the agreement with the spouses who want to enter into a civil marriage usually in the period between the thirtieth and forty-fifth day since the day of giving the notice of the intention to enter into marriage.

A marriage is contracted in the presence of the spouses, the registrar and two witnesses who have to be of full age and have legal capacity. The spouses who want to enter into a religious marriage shall obtain from the registrar competent for the place where they wish to enter into marriage a certificate of having fulfilled all marriage preconditions.

⁵⁹⁶ Official Gazette 103/15, 98/2019, 47/2020.

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 2021: | Not available |
|---|---------------|

A new Law on Foreigners entered into force on 1 January 2021. One of the novelties is the introduction of a distinction between long-term residence and permanent residence. Long-term residence may be granted to a third-country national who, prior to the day of submission of application for long term residence, has been granted temporary stay, asylum or subsidiary protection in the Republic of Croatia for an uninterrupted period of five years. A third-country national shall be deemed as having continuously resided in the Republic of Croatia even if he or she was absent from the Republic of Croatia within the five-year period for up to ten months in total for multiple absences, or up to six months for a single absence. At the time of deciding on the application for a long-term residence, the third-country national must have a granted temporary residence, asylum or subsidiary protection in the Republic of Croatia. The third-country national shall not be granted long-term residence if his or her asylum or subsidiary protection has been annulled.⁵⁹⁷

The 5 years' residence period required for the approval of long-term 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 the application for international protection was lodged until the day when international protection was granted, or the entire period of time if it exceeds 18 months.⁵⁹⁸

A beneficiary shall submit an application for a long-term residence to the Police Administration or Police Station based on the place of his/her temporary residence. The Ministry of Interior must approve the granting of long-term residence and an administrative dispute may be initiated against the Ministry's decision in case it has been rejected.⁵⁹⁹

Long term residence shall be granted to a third-country national who, along with the above conditions:⁶⁰⁰

1. Has a valid foreign travel document;
2. Has means of subsistence;
3. Has health insurance;
4. Knows the Croatian language and the Latin script; and
5. Is not considered to be a threat to public policy or national security.

Asylees and foreigners under subsidiary protection are not obliged to meet the condition of having a valid foreign travel document.⁶⁰¹

An application for the issuance of a residence permit shall be submitted by a third-country national on

⁵⁹⁷ Article 150 (1) (4) Law on Foreigners

⁵⁹⁸ Article 151(3) Law on Foreigners.

⁵⁹⁹ Article 152(1)(3) Law on Foreigners.

⁶⁰⁰ Article 153 (1) Law on Foreigners.

⁶⁰¹ Article 153 (2) Law on Foreigners.

long-term residence within eight days from the day s/he was granted long-term residence in the Republic of Croatia.⁶⁰²

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 2018.⁶⁰³ However, no information is available for period 2019 until the end of 2021.

4. Naturalisation

Indicators: Naturalisation

- | | |
|---|---------------|
| 1. What is the waiting period for obtaining citizenship? | 8 years |
| 2. Number of citizenship grants to beneficiaries in 2021: | Not available |

Requirements for the acquisition and termination of Croatian citizenship are regulated by the Law on Croatian Citizenship.⁶⁰⁴

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.⁶⁰⁵

A foreign citizen who submit application for acquiring Croatian citizenship shall acquire Croatian citizenship by naturalisation if he or she:⁶⁰⁶

1. Has reached the age of eighteen years;
2. Has had his or her foreign citizenship revoked or he or she submits proof that he or she will get a revocation if admitted to Croatian citizenship;⁶⁰⁷
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.⁶⁰⁸ 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.

⁶⁰² Article 169 (1) Law on Foreigners.

⁶⁰³ Information provided by the Ministry of Interior, 28 January 2019.

⁶⁰⁴ Official Gazette 53/1991, 70/1991, 28/1992, 113/1993, 4/1994, 130/2011, 110/2015, 102/2019, 138/2021.

⁶⁰⁵ Article 24 (3)(4) Law on Croatian Citizenship.

⁶⁰⁶ Article 8(1)(5) Law on Croatian Citizenship.

⁶⁰⁷ 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.

⁶⁰⁸ Article 77(1)(2) LITP.

In 2018 and 2019, no person granted international protection acquired Croatian citizenship. In 2020, nine persons were granted Croatian citizenship.⁶⁰⁹ Statistics on the year 2021 were not available.

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:⁶¹⁰

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.⁶¹¹ 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.⁶¹²

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.⁶¹³

According to the Ministry of Interior, there were no cases of cessation of international protection in 2015, 2016, 2017 or 2018.⁶¹⁴ 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 the period 2019 until the end of 2021.

⁶⁰⁹ Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia: *INCLuDE Social Inclusion of Persons Granted International Protection in the Republic of Croatia*, year of publication: 2022, available in English at: <https://bit.ly/3E23GKi>; and in Croatian at: <https://bit.ly/3O3c4xz>.

⁶¹⁰ Article 49(1) LITP.

⁶¹¹ Article 49(2) LITP.

⁶¹² Article 49(3) LITP.

