

Country Report: Croatia



2022
Update

Acknowledgements & Methodology

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

The temporary protection section of the report was written by Lucija Koren and Dora Palić.

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, Civil Protection Directorate of the Ministry of Interior, IOM, UNHCR, attorneys at law and relevant organisations, including the Are you Syrious, Croatian Red Cross, the Centre for Peace Studies, Civil Rights Project Sisak, Centre for Missing and Exploited Children Croatia, Civis Mundi, D kolektiv, Doctors of the World (MdM), Rehabilitation Centre for Stress and Trauma, Society for Psychological Assistance- Centre for children, youth and family –Modus, SVOJA association, as well as from other publicly available sources.

The information in this report is up-to-date as of 31 December 2022, 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, Türkiye, 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.



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



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Glossary & List of Abbreviations

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
EUAA	European Union Agency for Asylum
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

Applications and granting of protection status at first instance: 2022

Limited asylum statistics for 2022 can be found on the website of the Ministry of Interior (MOI).¹ However, MOI did not provide a breakdown on the outcome of the procedure. According to the Ombudsman report,² 10,087 intentions to apply for international protection were expressed in border police stations and 137 in airport police stations. During 2022, 21 refugee statuses were granted, while 82 applications for international protection were rejected (63 males and 19 females). They were nationals of Türkiye (29), Iran (9), Russia (8), Cuba (7), Morocco (7), India (5) and other (17).³

	Applicants in 2022	Pending at end of 2022	Refugee status	Subsidiary protection	Rejection	Refugee rate	Sub. Prot. rate	Rejection rate
Total	12,872	N/A	21	0	82			

Breakdown by countries of origin of the total numbers

Iraq	2,434	N/A	N/A	0	N/A			
Russian Federation	2,064	N/A	N/A	0	8			
Burundi	2,051	N/A	N/A	0	N/A			
Türkiye	1,572	N/A	N/A	0	29			
Afghanistan	1,390	N/A	N/A	0	N/A			
Cuba	1,065	N/A	N/A	0	7			
Syria	628	N/A	N/A	0	N/A			
Iran	450	N/A	N/A	0	9			
DR Congo	193	N/A	N/A	0	N/A			
Pakistan	156	N/A	N/A	0	N/A			
India	107	N/A	N/A	0	5			
Morocco	41	N/A	N/A	0	7			

¹ Ministry of Interior, Statistics 2022, available at: <https://bit.ly/3z5R6YA>.

² Report of the Ombudsman for 2022, available in Croatian at: <https://bit.ly/439X3kT>.

³ Croatian Law Centre, *The Croatian Asylum System in 2022- National Report*. The report was prepared as part of the project “Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia”, with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

Gender/age breakdown of the total number of applicants: 2022

	Number	Percentage
Total number of applicants	12,872	-
Men (including children)	7,660	59.5%
Women (including children)	5,212	40.5%
Children	4,773*	37.1%
Unaccompanied children	436	3.4%

Source: Ministry of Interior, Statistics 2022, available at: <https://bit.ly/3C0HJuR>.

*The number of children was indicated in Ombudsman for children report for 2022, available in Croatian at: <https://bit.ly/45Dzl1W>.

Comparison between first instance and appeal decision rates: 2022

	First instance		Appeal	
	Number	Percentage	Number	Percentage
Total number of decisions	N/A		36	
Positive decisions	21			
• <i>Refugee status</i>	21			
• <i>Subsidiary protection</i>	0			
Negative decisions	N/A		30	

Source: Ministry of Interior, Statistics 2022, available at: <https://bit.ly/3z5R6YA>; Administrative Court of Zagreb, 23 January 2023; Administrative Court of Split, 30 January 2023.

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
<p>Law on International and Temporary Protection Official Gazette 70/2015 <i>Amended:</i> Official Gazette 127/2017 <i>Amended:</i> Official Gazette 33/2023</p>	<p>Zakon o međunarodnoj i privremenoj zaštiti NN 70/2015, 127/2017, 33/2023</p>	<p>LITP</p>	<p>http://bit.ly/1hlaq3Q (HR) http://bit.ly/2ln4y6c (EN) https://bit.ly/2pPntru (HR) https://bit.ly/43iu0Mc (HR)</p>
<p>Law on General Administrative Procedure Official Gazette 47/2009 <i>Amended:</i> Official Gazette 110/2021 (in force since 1 January 2022)</p>	<p>Zakon o općem upravnom postupku NN 47/2009, 110/2021</p>	<p>Law on General Administrative Procedure</p>	<p>http://bit.ly/1J7BRAh (HR) https://bit.ly/36ZLaFZ (HR)</p>
<p>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</p>	<p>Zakon o upravnim sporovima NN 20/2010, 143/2012, 152/2014, 94/2016, 29/2017, 110/2021</p>	<p>Law on Administrative Disputes</p>	<p>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)</p>
<p>Law on Foreigners, Official Gazette 133/2020 <i>Amended:</i> Official Gazette 114/2022</p>	<p>Zakon o strancima NN 133/2020, 114/2022, 151/2022</p>	<p>Law on Foreigners</p>	<p>https://bit.ly/2OLg8ZC (HR) https://bit.ly/3ILqMXi (EN)</p>

<i>Amended:</i> Official Gazette 151/2022			http://bit.ly/3lGAZ0z (HR) http://bit.ly/3LOEeOf (HR)
Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia Official Gazette 80/2013 <i>Amended:</i> Official Gazette 15/2018 <i>Amended:</i> Official Gazette 26/2021 <i>Amended:</i> Official Gazette 46/2022	Zakon o obveznom zdravstvenom osiguranju i zdravstvenoj zaštiti stranaca u Republici Hrvatskoj NN 80/2013, 15/2018, 26/2021, 46/2022	Law on Mandatory Health Insurance and Health Care	http://bit.ly/1Gm4KSp (HR) https://bit.ly/2uzuZLN (HR) https://bit.ly/3uJOY16 (HR) http://bit.ly/3lJaYxE (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/2lndEjr (HR)
Decision on the amount of financial assistance provided to applicants for international protection Official Gazette 135/2015 <i>Amended:</i> Official Gazette 155/2022	Odluka o visini novčane pomoći tražiteljima međunarodne zaštite NN 135/2015, 155/2022	Decision on Financial Assistance	http://bit.ly/2lQKkmi (HR) http://bit.ly/3z7hTnn (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	Rješenje o utvrđivanju cijene putovnice izdane sukladno Konvenciji o statusu izbjeglica od 28. srpnja 1951. godine NN 98/2016	Decision on the Price of Refugee Passports	http://bit.ly/2kOXEmP (HR) http://bit.ly/2kvoBjf (HR)