⁶¹³ Article 72 LITP.

⁶¹⁴ Information provided by the Ministry of Interior, 2 March 2017; 13 February 2018, 28 January 2019.

6. Withdrawal of protection status

Indicators: Withdrawal

1. Is a personal interview of the beneficiary in most cases conducted in practice in the withdrawal procedure? ☒ Yes ☐ No
2. Does the law provide for an appeal against the withdrawal decision? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☐ Yes ☐ With difficulty ☒ No

According to the LITP, international protection shall be revoked if:⁶¹⁵

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, while one asylum status of an Iraqi national was revoked on the basis that reasons for exclusion were subsequently established.⁶¹⁶

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.⁶¹⁷

According to the Ministry of Interior, 2 asylum statuses (applications from 2016 and 2017) and 3 subsidiary protection (applications from 2009) were annulled in 2020.⁶¹⁸

⁶¹⁵ Article 50 LITP.

⁶¹⁶ Information provided by the Ministry of Interior, 28 January 2019.

⁶¹⁷ Information provided by AYS, 2 February 2020.

⁶¹⁸ Source: Ministry of Interior, *Statistical overview of basic safety indicators and work results in 2020*, available at: <https://bit.ly/2QsZP4H>, 163.

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,⁶¹⁹ as well as by the Law on Foreigners. 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.⁶²⁰

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.⁶²¹

In practice, family reunification procedures remain lengthy, lasting for several years.

In 2020, the Croatian Law Centre prepared the updated analyses of the institute of family reunification in Croatia.⁶²² 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.

⁶¹⁹ Article 66 LITP.

⁶²⁰ Article 66(5) LITP.

⁶²¹ 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>.

⁶²² Croatian Law Centre: *Analyses of the institute of family reunification*, September 2019, available in Croatian at: <https://bit.ly/3elXNLn>.

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.⁶²³

1.2. Family reunification procedure

The family reunification procedure shall be initiated at the competent Diplomatic Mission or Consular Office of the Republic of Croatia. In practice, if some problems exist and family members cannot reach the competent Diplomatic Mission, some Diplomatic Missions or Consular Offices of the Republic of Croatia allow applications to be submitted at some other Croatian mission. In addition, the application may also be submitted via email or regular mail, but a person has to appear in person at the Mission once the procedure is over to make an application for a visa to enter Croatia. Once family reunification is granted, the person has to apply for visa to enter Croatia. According to the Ministry of Interior, the legal time limit for issuing the visa is 15 days, but if the Diplomatic Mission or Consular Office considers that the application for a visa should be resolved faster, they may enter the label of urgency and indicate when the application should be resolved.⁶²⁴

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:

- justify the purpose of temporary stay,
- hold a valid foreign travel document,
- when applying for temporary stay for the first time, provide a document proving that s/he has not been convicted of criminal offences by a final ruling, which has been issued by home country or a country in which s/he has resided for more than a year immediately prior to arriving in the Republic of Croatia,

⁶²³ Article 66(6) LITP.

⁶²⁴ Information provided by the Ministry of Interior, 2 March 2017.

- has not been forbidden to enter into the Republic of Croatia and stay in the Republic of Croatia, or if no alert has been issued in SIS for the purpose of forbidding his entry
- does not pose threat to public policy, national security or public health.⁶²⁵

However, they do not to provide proof of health insurance and proof of means of subsistence in order to be granted temporary stay for the purpose of family reunification.⁶²⁶ If, during the procedure for granting temporary stay, the close family member cannot provide proof of the existence of a certain familial relationship with a third-country national who has been granted international protection, other proof of the existence of such relationship can also be taken into account, which is assessed in line with the legislation governing the general administrative procedure.⁶²⁷

A temporary stay permit shall be issued with the period of validity of up to one year and the validity of the foreign travel document should be for three months beyond the period of validity of the temporary stay permit.⁶²⁸

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 since 2021.

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.⁶²⁹

C. Movement and mobility

1. Freedom of movement

Beneficiaries of international protection have freedom of movement within the State and are not allocated to specific geographic regions within the country.

According to the LITP, asylees and beneficiaries of subsidiary protection have the right to social welfare pursuant to the regulations governing the domain of social welfare of Croatian citizens.⁶³⁰ 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,⁶³¹ while foreigners under subsidiary protection are issued special passport for foreigners, valid for 2 years.⁶³²

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.

⁶²⁵ Article 59(1) Law on Foreigner.

⁶²⁶ Article 66 (1) Law on Foreigners.

⁶²⁷ Article 66 (2) Law on Foreigners.

⁶²⁸ Article 61 (1)-(2) Law on Foreigners.

⁶²⁹ Article 66(4) LITP.

⁶³⁰ Article 73 LITP.

⁶³¹ Article 75(6) LITP.

⁶³² Article 75(8) LITP; Article 6(3) Law on Foreigners.