Official Gazette 102/2016 <i>Amended:</i> Official Gazette 155/2022	Ispravak Rješenja o utvrđivanju cijene putovnice izdane sukladno Konvenciji o statusu izbjeglica od 28. srpnja 1951. godine NN 102/2016 Rješenje o izmjeni Rješenja o utvrđivanju cijene putovnice izdane sukladno Konvenciji o statusu izbjeglica od 28. srpnja 1951. godine NN 155/2022		http://bit.ly/3FKQNXg (HR)
Decision on the costs of accommodation in the Reception Centre for Asylum Seekers Official Gazette 47/2016 <i>Amended:</i> Official Gazette 155/2022	Odluka o troškovima smještaja u Prihvatilištu za tražitelje azila NN 47/2016 Odluka o izmjenama Odluke o troškovima smještaja u prihvatilištu za tražitelje azila NN 155/2022	Decision on the Costs of Accommodation	http://bit.ly/2ITyx3i (HR) http://bit.ly/3JZaWey (HR)
Ordinance on free legal aid in the procedure of granting international protection Official Gazette 140/2015 <i>Amended:</i> Official Gazette 155/2022	Pravilnik o besplatnoj pravnoj pomoći u postupku odobrenja međunarodne zaštite NN 140/2015, 155/2022	Ordinance on Free Legal Aid	http://bit.ly/2kXPLhy (HR) http://bit.ly/40xbm0W (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/2JdqxXL (HR)
Decision to revoke the Decision on resettlement of third country nationals or stateless persons who meet the conditions for approval of international protection for 2019 Official Gazette 88/2022	Odluka o stavljanju izvan snage Odluke o preseljenju državljana trećih zemalja ili osoba bez državljanstva koje ispunjavaju uvjete za odobrenje međunarodne zaštite za 2019. godinu NN 88/2022		http://bit.ly/40bzypZ (HR)
Decision on relocation of the third country nationals or stateless persons who meet the conditions for approval of international protection Official Gazette 88/2022	Odluka o premještanju državljana trećih zemalja ili osoba bez državljanstva koje ispunjavaju uvjete za odobrenje međunarodne zaštite NN 88/2022		https://bit.ly/3JGMZHI (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 Official Gazette 102/2016	Rješenje o utvrđivanju cijene dozvole boravka za azilanta i stranca pod supsidijarnom zaštitom NN 98/2016 Ispravak Rješenja o utvrđivanju cijene dozvole boravka za azilanta i stranca pod supsidijarnom zaštitom NN 102/2016	Decision on the Price of Residence Permits	http://bit.ly/2kvB0Un (HR) http://bit.ly/2kXSmb6 (HR) http://bit.ly/3IE9Ewb (HR)

<i>Amended: Official Gazette 155/2022</i>	Rješenje o izmjeni Rješenja o utvrđivanju cijene dozvole boravka za azilanta i stranca pod supsidijarnom zaštitom NN 155/2022		
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 136/2021	Pravilnik o postupanju prema državljanima trećih zemalja NN 136/2021	Ordinance on treatment of third country nationals	https://bit.ly/3MfvLI0 (HR)
Ordinance on accommodation in the Reception Centre for Foreigners and the method of calculating the costs of forced removal; Official Gazette 145/2021 <i>Amended: Official Gazette 155/2022</i>	Pravilnik o boravku u Prihvatnom centru za strance i načinu izračuna troškova prisilnog udaljenja NN 145/2021, 155/2022	Detention Centre Ordinance	https://bit.ly/35NIA5r (HR) http://bit.ly/4067W5E (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: Official Gazette 119 /2020</i>	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 stay of third country nationals in the Republic of Croatia: Official Gazette 20/2022			https://bit.ly/3HlvjYR (HR)

Amended: Official Gazette 155/2022	Pravilnik o boravku državljana trećih zemalja u Republici Hrvatskoj NN 20/2022, 155/2022		http://bit.ly/42x6g6W (HR)
Decision on the establishment of the Interdepartmental Commission for the Protection of Unaccompanied Children Official Gazette 3/2022	Odluka o osnivanju Međuresornog povjerenstva za zaštitu djece bez pratnje NN 3/2022		http://bit.ly/3JZIIQW (HR)
Decision on the appointment of the president, deputy president, secretary, members and deputy members of the Interdepartmental Commission for the Protection of Unaccompanied Children, Official Gazette 52/2022	Rješenje o imenovanju predsjednice, zamjenice predsjednice, tajnice, članova i zamjenika članova Međuresornog povjerenstva za zaštitu djece bez pratnje NN 52/2022		http://bit.ly/3LLpsbg (HR)

Overview of the main changes since the previous update

The report was previously updated in **April 2022**.

International protection

Asylum procedure

- ❖ **Access to the territory:** Reports of push backs and violent police practices at the border were documented in 2022. According to the Danish Refugee Council (DRC), 3,461 persons were pushed back from Croatia to Bosnia and Herzegovina (BiH) in 2022,⁴ while UNHCR data further indicates that 289 persons were pushed back from Croatia to Serbia in 2022.⁵ The Ombudsperson for Children reported that at least 120 children were pushed back in 2022 according to data provided by the Border Violence Monitoring Network's. The actual number is however likely higher.
- ❖ **Relevant case law on access to the territory:** In 2022, a Rohingya child submitted complaints against Croatia and Slovenia at the UN Child Rights Committee for multiple violations of the Convention on the Rights of the Child (CRC).⁶ The child spent over a year in Bosnia and Herzegovina (BiH) from 2020 to 2021. During this time, he was pushed back five times from Croatia to BiH and subjected to violence. In Slovenia, he was subjected to a "chain" pushback, forcibly returned first to Croatia by Slovenian authorities and then onwards to BiH by Croatian authorities. In April 2022, in the case *M.H. and Others v. Croatia*,⁷ the request for referral was rejected by the Grand Chamber panel of five judges and the judgement become final.⁸ In October the Action plan in the case was published⁹.
- ❖ **Key statistics on the asylum procedure:** The number of applicants for international protection increased significantly throughout 2022, going from 3,039 in 2021 to 12,872. Although detailed statistics were not made available by national authorities, the recognition rate remained low, as only 21 persons were granted asylum in the course of 2022.¹⁰ According to the Ombudsman's report,¹¹ 10,087 intentions to apply for international protection were expressed in border police stations and 137 in airport police stations. In 2022, apart from 21 refugee statuses being granted, according to the Ombudsman report, 81 applications for international protection were rejected and 3,406 were suspended. Croatia continues to be a transit country as the majority of applicants for international protection leave Croatia to other countries. In the second half of 2022 further intensification of transit migration levels was observed as during August and September 2022 applicants were staying in the Reception Centre for Applicants for International Protection for an average of only 3 days.¹² According to the report of independent monitoring mechanism covering the period June 2021-June 2022, approximately 80% of persons who applied for international protection and were therefore accommodated in the Reception Centre for Applicants for

⁴ Danish Refugee Council (DRC): Border Monitoring Factsheets January- December 2022, available in English at: <http://bit.ly/42BEYfK>.

⁵ UNHCR, Serbia- Snapshots January- December 2022, available at: <https://bit.ly/3FJF7E1>.

⁶ European Center for Constitutional and Human Rights (ECCHR): *Rohingya child challenges Croatia and Slovenia over violent pushbacks*, available at: <https://bit.ly/3IKK0yf>.