According to the Ordinance on the Status and Work of the third country nationals,⁶³³ 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.⁶³⁴

D. Housing

Indicators: Housing

- | | |
|---|--------------------------|
| 1. For how long are beneficiaries entitled to stay in reception centres? | Two years ⁶³⁵ |
| 2. Number of beneficiaries staying in reception centres as of 31 December 2021: | Not available |

According to the amendments of the LITP adopted in December 2017, entered into force on 1 January 2018, asylees and foreigners under subsidiary protection have the right to accommodation if they do not possess the financial means or property to support themselves.⁶³⁶

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.⁶³⁷ With the expiry of 2 years' time limit they have the right to accommodation pursuant to the legislation regulating the field of social welfare.⁶³⁸ 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

⁶³³ Article 51a Ordinance on the Status and Work of the third country nationals.

⁶³⁴ EMN study, *Beneficiaries of international protection travelling to their country of origin*, November 2019, available at: <https://bit.ly/2Rfzt1>.

⁶³⁵ This time limit is foreseen by law but does not reflect the reality in practice, as explained further below.

⁶³⁶ Articles 67 and 67a LITP.

⁶³⁷ Article 67(4) LITP.

⁶³⁸ Article 67(5) LITP.

decision but it does not delay its enforcement.⁶³⁹ 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:⁶⁴⁰

- 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.

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 2018.⁶⁴¹ 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 practice, despite the low number of beneficiaries of international protection, persons wait for state subsidised accommodation for several months according to AYS.⁶⁴² This is problematic as this time is also calculated under 2 years of state subsidised accommodation.

⁶³⁹ Article 67 (7) LITP.

⁶⁴⁰ Article 67(8) LITP.

⁶⁴¹ Official Gazette 59/2018

⁶⁴² Information provided by Are you Syrious, 7 February 2022.

According to the Central State Office for Reconstruction and Housing one important element taken into account for the purpose of housing of beneficiaries of international protection is to avoid any form of isolation or “ghettoization”. Beneficiaries of international protection are therefore accommodated across the Republic of Croatia, rather than in one town or in housing units at a same address. In addition, although there were no official reports, the Central State Office for Reconstruction and Housing noticed problems with finding landlords willing to rent a property to refugees after their legal right to free accommodation has expired.⁶⁴³

Civil society organisations reported to the Ombudsperson that persons under international protection, especially families with children, were exposed to discrimination based on racial or ethnic origin when trying to rent an apartment after two years of subsidized housing. Data provided by Central State Office for Reconstruction and Housing Care show that in 2021, the right to accommodation was used by 64 beneficiaries, while 105 lease agreements were terminated due to the expiration of the two-year period. Further data by Central State Office for Reconstruction and Housing Care show that the capacities for accommodation are sufficient.⁶⁴⁴

Similarly to 2020, the Croatian Red Cross (CRC) reported that challenges were observed in securing accommodation for beneficiaries whose right to paid housing has expired in 2021.⁶⁴⁵ This is mainly due to high rents, discrimination and the reluctance of landlords to rent their apartments to beneficiaries of international protection. It is especially difficult to find an apartment for large families both due to the need to find a bigger apartment and the overhead costs which are much higher. In bigger families, it is also frequent that it is only the husband/father who works and there is thus only one salary that needs to bear the costs of housing, utilities and other living expenses, which is why many of them find themselves at risk of poverty. CRC often refer families who contact them due to difficult financial situations to the competent social welfare centre to exercise the right to one-time assistance.

The Centre for peace studies (CPS) reported that problems in finding apartments has continued in the course of 2021 as refugees continued to face prejudice.⁶⁴⁶ CPS also underlined that the general rise in housing prices in **Zagreb** was observed as the aftermath of the **Zagreb** earthquake in 2020. CPS also reported that in the course of 2021, 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.

Difficulties in housing after expiration of 2-years period in the situation of pandemic was also addressed by other NGOs. In 2021 AYS, assisted in finding accommodation after the expiration of two years of state-funded accommodation.⁶⁴⁷ Due to the increase in unemployment among beneficiaries of international protection caused by the COVID-19 pandemic, in cooperation with the Solidarna Foundation and Wir Packens, AYS continued with the programme of covering one rent for people who are unable to cover housing costs.

In 2021, Civil Rights Project (CRP) Sisak provided free legal aid to beneficiaries of international protection in finding suitable accommodation after the expiration of the secured state funded two-year accommodation.⁶⁴⁸ In the area of the city of **Karlovac**, after the expiration of the two-year period, the city of Karlovac financed an extension of 3 months from the social fund, which they plan to continue.

⁶⁴³ Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia: *INCLuDE Social Inclusion of Persons Granted International Protection in the Republic of Croatia*, year of publication: 2022, available in English at: <https://bit.ly/3E23GKi>; and in Croatian at: <https://bit.ly/3O3c4xz>.

⁶⁴⁴ Ombudsperson, *Annual report 2021*, available in Croatian at: <https://bit.ly/3MdomlB>.

⁶⁴⁵ Information provided by CRC, 4 January 2022.

⁶⁴⁶ Information provided by Centre for Peace Studies, 10 January 2022.

⁶⁴⁷ Information provided by Are you Syrious, 7 February 2022.

⁶⁴⁸ Information provided by the Civil Rights Project (CRP) Sisak, 10 January 2022.

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.⁶⁴⁹ Both asylees and foreigners under subsidiary protection have access to the labour market, without distinction.

However, access to rights and their exercise in the practical life of each beneficiary is challenging. The main obstacle is still the language barrier and the language courses, which is a precondition for successful integration and accessing the labour market.

In order to carry out the quality integration of asylees and foreigners under subsidiary protection in Croatian society, the Ministry of Science and Education, in cooperation with the Sector for Schengen Coordination and European Union funds of the Ministry of Interior, prepared the project "Integration of refugees and foreigners under subsidiary protection in Croatian society, education and preparation for inclusion in the labour market ". The program aims to provide 280 hours of language courses to refugees and foreigners under subsidiary protection.⁶⁵⁰

The project is targeting persons who were granted asylum and subsidiary protection who wish to engage in a course of learning the Croatian language, history and culture, or who require the translation of diplomas or certificates for continuation of education or inclusion into the labour market, or who wish to continue primary or secondary education. The project activities are free of charge for beneficiaries and it is funded by the AMIF – the EU Asylum, Migration and Integration Fund.⁶⁵¹ According to data provided by the Ministry of Science and Education, Croatian language courses were organised in Zagreb, Slavonski Brod, Sisak and Karlovac for 84 persons and 12 diplomas were translated during 2020.⁶⁵²

The Croatian Red Cross reported that Croatian language courses for adults are currently provided in Zagreb, while in other cities they are only carried out if there are more than 5 people who have registered for the course.⁶⁵³ According to CRC, the Croatian language course is not adapted as all beginners are in the same group despite having different educational levels. For beneficiaries of international protection who speak English, the course is acceptable and effective, but those who do not understand English, often lose motivation and no longer come to the course. An additional reason for the low participation in language course is that beneficiaries found employment while waiting for the course to start. Women who do not work rarely attend the course, usually because they are taking care for children. In addition, most women have not been employed in their country of origin before and do not project themselves in a working environment in Croatia either.

CRC developed a network of employers with whom they cooperate and who are willing to recruit beneficiaries of international protection. During 2021, 16 beneficiaries of international protection managed to get employed with help of CRC, out of which 3 were women.

CRC further drafted a leaflet for employers on the employment of applicants for international protection and beneficiaries of international protection in cooperation with UNHCR. The leaflet was presented in

⁶⁴⁹ Article 68(1) LITP.

⁶⁵⁰ European Commission and EMN, *Ad hoc query in 2019 - Early language support*, requested on 29 January 2019, available at: <https://bit.ly/2XnH3fQ>.

⁶⁵¹ Ministry of Science and Education: Information on Croatian language courses and translation of diplomas and certificates for persons with asylum status or persons under subsidiary protection, available at: <https://bit.ly/3jrADX3>.

⁶⁵² Ministry of Science and Education: Annual Work Report for 2020, available at: <https://bit.ly/3uuRChn>.

⁶⁵³ Information provided by CRC, 4 January 2022.

December 2021 at the round table "Economic Empowerment of Refugees and Opportunities for Employment ". Once finalised, the leaflet will be available online in Croatian and English.

Centre for Peace Studies (CPS) also reported persisting problems with Croatian language courses as they are not implemented continuously nor tailored to the specific group for which they are intended to.⁶⁵⁴ In addition, courses last only limited number of hours which is not enough for beneficiaries to properly learn the language and be able to use it in their everyday life. The current language course which is held by the Public Open University Zagreb is not certified, which is an additional obstacle for those beneficiaries who need a certificate to prove the level of the Croatian language to institutions. Furthermore, this language course is organised exclusively for beginner groups, which does not always correspond to the level of knowledge of certain persons as they have a sound knowledge of the basis of the Croatian language and need more advanced courses, especially due to further regulation of their status. Similar problems with Croatian language courses were also reported by the Rehabilitation Centre for Stress and Trauma (RCT).⁶⁵⁵

Centre for Peace Studies (CPS) reported that, since the beginning of the Covid-19 pandemic, some issues aggravated *inter alia* because beneficiaries are getting fired more often due to reduced business activities of their employers, which adds on to the other problems that already exist – i.e. underpaid jobs, precarious job conditions, problematic and often short-term employment contracts.⁶⁵⁶

The Jesuit Refugee Service (JRS) also reported problems related to Croatian language courses.⁶⁵⁷ From April to October 2021, JRS held two unofficial Croatian language courses at beginner level. In addition to language course, participants were provided some trainings on how to prepare CVs, job applications and individual plans. 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.⁶⁵⁸

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.⁶⁵⁹ It is expected that within this period, they would learn the language and find a job to support themselves. However in practice, many of them after 2 years still do not know the Croatian language and accordingly have problems finding appropriate employment.

According to information provided by the Croatian Red Cross, their employees and volunteers provide support to all beneficiaries of international protection during this integration period.

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).