⁷ ECtHR, Judgment in the case of M.H. and others v. Croatia (Applications nos. 15670/18 and 43115/18), available at: <https://bit.ly/43wOzE9>.

⁸ ECtHR: Grand Chamber Panel's decisions - April 2022, Press Release - Referrals to Grand Chamber, published on April 4, 2022, available at: <https://bit.ly/3WCvyhe>.

⁹ ECtHR: Communication from Croatia concerning the case of M.H. and Others v. Croatia (Application No. 15670/18).

¹⁰ Ministry of Interior, Statistics 2022, available at: <https://bit.ly/3C0HJuR>.

¹¹ Report of the Ombudsman for 2022, available in Croatian at: <https://bit.ly/439X3kT>.

¹² Information provided by MdM, 14 February 2022.

International Protection in Zagreb had left the Reception Centre and their proceedings were suspended.¹³

Reception conditions

- ❖ **Reception centres:** During 2022, the renovation of the Reception Centre for applicants of international protection in Kutina was completed and the capacity for accommodation of applicants was increased to 140 persons.¹⁴

Detention of asylum seekers

- ❖ **Relevant case law:** In January 2023, the European Court on Human Rights (ECtHR) published its ruling on the case *Daraibou v. Croatia*,¹⁵ application no. 84523/17. The case concerned a Moroccan applicant, Daraibou, who was detained in a border police station together with three other migrants. In March 2015, the border police found the applicant and three other persons, in a truck with Croatian license plates. It was established that the migrants had entered Croatia clandestinely, avoiding border control. They were taken to the nearest police station in Bajakovo. While waiting readmission to Serbia, they were placed in the premises for the detention of irregular migrants in the border police station. One of them allegedly set fire to the facility, which caused death of three migrants and serious injuries to the applicant. The ECtHR found a violation of the material and procedural aspect of Art. 2. of ECHR due to the fact that the domestic authorities did not take sufficient measures to protect the life and limb of the applicant, and due to the failure to conduct a sufficiently detailed and effective investigation following the event, according to the Conventional standards. At present, the judgment is not final.

Content of international protection

- ❖ **Inclusion:** A new Integration Action Plan was not adopted in 2022, even if the previous Integration Action Plan had expired at the end of 2019. Although the integration policy is still being developed to a large extent at the national level, progress can be observed at the local level as well. In January 2022, the Assembly of the City of Zagreb adopted the Action Plan of the City of Zagreb for the integration of applicants for international protection and persons granted international protection for the year 2022,¹⁶ making the City of Zagreb the first unit of local and regional self-governments in the RoC which adopted such a strategic document.¹⁷

Other relevant developments

- ❖ **Schengen access:** As of January 1, 2023, Croatia joined Schengen and Eurozone. The Law on State Border Control was amended in 2022, with the aim of adapting that act to the Schengen Acquis which apply as of 1 January 2023 after border controls at Croatian internal borders were abolished.
- ❖ **Immigration Policy:** In December 2022,¹⁸ the Government of the Republic of Croatia adopted a Proposal for a Decision on the establishment of an Interdepartmental Working Group for

¹³ Annual report of the Independent Mechanism of monitoring the actions of police officers of the Ministry of the Interior in the area of illegal migration and international protection- June 2021 – June 2022; available at: <https://bit.ly/3qhkuKB>.

¹⁴ Ministry of Interior, Successful completion of the project "Renovation of the Reception Center for Applicants of International Protection in Kutina", available at: <https://bit.ly/3OGR6Y7>.

¹⁵ ECtHR, judgment in the case of *Daraibou v. Croatia*; *Application no. 84523/17*, available at: <https://bit.ly/3THBvbb>; Press Release: Judgment *Daraibou v. Croatia* - fatal fire in police-station basement room used to detain illegal migrants, available at: <https://bit.ly/3IFUYfS>.

¹⁶ Action Plan of the City of Zagreb for the integration of applicants for international protection and persons granted international protection for the year 2022, available at: <https://bit.ly/3Zbg9o0>.

¹⁷ For more, see: <https://bit.ly/40cXQjw>.

¹⁸ Government of the Republic of Croatia: 178 Session, available at: <https://bit.ly/44aQ2k2>.

drafting a proposal for a document on the immigration policy of the Republic of Croatia.¹⁹ The Ministry of Interior coordinates the work of the Interdepartmental Working Group.

Temporary protection

The information given hereafter constitute a short summary of the annex on Temporary Protection to this report. For further information, see [Annex on Temporary Protection](#).

Temporary protection procedure

- ❖ **Registration for temporary protection:** On March 7, 2022, the Government of the Republic of Croatia²⁰ adopted the decision on introducing temporary protection on the basis of Council Implementing Decision (EU) 2022/382 of 4 March 2022, which establishes the existence of a mass influx of persons in accordance with Article 5 of Directive 2001/55/ EC. Applications for temporary protection need to be submitted at police stations, while the competent authority for recognising the temporary protection status lies with the Ministry of Interior. The application can be submitted in person at the police station or administration based on place of residence of applicant or via online form available at the e-platform Croatia4Ukraine.²¹ An exception was foreseen for those persons who were accommodated in collective accommodation, at times of increased arrivals of persons displaced from Ukraine to Croatia.²² These persons did not have to go personally to the police station/administration, but could submit the application directly to the officials of the Ministry of the Interior who visited the collective accommodations in order to speed up the process of receiving and further processing of the applications.
- ❖ **Scope of temporary protection:** Pursuant to the Government's Decision, Croatia shall grant temporary protection to Ukrainian nationals and members of their families residing in Ukraine on 24 February 2022 and who left Ukraine from 24 February 2022 onwards; 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. Regarding 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 the country because of the armed conflict. According to the official statement of the Ministry of Interior,²³ 'immediately before' is to be considered as starting from 1 January 2022.

Content of temporary protection

- ❖ **Residence permit:** After the person has been granted the status of temporary protection, the police administration, i.e. the police station competent based on the place of residence of the applicant, or officials of the Ministry of Interior or of the police administrations or police stations who are present in collective accommodation facilities issue the identity card of a foreigner under temporary protection to the person. The card is proof of having been granted TP status, represents the residence permit and serves as a valid document for exercising all the rights that

¹⁹ Government of the Republic of Croatia: Proposal for a Decision on the establishment of an Interdepartmental Working Group for drafting a proposal for a document on the immigration policy of the Republic of Croatia, available at: <https://bit.ly/3Nj373B>.

²⁰ Croatian Government, Decision on the Introduction of Temporary Protection in the Republic of Croatia for Displaced Persons from Ukraine, available in Croatian at: <https://bit.ly/37yIO2c>.

²¹ Ministry of Interior, web page, *Croatia for Ukraine*: <https://croatia4ukraine.mup.hr/Pages/Zahtjev>.

²² The Ministry of Interior, web page *Croatia for Ukraine*: <https://hrvatskazaukrajinu.gov.hr/informacije/status-privremene-zastite/152>.

²³ Information provided by Ministry of Interior on 10 November 2022.

beneficiaries are entitled go under the scope of protection status. Given the fact that the circumstances related to the introducing of temporary protection did not change over the course of one year, decision about prolongation of temporary protection has been made. Temporary protection has been prolonged until 4 March 2024²⁴, as well as all the rights of beneficiaries of temporary protection within the scope of protection status. In order to extend temporary protection (i.e. the validity of the card of a foreigner under temporary protection), beneficiaries of temporary protection were requested to present themselves to the police administration/police station according to their place of residence in the period from 15 February 2023 to 30 April 2023. However, persons who applied for a card extension after 30 April 2023 did not lose their temporary protection status. It is not necessary to submit an application for an extension of temporary protection as the extension is recorded in the existing card of a foreigner under temporary protection.

- ❖ **Access to rights:** Beneficiaries of temporary protection enjoy a wide range of rights in the Republic of Croatia, and no significant obstacles to their realization have been observed due to the fast reaction of the authorities and early establishment of an effective reception and care system. By amending the Law on Social Welfare,²⁵ beneficiaries of temporary protection gained the right to receive all social services and benefits provided for by law under the same conditions as Croatian citizens.
- ❖ **Access to the labour market:** Beneficiaries of temporary protection have unrestricted access to the labour market, as do Croatian citizens. What represents a difficulty is the insufficient knowledge of Croatian language (and the lack of official language courses organised by the state) and the lengthy and expensive procedure of recognition and evaluation of foreign qualifications (especially for professions regulated by law). Therefore, options for employment in certain professions are significantly limited.
- ❖ **Access to education:** Access to primary and secondary education is fully facilitated and accessible. As for admission to higher education institutions, only some universities or their constituents decided to facilitate enrolment or continuation of studies, while the rest kept the quota system for third country nationals, which implies high tuition fees.
- ❖ **Housing:** Persons who cannot afford to live in private accommodation have two options available: accommodation in a collective centre where they are provided with free accommodation and food, and accommodation in private units that meet the prescribed conditions, for which a contract is concluded between the landlord and the state.
- ❖ **Health care:** Within the framework of exercising the right to health care, beneficiaries of temporary protection face problems that represent a general feature of the health care system in the Republic of Croatia - long-term waiting for specialist examinations. In addition, they are not entitled to contract supplementary health insurance. They enjoy the right to health care to the extent enjoyed by persons who are compulsorily insured, but at the same time they are not insured and the costs of their health care are covered directly from the budget of the Republic of Croatia. As a result, they are not able to contract supplementary insurance, except in the case of employment, which would avoid additional (and large) health care costs that exceed the scope of protection provided by compulsory insurance.

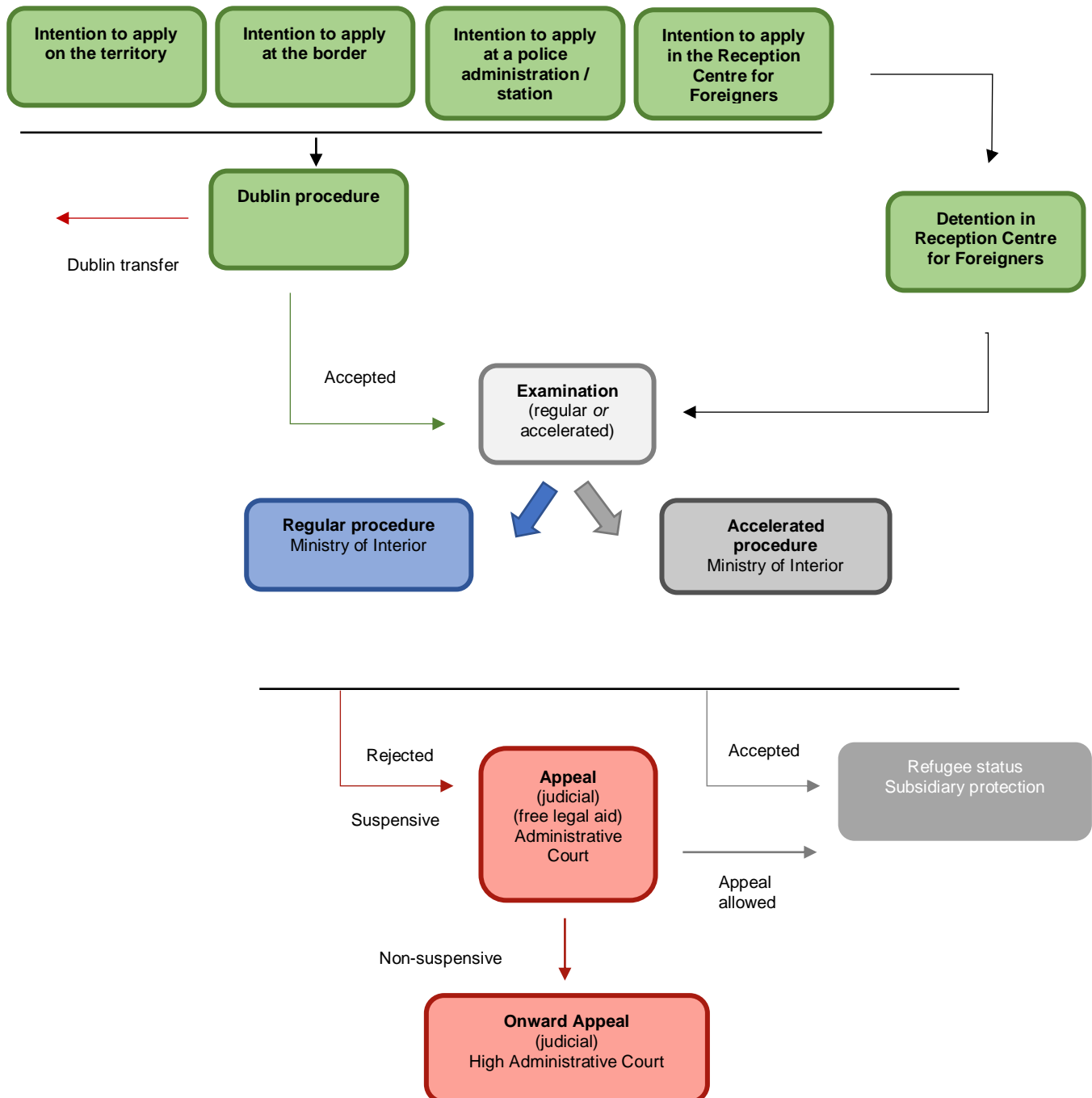
²⁴ Information provided by the Ministry of Interior on 2 February 2023.

²⁵ The Law on Amendments to the Law on Social Welfare (OG 46/22), available at: <https://bit.ly/3TIJc1a>.

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: ²⁶ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Fast-track processing: ²⁷ | <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.²⁸ According to the CLC's knowledge, this has not changed in the course of 2022.

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

²⁶ For applications likely to be well-founded or made by vulnerable applicants. See Article 31(7) recast Asylum Procedures Directive.