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.⁶⁶⁰

UNHCR 's Participatory Assessment conducted in summer 2020 showed that beneficiaries of international protection often face multiple challenges while attempting to successfully integrate into local

⁶⁵⁴ Information provided by Centre for Peace Studies, 10 January 2022.

⁶⁵⁵ Information provided by the Rehabilitation Centre for Stress and Trauma, 14 January 2022.

⁶⁵⁶ Information provided by Centre for Peace Studies, 10 January 2022.

⁶⁵⁷ Information provided by JRS, 15 February 2022.

⁶⁵⁸ Information provided by JRS, 15 February 2022.

⁶⁵⁹ Article 67(4) LITP.

⁶⁶⁰ JRS, 'Refuge Integration Centre „SOL“ opened', 2018, available at: <https://bit.ly/3chtSBs>.

labour markets, such as language barriers, difficulties in recognition of previously acquired skills, and limited social and professional networks in the area in which they are looking for jobs⁶⁶¹

In the course of 2021, AYS provided information to persons under international protection on their right to work as well as assistance in job searching. According to AYS, beneficiaries of international protection with an insufficient knowledge of the Croatian language and women face more difficulties in finding employment. The problem was also observed in relation to single mothers because they were forced to refuse jobs due to inadequate working arrangements that do not correspond to their care for children. 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.

In 2021, the Rehabilitation Centre for Stress and Trauma (RCT) focused its activities on socio-economic inclusion, especially of women who were granted international protection.⁶⁶² RCT also held workshops on socio-cultural orientation and social inclusion for 25 women who were granted international protection. Women also received employment assistance. In addition, the RCT was selected to provide group and individual psychosocial support to persons granted international protection who did a paid internship at IKEA, in a project implemented by IKEA in cooperation with UNHCR in several countries in Southeast Europe. RCT also contributed to this project by finding and motivating potential interns. The programme included 15 beneficiaries of whom 13 completed it, and 9 persons received an extension of their employment contract with IKEA.

In November, 2021, Civil Rights Project (CRP) Sisak held a workshop in Karlovac entitled Labour Law with beneficiaries of international protection who are located in the Karlovac area on the topic of labor and social rights and the institutes needed in employment.⁶⁶³

During 2021, the Centre for Cultural Dialogue (CCD) team communicated on a daily basis with beneficiaries of international protection and supported them through preparation for job interviews, assisted in resume writing and interview techniques to help them develop a viable job search plan.⁶⁶⁴ In May 2021, CCD was part of a joint initiative in the programme of employment of beneficiaries granted international protection in the IKEA in Zagreb. In cooperation with UNHCR, CCD mediated in finding adequate staff among beneficiaries of international protection, and 15 of them completed an internship programme that lasted three months. Upon termination of the internship programme, some of them were offered a job at IKEA.

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.

When applying for inclusion in the register of unemployed persons, CES assigns employment counsellors to beneficiaries of international protection. They provide assistance and information about available jobs, how to compile resumes and applications to employers, and gives them the opportunity to use measures an active policy of employment and the exercise of other rights. They also inform them about their obligations as unemployed persons.⁶⁶⁵

⁶⁶¹ UNHCR, *2020 Participatory Assessment Croatia, Impact of COVID-19 pandemic on refugee integration in Croatia*, March 2021, available at: <https://bit.ly/3ISKbFv>.

⁶⁶² Information provided by the Rehabilitation Centre for Stress and Trauma, 14 January 2022.

⁶⁶³ Information provided by the Civil Rights Project (CRP) Sisak, 10 January 2022.

⁶⁶⁴ Information provided by Centre for Cultural Dialogue, 13 January 2022

⁶⁶⁵ Croatian Association of Social Workers: *Handbook- The role of social welfare in the process of integration of persons with international protection*, available at: <https://bit.ly/3xhMv64>.

According to CES, 88 asylees (of which 41 women), 8 foreigners under subsidiary protection (of which 3 women), 7 members of families of persons that were granted international protection (of which 6 women) and 2 applicants for international protection (of which 1 woman) were registered in their registry as unemployed persons at the end of 2021.⁶⁶⁶ According to the data of the CES from January 1 until December 2021, 40 asylees, 4 persons under subsidiary protection, 1 member of families of persons under international protection and 1 applicant for international protection were provided individual counselling at CES and a total of 68 individual counselling for these users were conducted, while 6 asylees were included in active employment policy measures. The majority of persons registered were from **Syria** (40), **Afghanistan** (17), **Iraq** (13), **Turkey** (8) and **Iran** (8).

Similarly to previous years, CES highlighted the lack of knowledge of Croatian and/or English 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. Despite the fact that 2021 was still marked by the COVID 19 pandemic, CES recorded the successful employment of several persons under international protection.

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.⁶⁶⁷

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.

To be included into the education system, beneficiaries must have a certificate of their status in Croatia, a certificate of residence, an identity document (e.g. birth certificate, identity card, passport or relevant document of the Ministry of Interior) and a document of previous education. If it is not possible to enclose a document on previous education, it is necessary to give a statement to the notary public, which is then presented to the school's professional service to organise an enrolment test in order to determine the class that the candidate can attend.