²⁷ Accelerating the processing of specific caseloads as part of the regular procedure.

²⁸ 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 2019,²⁹ 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:³⁰

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,³¹ and was amended in 2022.³² The same organisational units were responsible for asylum related matters in the course of 2022.

In 2021, eight new staff members were employed by the Service for International Protection Procedure and, at the beginning of 2022, a new vacancy was announced for three more positions in the Department for International Protection Procedure. Two new employees were also employed in the Department for Dublin Procedure. An internal workflow for staff responsible to conduct procedures and take decisions was prepared. The workflow includes all procedures relating to administrative proceedings in international protection procedure. The employees of the Service for Reception and Accommodation and the Service for International Protection participated in over 50 seminars, conferences, webinars, lectures and educational workshops in 2021. The employees of the Service for the Reception and Accommodation of Applicants, which is responsible for managing reception centres for applicants for international protection in Zagreb and Kutina, attended different workshops in the field of reception and accommodation, with

²⁹ 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>.

³⁰ This Sector further includes units responsible for other migration-related matters e.g. citizenship, legal residence of foreigners, visas etc.

³¹ Decree on the internal structure of the Ministry of Interior, Official Gazette 97/2020, available in Croatian at: <https://bit.ly/2Rrj1zK>.

³² Amendments of Decree on the internal structure of the Ministry of Interior, Official Gazette 7/2022 available in Croatian at: <https://bit.ly/3n6iDGG>; Amendments of Decree on the internal structure of the Ministry of Interior, Official Gazette 149/2022 available in Croatian at: <https://bit.ly/3TCOKKi>.

special emphasis on the reception of persons with special reception and procedural guarantees in the course of 2021.³³

In 2022, employees of the Service for International Protection, attended two national workshops organized under the curriculum of European Agency for Asylum (EUAA). Furthermore, 13 employees of the Service for Reception and Accommodation attended various workshops in the field of reception and accommodation with special emphasis on the vulnerable groups in need of special reception/procedural guarantees (e.g. unaccompanied children, GBV survivors). Workshops were organized by EUAA, UNHCR, Council of Europe, UNICEF, Croatian Red Cross, Frontex, Judicial Academy and State school for public administration.³⁴

According to the Ombudsman's report for 2022,³⁵ due to the high number of applicants for international protection and the complexity of the asylum procedure, it would be necessary to increase the number of officials who conduct procedures and prepare decisions.

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.³⁶

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.³⁷

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](#)).³⁸

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

³³ Croatian Law Centre: The Croatian Asylum System In 2021 - National Report, The report was prepared as part of the project "Access to the territory and the asylum system in Croatia - legal support and capacity building" with the financial support of the UNf the UNHCR; available in Croatian at: <https://bit.ly/3NgBDfc> and in English at: <https://bit.ly/3NBvVpC>.

³⁴ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project „Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia“, with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

³⁵ Report of the Ombudsman for 2022, available in Croatian at: <https://bit.ly/439X3kT>.

³⁶ Articles 27 and 28 LITP.

³⁷ Article 29 LITP.

³⁸ Article 32(1) LITP.

thus not only responsible for conducting interviews but also for ensuring access to reception of applicants for international protection.

Registration

The procedure officially begins from 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.³⁹

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.⁴⁰ 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.⁴¹

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.⁴²

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,⁴³ and shall issue a decision within 6 months of a duly completed application or a duly completed and admissible subsequent application.⁴⁴ 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.

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

³⁹ Article 33(8) LITP.

⁴⁰ Article 33(9) LITP.

⁴¹ Article 33(10) LITP.

⁴² Article 34(2) LITP.

⁴³ Article 35(1) LITP.

⁴⁴ Article 40(1) LITP.

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.⁴⁵

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.⁴⁶ The border procedure was still not applied in 2022 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.

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 2022, 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

According to the Ministry of Interior, there were 50,624 irregular border crossings in 2022, thus marking an increase of 190.9% compared to 2021 when 17,404 irregularly border crossing cases were recorded. The main countries of origin of persons apprehended while irregularly crossing the border were Afghanistan, Iraq, Burundi, Pakistan, Türkiye and Bangladesh. Out of this number, 34,492 persons were found in the depths of the territory, while 12,071 were apprehended near the border.⁴⁷

⁴⁵ Article 41(5) and 51(1)(1) LITP.

⁴⁶ Information provided by the Ministry of Interior, 28 January 2019.

⁴⁷ Ministry of Interior, Statistical overview of the fundamental safety indicators and work results in 2022, available at: <https://bit.ly/3JCs8VW>.

Citizenship	Illegal crossing of the border (persons)			Location of interception			
	2021.	2022.	Trend in %	Border crossing point	Near the border	Deep into the territory	Accepted by the police of another state
Afghanistan	4,824	14,877	+124.5	537	2,488	11,346	506
Bangladesh	1,998	3,237	+62.4	55	443	2,310	429
Bosnia and Herzegovina	124	89	-29.1	20	28	30	11
Burundi		5,465		0	2,554	2,898	13
India	165	1,766	+1192.6	149	325	1,060	232
Iraq	614	6,334	+843.8	23	1,526	4,574	211
Iran	559	1,914	+275.6	11	344	1,458	101
Congo	3	692	+15666.7	1	146	537	8
Kosovo	678	870	51.0	89	222	455	104
Cuba	145	1,777	3373.7	1	625	1,135	16
Nepal	189	858	529.8	3	217	427	211
Pakistan	3,278	4,429	24.1	55	725	3,262	387
Syria	643	1,594	63.7	12	552	990	40
Serbia	145	60	-60.0	22	11	21	6
Türkiye	2,446	4,110	96.1	206	1,045	2,606	253
Other	1,593	2,552	46.2	200	820	1,383	149
Total	17,404	50,624	190.9	1,384	12,071	34,492	2,677

Source: Ministry of Interior, Statistical overview of the fundamental safety indicators and work results in 2022, available at: <https://bit.ly/3JC8VWV>.

Pushback practices reported by national and European NGOs and other actors

Pushback practices persisted throughout 2022, as reported by many organisations such as the Danish Refugee Council (DRC), PRAB initiative, the Border Violence Monitoring Network (BVMN), Save the Children, Are You Serious? (AYS), the Centre for Peace Studies (CPS) and Welcome! Initiative'.

According to the Danish Refugee Council (DRC), 3,461 persons were pushed back from Croatia to Bosnia and Herzegovina (BiH) in 2022,⁴⁸ compared to 9,114 in 2021.⁴⁹ UNHCR data further indicates that 289 persons were pushed back from Croatia to Serbia in 2022,⁵⁰ compared to 928 in 2021.⁵¹

In 2022, Save the Children and the Centre for Interdisciplinary Studies at the University of Sarajevo published a report analysing⁵² the level and types of violence that children experience while attempting to reach Western Europe via the Balkans route. Based on the interviews realised with migrant children, most of the interviewees reported having tried to cross the border from Bosnia and Herzegovina to Croatia more than three times, with the largest number of attempts recorded being nine.

The Ombudsperson for Children reported that at least 120 children were pushed back in 2022 according to data provided by the Border Violence Monitoring Network's. The actual number is likely higher, as it is not possible to determine the exact number of children present within the large groups that were subjected to pushbacks despite expressing their intention to apply for international protection. Civil society

⁴⁸ Danish Refugee Council (DRC): Border Monitoring Factsheets January- December 2022, available in English at: <http://bit.ly/42BEYfK>.

⁴⁹ 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.

⁵⁰ UNHCR, Serbia- Snapshots January- December 2022, available at: <https://bit.ly/3FJF7E1>.

⁵¹ UNHCR, Serbia- Snapshots January- December 2021, available at: <https://data2.unhcr.org/>.

⁵² Save the Children: Report "Wherever we go, Someone does us Harm: Violence against refugee and migrant children arriving in Europe through the Balkans", available at: <https://bit.ly/3Z5N6Sx>.

organizations warn that younger children were exposed to psychological and verbal violence, and older to physical violence. Nevertheless, some non-governmental organizations reported having received significantly less calls concerning children in 2022.⁵³

Are You Syrious (AYS), as a part of the Border Violence Monitoring Network (BVMN), reported that BVMN collects data on pushbacks. According to their data in 2022, BVMN collected 123 testimonies of expelled groups, which included at least 1,100 victims. The majority of persons (93.5%) were expelled from Croatia to Bosnia and Herzegovina. Among the interviewed groups who experienced pushback, at least 53 groups (43.1%) included minors, and at least 73 groups (59.35%) declared having tried to request asylum. The most common forms of violence recorded were: beating, theft and destruction of personal belongings (money, mobile phones and portable batteries). AYS also reported that according to BVMN data, violent acts were observed against all groups of people, including towards pregnant women, children, unaccompanied children and elderly persons.⁵⁴

The **Centre for Peace Studies (CPS)** also reported that push backs practices and denying access to asylum continued in 2022.⁵⁵

In 2022, Common report of CPS and PRO ASYL on systematic human rights violations at Croatian borders was published.⁵⁶ This report provides an overview of the unlawful and illegal practices of Croatian authorities in the past six years, especially during 2020 and 2021, as well as the alleged change of the pushback practice in 2022. In 2022, CPS noticed the change in approach of the police towards migrants as police has started issuing more return decision, through the so-called 7-days papers ordering applicants to leave European Economic Area.

Protection Rights At Borders (PRAB) initiative,⁵⁷ which focuses 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 specifying that victims of the pushback cases reported being denied access to the asylum procedure in 2022.⁵⁸

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 the following:

*"During 2021, the Mol'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."*⁵⁹

⁵³ Ombudsman for children report for 2022, available in Croatian at: <https://bit.ly/45Dzl1W>.

⁵⁴ Information provided by AYS. 3 February 2023.

⁵⁵ Information provided by the Centre for Peace studies, 18 January 2023.

⁵⁶ Centre for Peace Studies: Common report of Centre for Peace Studies and PRO ASYL on systematic human rights violations at Croatian borders, available in English: <https://bit.ly/3lINSat>.

⁵⁷ Danish Refugee Council (DRC), *Protecting Rights at Borders (PRAB)*, available at: <https://bit.ly/3hCiEfw>.

⁵⁸ Initiative PRAB: Beaten, punished and pushed back, Report January – December: available at: <https://bit.ly/3n9bnK9>.

⁵⁹ 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 the year 2022, reports of injured and dead migrants were also reported.

In April 2022, following an alert from the Slovenian police, police officers found several foreign nationals on inaccessible terrain along the banks of the river Kupa. One of them was unconscious suffered from hypothermia, and died despite attempts at resuscitation made by police officers. The next day, another dead body was found in the river.⁶⁰ Also in April, after a call from an unknown person who asked for help as one person from their group had drowned, the police found two bodies in the river Mrežnica, during the search for a drowned person.⁶¹ In December, the body of a foreign citizen was found in the Sava river.⁶² In its annual report, the Independent Monitoring Mechanism recommended the introduction of mortality monitoring for irregular migrants.⁶³

During the year, the police rescued migrants on several occasions.

In June, police officers rescued nine foreign nationals, including five children, from the wagon of a cargo train.⁶⁴

Police officers from police administration Brodsko-posavska rescued migrants on several occasions. In September, four people were rescued from the swollen Sava river – on the country's Bosnian border - by some police officers and local citizens,⁶⁵ while during October migrants were rescued from the river in two occasions.⁶⁶

In December, police officers rescued migrants from an overturned boat in the same river.⁶⁷

During 2022, UNHCR Croatia continued to carry out its activities, in cooperation with its partners, monitoring of the asylum procedure and advocating for access to territory and asylum, capacity building events aimed at strengthening the asylum procedure and promoting local integration prospects and positive attitudes towards forcibly displaced and stateless people. UNHCR undertook a range of advocacy and operational activities to promote respect for international law and safeguard access to territory and the right to seek asylum. This includes protection monitoring, the provision of information on how to seek asylum, and capacity building of border police and asylum officials.⁶⁸

Push-back practices reported by the media

In 2021, Lighthouse Reports further recorded a footage of a pushback at the border with Bosnia Herzegovina.⁶⁹ 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."*⁷⁰ This case was followed by independent monitoring mechanism (IMM). By conducting unannounced monitoring and analysing other primary and secondary data sources relating to the video recording broadcast on RTL television on 6 October 2021 (i.e. Lighthouse Reports footage), the IMM established that the members of the riot police acted illicitly by returning irregular migrants from Croatia to Bosnia and Herzegovina outside the scope of permitted national and international law, which was also confirmed by the Mol. Based on this case,

⁶⁰ Novi list, available at: <http://bit.ly/3JFzQ1n>.

⁶¹ Available at: <http://bit.ly/3JCcGc9>.

⁶² Available at: <https://bit.ly/3JnvYmy>.

⁶³ Annual Report of the Independent Mechanism of Monitoring the actions of police officers of the Ministry of the Interior in the area of illegal migration and international protection, June 2021 – June 2022, available in Croatian at <https://bit.ly/3FKhkDQ> and in English at: <https://bit.ly/3FMRcbD>.

⁶⁴ Police administration vukovarsko-srijemska, available at: <https://bit.ly/3CBWJzB>.

⁶⁵ Police administration brodsko-posavska, available at: <https://bit.ly/3piwECz>.

⁶⁶ Police administration brodsko-posavska, available at: <https://bit.ly/3Xe5vgN>.

⁶⁷ Jutarnji list, available at: <https://bit.ly/3JKKEfJ>.

⁶⁸ Croatian Law Centre, *The Croatian Asylum System in 2022- National Report* ; The report was prepared as part of the project „Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia“, with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

⁶⁹ Lighthouse Reports, *Unmasking Europe's shadow armies*, available at: <https://bit.ly/3HR6tGF>.