Centre for Peace Studies reported several problems in the educational system: difficulties with the recognition of qualifications and nostrification of diplomas when persons have documents proving their education, as well as a lack of customised procedures for recognition of qualifications when they do not have documents.⁶⁶⁸

⁶⁶⁶ Information provided by the Croatian Employment Service, 11 January 2022.

⁶⁶⁷ Article 70 LITP.

⁶⁶⁸ Information provided by Centre for Peace Studies, 10 January 2022.

AYS reported that in the course of 2021, they continued to provide educational support to children granted international protection i.e. 79 volunteers provided 2,866 hours of educational support to 51 school aged children from 22 families.⁶⁶⁹ The support programme included support in language learning, mastering school materials, cooperation with schools and mediation in communication between parents and the school. Due to the COVID-19 situation and online classes, AYS purchased the necessary computers to monitor classes for some families. AYS also reported that children who came to Croatia through family reunification cannot be enrolled in school for months due to delays in the issuance of residence permits by the Ministry of Interior.

The Croatian Red Cross reported that their volunteers assisted children in mastering the school curriculum. In 2021, CRC distributed 57 packages of school supplies for children attending primary school.⁶⁷⁰ For the New Year's holidays, CRC handed out a gift voucher amounting to HRK 400.00 – i.e. around 50 EUR - to children up to 15 years of age. A total of 82 gift vouchers were distributed to children in **Zagreb, Sisak, Karlovac and Zadar**.

In 2021, Centre for Peace Studies (CPS) published the thematic report "Education of Children of Asylum Seekers and Refugees in the Republic of Croatia - (In) readiness for quality inclusion in the education system".⁶⁷¹ The report analyses the response of the Republic of Croatia to the needs of children, with a specific focus on access to education but also the identified difficulties and existing legislative framework. In addition, the report provides examples of good practices.

In addition, particularly vulnerable groups such as young people over the age of 15 who have not completed primary schools. These young people do not meet the 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.

The Ministry of Education organises language courses, but they remain at elementary level, while faculties require higher levels of language proficiency, most commonly B2 or C1. Thus, although by law they have the right to access higher education in Croatia, most beneficiaries of international protection would have to invest a considerable amount of their own money to be able to apply for enrolment.⁶⁷²

The Rehabilitation Centre for Stress and Trauma (RCT) reported that Croatian language courses are sporadic and that beneficiaries of international protection do not get the right to language learning soon enough after their status is approved. There is also no (publicly announced) plan when the courses will be available and where. In addition RCT reported that learning of Croatian language at higher levels is not provided, which in particular prevents the inclusion of young people in higher education, either due to the criteria set for enrolment or due to their insufficient level of language proficiency for learning.⁶⁷³

Centre for Peace Studies (CPS) also reported obstacles in the access of beneficiaries granted international protection to higher education in practice in 2021.⁶⁷⁴ Although, they have the right to higher education similarly to Croatian citizens, there is no specific category for enrolling persons granted international protection to faculties, so they are enrolled either as other foreigners, which means they have to pay high tuition fees, or as Croatian citizens - which means that they have to take state graduation exam. There is also the problem of non-recognition of foreign educational qualifications in cases where beneficiaries have documents to prove their previous education. In addition, problems arise in the exercise of most of the rights enjoyed by full-time students, such as the right to subsidized accommodation and meals or the possibility of obtaining a scholarship.

⁶⁶⁹ Information provided by Are you Syrious, 7 February 2022.

⁶⁷⁰ Information provided by CRC, 4 January 2022.

⁶⁷¹ Information provided by Centre for Peace Studies, 10 January 2022. See: <https://bit.ly/3Mu18Kb>.

⁶⁷² H'alter, *Faculties are difficult to access for asylees*, available at: <https://bit.ly/3IVfWxU>.

⁶⁷³ Information provided by the Rehabilitation Centre for Stress and Trauma, 14 January 2022.

⁶⁷⁴ Information provided by Centre for Peace Studies, 10 January 2022.

For students who have insufficient knowledge of the Croatian language, the school is obliged to organise preparatory classes, but according to Centre for Peace Studies (CPS) and 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.⁶⁷⁵ CPS also reported that in practice schools are not well prepared and there is an insufficient number of teaching assistants. In addition, schools are often not informed about the rights of beneficiaries of international protection, so it is questionable whether they received the necessary support from the Ministry of Science and Education. There are also problems in accessing higher education even though beneficiaries of international protection have the right to higher education under the same conditions as Croatian citizens. However when enrolling in college there is no specific category for enrolling them, so they are therefore enrolled like all other foreigners - which means paying higher tuition fees, or as Croatian citizens – which means that they have to take additional state graduation exam.

Between 2018 and 2020, the number of students under international protection included in primary education (101) for whom preparatory classes have been approved was at its highest in 2019. That year, the total number of approved classes for learners of Croatian (7,070) and the total number of approved Croatian classes including methodical preparation for teachers (10,605) were at their highest as well. In 2020 and 2021, the number of students belonging to this category decreased significantly, especially in 2021, when only 29 students granted international protection attended primary school.⁶⁷⁶

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.⁶⁷⁷ 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.⁶⁷⁸

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.⁶⁷⁹ Some basic information are also provided in materials (i.e. videos and a brochure) prepared by the Croatian Law Centre.⁶⁸⁰

The realisation of social rights in Croatia also depends on the place of residence.