⁷⁰ INDEX, *Police officers: Yes, we use force against migrants. It is illegal, but these are the orders*, available at: <https://bit.ly/3C7L9v4>.

disciplinary proceedings as well as criminal proceedings have been initiated against police officers before the competent state's attorney office.⁷¹

In January 2022, police officers recorded in the Lighthouse Reports footage returned to work in their previous work positions.⁷²

In February 2022, the INDEX portal published news in relation to the instruction that was sent to police officers regarding migrants' treatment. According to the portal, the Office of the Ombudswoman has therefore opened the procedure and will request from the Ministry of Interior to deliver the order or guidelines as well as their statement.⁷³

Reactions from UN bodies and European human rights bodies

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

The EU Ombudsman opened an inquiry in 2020 concerning how the European Commission (EC) monitors and ensures respect for fundamental rights by the Croatian authorities in the context of border management operations supported by EU funds. An Ombudsman inquiry has identified significant shortcomings related to how the EC monitors respect for fundamental rights by Croatian authorities in border management operations supported by EU funds. In closing the inquiry, the Ombudsman suggested a number of improvements to the Commission (including that the Commission should provide up-to-date information on how the monitoring mechanism is working in Croatia, whether it is independent and effective; the EC should also ask for information to Croatian authorities on how it investigated reports of mistreatment of migrants and asylum seekers).⁷⁴

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.⁷⁵ 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.⁷⁶ 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

⁷¹ Annual Report of the Independent Mechanism of Monitoring the actions of police officers of the Ministry of the Interior in the area of illegal migration and international protection, June 2021 – June 2022, available in Croatian at <https://bit.ly/3FKhkDQ> and in English at: <https://bit.ly/3FMRcbD>.

⁷² H-Alter: *Foundations of the police state*; available at: <https://bit.ly/3MZgF5s>.

⁷³ INDEX.

⁷⁴ EU Ombudsman: *Delay in setting up monitoring mechanism for Croatian border management regrettable* available at: <https://bit.ly/40vVnk4>.

⁷⁵ 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>.

⁷⁶ Ombudsman, *Annual report 2020*, available in Croatian at: <https://bit.ly/3aaQXar>.

publication, which usually takes place within three months of its adoption.⁷⁷ The report on the visit to Croatia carried out by CPT from 10 to 14 August 2020 was finally published in December 2021.⁷⁸

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. (See [AIDA Country Report on Croatia – 2021 Update](#))

In March 2022, the CPT published the response of the authorities to the report on the Committee's ad hoc visit to Croatia.⁷⁹ 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, 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*

⁷⁷ 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>.

⁷⁸ 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>.

⁷⁹ 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>.

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.

In February 2022, the President of the CPT, met with Croatian Deputy Prime Minister and Minister of the Interior, in Strasbourg, further to their previous meeting in October 2021 to continue their discussions on the treatment of migrants deprived of their liberty. The talks focussed on the implementation of the recommendations contained in the CPT's report on the 2020 ad hoc visit to Croatia, published on 3 December 2021.⁸⁰

Litigation on pushback practices and relevant complaints

The case *M.H. and others v. Croatia* concerned an Afghan family of 14, in which 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). In April 2022, in the case *M.H. and Others v. Croatia*,⁸¹ the ECtHR's Grand Chamber panel of five judges rejected the Croatian request for referral and the judgement became final.⁸²

The organisation Centre for Peace Studies – who intervened in the case – and activist alliance Are You Syrious called for the interior minister and others responsible within the police to be dismissed in light of the ruling. In December 2022, the Action plan was published.⁸³ The plan concerns measures that the authorities have taken aimed at bringing the violations to an end and redressing the applicants.

The Centre for Peace Studies and the Human Rights House Zagreb prepared recommendations for the execution of the judgment of *M.H. and Others* against Croatia.⁸⁴

In 2022, a Rohingya child submitted complaints against Croatia and Slovenia at the UN Child Rights Committee for multiple violations of the Convention on the Rights of the Child (CRC).

After many years looking for protection, he spent over a year in Bosnia and Herzegovina (BiH) from 2020 to 2021, having to survive without state support or medical care, sleeping rough in forests and squatting in abandoned buildings. During this time, he was pushed back five times from Croatia to BiH. In Slovenia he was subjected to a “chain” pushback, by which he was forcibly returned first to Croatia by Slovenian authorities and then onwards by Croatian authorities to BiH. The child faced beatings by Croatian border officers, had his belongings burnt and his shoes confiscated.

The applicant's complaints argue violations of the CRC, in relation to his expulsions and ill-treatment, and states' failure to assess his age or apply any of the relevant safeguards under articles 3, 8, 20(1), and 37 CRC. The child corroborated his accounts with a range of digital evidence. The complaints were filed against Croatia and Slovenia with the support of ECCHR and Blindspots.⁸⁵

⁸⁰ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment: Council of Europe anti-torture Committee (CPT): *President holds high-level talks with Deputy Prime Minister and Minister of the Interior of Croatia on migration issues*, available in English at: <http://bit.ly/3TAHVZP>.

⁸¹ ECtHR, Judgment in the case of *M.H. and others v. Croatia* (Applications nos. 15670/18 and 43115/18), available at: <http://bit.ly/3yWYBRT>.

⁸² ECtHR: Grand Chamber Panel's decisions - April 2022, Press Release - Referrals to Grand Chamber, published on April 4, 2022, available at: <https://bit.ly/3z0Pol9>.

⁸³ ECtHR: Action Plan-Communication from Croatia concerning the case of *M.H. and Others v. Croatia* (Application No. 15670/18), available at: <http://bit.ly/3LLIVJH>.

⁸⁴ Recommendations of the Centre for Peace Studies and the Human Rights House Zagreb for the execution of the judgment of *M.H. and Others* against Croatia, available at: <https://bit.ly/42Rajdg>.

⁸⁵ ECCHR, *Rohingya child challenges Croatia and Slovenia over violent pushbacks*, available at: <https://bit.ly/3PDQ0wG>.

1.2. Criticism and accountability

In December 2022, environmental protection organization "Zelena akcija" reported that the police illegally entered one of their premises, without identification or a warrant, looking for "migrants and persons of lower financial status". Only later, they found out that this was the criminal police.⁸⁶

1.3. Border monitoring

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

An independent monitoring mechanism (IMM) for border monitoring was established in Croatia in summer 2021.⁸⁷

According to the PRAB, the mechanism has not been effective in preventing and limiting pushback practices.⁸⁸

The independent monitoring mechanism was established for a one-year period with the possibility of extension, while activities were planned to 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.

A second agreement was signed in November 2022. It will be implemented for a period of 18 months with automatic extension, through announced and unannounced visits to police stations, police administrations, the external border, including the green border, at the border crossings with Bosnia and Herzegovina, Montenegro and Serbia, as well as and in Reception Centre for Applicants of International Protection and in reception centres for foreigners.⁸⁹

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.⁹⁰

⁸⁶ Jutarnji list: Police officers in civilian clothes illegally entered our premises, available in Croatian at: <http://bit.ly/3JEINrV>.