The social rights to which beneficiaries of international protection are entitled in the welfare system include care and assistance allowance; one-time allowances; up-to-employment allowance, education-related allowances; allowance for vulnerable energy buyers; housing allowance – right granted at the level of local self-government units; fuel allowance – right granted at the level of regional self-government units; personal needs allowance for a residential care beneficiary; personal disability allowance; status of a parent caretaker or status of a caretaker; guaranteed minimum benefit. It also includes social welfare

⁶⁷⁵ Information provided by Centre for Peace Studies, 10 January 2022 and Are You Syrious, 7 February 2022.
⁶⁷⁶ Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia: *INCLuDE Social Inclusion of Persons Granted International Protection in the Republic of Croatia*, year of publication: 2022, available in English at: <https://bit.ly/3E23GKi>; and in Croatian at: <https://bit.ly/3O3c4xz>.

⁶⁷⁷ Article 73 LITP.

⁶⁷⁸ Official Gazette 157/2013, 152/2014, 99/2015, 52/2016, 16/2017, 130/2017, 98/2019, 64/2020, 133/2020, 138/2020

⁶⁷⁹ 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.

⁶⁸⁰ 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>.

services (initial social welfare service; counselling and assistance; attendance; psychosocial support; early intervention; assistance with inclusion into programmes of upbringing and regular education – integration; day care; accommodation and organised housing). In 2018, persons under international protection exercised mostly the right to one-time allowance (226) and the right to a guaranteed minimum benefit (389). Regarding social welfare services, the majority of beneficiaries used the initial social welfare service (63) (provision of information, recognition and initial assessment of needs). In 2019, the number of persons (asylees and household members) under international protection exercising the right to a guaranteed minimum benefit (225) and initial social welfare service (137 asylees) decreased. In 2020, the right to a guaranteed minimum benefit was exercised by 213 asylees with household members, while 107 of them exercised the right to the initial social welfare service.⁶⁸¹

Following the Amendments to the Decision of Social Welfare in 2019,⁶⁸² the social rights provided by the City of **Zagreb** were extend to families of asylees and foreigners under subsidiary protection.⁶⁸³

In 2021, a manual entitled "The role of social welfare in the integration of persons with international protection" was prepared within a project implemented by the Croatian Association of Social Workers in partnership with the Centre for Social Welfare Split and with the support of the Ministry of Labour, Pensions, Family and Social Policy, as well as the Ministry of Interior.⁶⁸⁴ The manual is intended for social workers and other experts and associates of social welfare centres across the Centres for Social Welfare and their branches in Croatia.⁶⁸⁵

In February 2022, a new Law on Social Welfare entered into force.⁶⁸⁶

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.⁶⁸⁷ 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,⁶⁸⁸ in the same scope as health insured persons under mandatory health insurance.⁶⁸⁹

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.⁶⁹⁰ 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.⁶⁹¹

⁶⁸¹ Office for Human Rights and Rights of National Minorities of the Government of the Republic of Croatia: *INCLuDE Social Inclusion of Persons Granted International Protection in the Republic of Croatia*, year of publication: 2022, available in English at: <https://bit.ly/3E23GKi>; and in Croatian at: <https://bit.ly/3O3c4xz>.

⁶⁸² Amendments available in Croatian at: <https://bit.ly/2UQoMXa>.

⁶⁸³ City of Zagreb, *Social welfare decision*, 4 April 2019, available at: <https://bit.ly/2URy7hj>.

⁶⁸⁴ The manual is available at: <https://bit.ly/3pNh13c>.

⁶⁸⁵ Croatian Association of Social Workers, *Manual "The role of social welfare in the integration of persons with international protection"*, 2021, available at: <http://husr.hr/web/?p=4983>.

⁶⁸⁶ Official Gazette 18/2022, available at: <https://bit.ly/3uxR6PN>.

⁶⁸⁷ Article 69(1)-(2) LITP.

⁶⁸⁸ Article 17 Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

⁶⁸⁹ Article 21(1) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

⁶⁹⁰ Article 21(2) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

⁶⁹¹ Article 21(3) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

This means that there is a difference between the unemployed and employed beneficiaries of international protection. Unemployed beneficiaries of international protection are not insured within the Croatian Health Insurance Fund, but the costs of their health care are covered from the state budget from the position of the ministry responsible for health. In the case of unemployed beneficiary, health care providers should send invoices, a copy of the residence permit and accompanying medical documentation directly to the Ministry of Health. This category of beneficiaries does not have a health insurance card, but prove their status with a residence permit card. Also, they do not have a personal identification number nor are they in the Central Health Information System of the Republic of Croatia. When a beneficiary of international protection gets a job and starts paying health insurance contributions, s/he becomes an insured person. However, unlike Croatian citizens, their family members can not acquire the right to compulsory health insurance through the insured beneficiary, but costs continue to be covered by the state budget through the Ministry of Health. If a beneficiary of international protection loses employment, he/she ceases to be insured by Croatian Health Insurance Fund.⁶⁹² However in practice, healthcare professionals are not sufficiently familiar with the rights of beneficiaries international protection and the way in which they can exercise their right to health care.

In 2020, the Ministry of Health provided instructions to relevant health care institutions and pharmacies on the way that medicines should be provided to asylees and persons under subsidiary protection.⁶⁹³ According to these instructions, the pharmacy delivers an invoice addressed to the Ministry of Health to the Croatian Health Insurance Fund. A prescription form and a copy of a document issued by the Ministry of the Interior which shows the status of the foreigner to whom the invoice was issued, should be attached to the invoice. The Croatian Health Insurance Fund subsequently submits an invoice for payment to the Ministry of Health after having reviewed the conformity of the medicines prescribed. If it is a medicine that is on the basic list of medicines of the Croatian Health Insurance Fund, the price of the medicine is borne entirely by the Ministry of Health, while in the case of a medicine from the supplementary list, the price is partly borne by the person and partly by the Ministry of Health. If a person is issued a private prescription, the person bears the full cost of the medicine.

Since July 2021, following the decision of the Government of the Republic of Croatia on ensuring vaccination against COVID-19, vaccination against COVID-19 is also available to persons who are not insured.⁶⁹⁴

Problems in the health system were reported by Ombudsperson, Are You Syrious, Centar for Cultural Dialogue, Croatian Red Cross, Rehabilitation Centre for Stress and Trauma, JRS and other actors.

In course of 2021, AYS⁶⁹⁵ 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. 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 AYS reported that the lack of translation during health checks remains unsolved. In addition, pharmacies are also not informed about the procedure for dispensing medicines to persons under international protection according to AYS. Therefore, beneficiaries of international protection are often rejected.

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."⁶⁹⁶

⁶⁹² Croatian Association of Social Workers: *Handbook- The role of social welfare in the process of integration of persons with international protection*, available at: <https://bit.ly/3uti9M5>.

⁶⁹³ Letter from the Ministry of Health to Croatian Health Insurance Fund, available at: <https://bit.ly/3tD9kh1>.

⁶⁹⁴ Government of the Republic of Croatia, Decision on ensuring vaccination against COVID-19 disease of citizens to the Republic of Croatia and other persons who do not have the status of insured person in the Republic of Croatia <https://bit.ly/370qZrl>.

⁶⁹⁵ Information provided by Are You Syrious, 7 February 2022.

⁶⁹⁶ The publication available in Croatian at: <https://bit.ly/3vjXgke>.

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. According to CRC, doctors are rejecting beneficiaries arguing that they reached their maximum quota of patients or because they do not have a health card so they referred them to the Croatian Health Insurance Fund. Health professionals are often not sufficiently educated on how to enter their data into the Central Health Information System of the Republic of Croatia (CEZIH).⁶⁹⁷

Similar issues were reported by the Centre for Peace Studies (CPS).⁶⁹⁸ In 2021, the Rehabilitation Centre for Stress and Trauma provided psychosocial counseling for beneficiaries with chronic or acute mental health problems due to traumatic experiences.⁶⁹⁹

In 2021, the JRS prepared a report on the mental health of refugees in local communities affected by earthquakes and the pandemic. The aim of the report is to advocate for the improvement of mental health services for refugees going through the integration in Croatia and for provision of adequate professional assistance with the help of interpreters in health facilities in earthquake-affected areas.⁷⁰⁰

⁶⁹⁷ Information provided by CRC, 4 January 2022

⁶⁹⁸ Information provided by Centre for Peace Studies, 10 January 2022.

⁶⁹⁹ Information provided by the Rehabilitation Centre for Stress and Trauma, 14 January 2022.

⁷⁰⁰ JRS: Overview of the results of the research "Mental health of refugees in local communities affected by earthquakes and pandemic", available in Croatian at: <https://bit.ly/3O4tme0>.

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
Directive 2011/95/EU 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	http://bit.ly/1MRraQ5 (HR) http://bit.ly/1J7yrxu (HR) http://bit.ly/1logkxD (HR) http://bit.ly/1hlaq3Q (HR) https://bit.ly/2pPntru (HR)
Directive 2013/32/EU 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	http://bit.ly/1hlaq3Q (HR) https://bit.ly/2pPntru (HR)
Directive 2013/33/EU Recast Reception Conditions Directive	20 July 2015	2 July 2015	Law on International and Temporary Protection Official Gazette 70/15, 127/2017	http://bit.ly/1hlaq3Q (HR) https://bit.ly/2pPntru (HR)
Regulation (EU) No 604/2013 Dublin III Regulation	Directly applicable 20 July 2013	2 July 2015	Law on International and Temporary Protection Official Gazette 70/15, 127/2017	http://bit.ly/1hlaq3Q (HR) https://bit.ly/2pPntru (HR)