⁸⁷ 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>.

⁸⁸ Initiative PRAB: Beaten, punished and pushed back, Report January – December: available at: <https://bit.ly/3n9bnK9>.

⁸⁹ Ministry of Interior: A cooperation agreement was signed for the implementation of an independent monitoring mechanism for the protection of fundamental human rights in the conduct of police officers of the Ministry of Interior in the field of border protection, illegal migration and international protection; available at: <http://bit.ly/3JGyjs>.

⁹⁰ 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>.

The first annual IMM's report covering period June 2021 - June 2022 was published in July 2022.⁹¹ The report presents the activities and findings of the IMM, as well as cases of established irregularities and examples of good practices.

The monitoring visits conducted in the framework of the IMM were both announced and unannounced. According to the first Agreement, 20 monitoring visits were foreseen during the 1-year period. According to annual report, out of 20 monitoring visits, 3 were announced and 17 unannounced. Direct "activity providers" visited the green border on 5 occasions as part of observations of border police stations accompanied by police officers in the areas of Border police station (BPS) Donji Lapac, Police station (PS) Dvor, BPS Stara Gradiška, BPS Trilj and BPS Korenica. When sampling cases/locations of observations, the IMM was guided by the key selection criteria of the size/number and the degree of vulnerability of persons/groups of migrants, estimated urgency of the observation, assessment of the scale/severity of potential illegalities and geographically unified distribution of conducted observations in correlation with incidence and prevalence of irregular migrations in individual locations. In addition to aggregate statistical data and reports of the Ministry of Interior, the IMM also based the sampling of cases/locations of observations on daily notifications of the Ministry of Interior on persons encountered as irregular migrants (location, number of people in the group, presence of vulnerable persons in the group, origin of group members, etc.) also making sure that observations in BPSs and PSs cover the entire eastern border of the Republic of Croatia.

According to the annual report, no irregularities regarding the right to seek asylum and access to the asylum procedure were registered at border police stations.

The powers of the IMM do not include unannounced visits to the green border nor gaining insight into the Information System of the Ministry of Interior, so the IMM could not observe the actions at the green border of the Republic of Croatia, except during announced visits to the green border conducted in the presence of authorized officers of the Ministry of Interior and in line with their instructions.

Based on the insight into documentation and interviews at border police stations and announced observations of the green border, apart from the cases mentioned below, cases of forcible return of irregular migrants, which would lead to collective expulsions, were not established.

By monitoring, the IMM established that the police conducts, without registering them, permissible deterrence in line with Article 13 of the Schengen Borders Code, as well as illicit deterrence in mine-suspected areas in isolated cases. The IMM further established that the Ministry of Interior misinterprets relevant regulations in situations when irregular migrants know that police officers do not conduct physical control of mine-suspected areas, take full advantage of that circumstance by crossing the state border in these dangerous/(potentially) mined locations and upon crossing and being encountered by police officers claim that they entered the Croatian territory and apply for asylum. However, the interpretation of the border police is that these persons did not in fact enter the Croatian territory, as these areas are considered not "under the actual control of the Republic of Croatia". Instead they are, "deterred from crossing/entering" in a way that they are returned in harmless locations, without determining whether they are indeed in need of international protection, and should as such be protected from *refoulement* from the moment they come under the jurisdiction of the Republic of Croatia, let alone on its territory, which is the case in the situation described.

By conducting unannounced monitoring and analysing other primary and secondary data sources relating to the video recording broadcast, the IMM established that the members of the riot police acted illicitly by returning irregular migrants from Croatia to Bosnia and Herzegovina outside the scope of permitted national and international law, which was also confirmed by the Mol. Based on this case, disciplinary proceedings as well as criminal proceedings were initiated against police officers before the competent state's attorney office.

⁹¹ Annual Report of the Independent Mechanism of Monitoring the actions of police officers of the Ministry of the Interior in the area of illegal migration and international protection, June 2021 – June 2022, available in available in Croatian at <https://bit.ly/3FKhkDQ> and in English at: <https://bit.ly/3FMRcbD>.

Among the difficulties faced by irregular migrants, the annual report states that illegal acts of members of the Croatian police towards migrants (e.g. use of force) with the aim of forced return have been recorded. In describing cases of illegal use of force, irregular migrants stated that force was applied by persons in dark uniforms without markings, with "phantoms" on their heads, equipped with batons.

For the duration of the IMM (from June 2021 to June 2022), based on claims from various sources (requests of the Ombudswoman, Ombudswoman for Children, Office for the Prevention of Corruption and Organized Crime (USKOK), State Attorney's Office, media, individual complaints, nongovernmental organisations etc.), thirty-five cases were initiated in the Internal Control Department of the Ministry of Interior, which monitors the actions of the border and riot police regarding possible violations of rights of refugees and migrants irregularly entering the Republic of Croatia. Fifteen of these cases were finalised and in seven of them sanctions were imposed. Three out of the said seven sanctions refer to police officers from the RTL report. They were sanctioned due to improper conduct and abuse of power.

According to the information presented in the Action plan concerning the case of *M.H v. Croatia*, in 2022, among other topics, trainings on the topic of protection of fundamental rights regarding treatment of migrants were conducted for (border) police officers.⁹²

Under the Agreement with the Ministry of Interior, CLC organised training for border police officers - multipliers in the field of asylum in April 2022.

In addition, in 2022, UNHCR and the Croatian Law Centre in cooperation with the Ministry of Interior organised and held 3 workshops on the subject "Protection of human rights and access to the system of international protection" for police officers. In total 57 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 responsibility of police officers regarding the prevention of irregular migration in the light of the ECtHR judgment - *M.H. v. Croatia*.

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.⁹³ 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 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 2019.⁹⁴ 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. However, in 2022 a Decision to revoke the Decision on resettlement of third country nationals or stateless persons who meet the conditions for approval of international protection for 2019 was issued.⁹⁵

In addition, a new Decision on relocation of the third country nationals or stateless persons who meet the conditions for approval of international protection was adopted in July 2022.⁹⁶ In accordance with the aforementioned decision, Croatia will participate in the relocation of 60 third-country nationals or stateless

⁹² Action Plan (01/12/2022) - Communication from Croatia concerning the case of M.H. and Others v. Croatia (Application No. 15670/18; available at: <http://bit.ly/3ZizCCZ>, page 18 and 19.

⁹³ SHARE, *Integration Magazine*, April 2019, available in English at: <https://bit.ly/2xyKwOm>.

⁹⁴ Official Gazette 16/2019.

⁹⁵ Official Gazette 88/2022, available at: <http://bit.ly/3ILCA5g>.

⁹⁶ Ibid.

persons who meet the conditions for granting international protection from Greece, Cyprus, Italy, Malta and Spain.

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 Türkiye, Ankara.⁹⁷

According to the Ministry of Interior, the seventh group of refugees from Türkiye 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 Türkiye, 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 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

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 around 6 months on average.

In January 2022, Croatian Law Centre started the implementation of the project "Complementary pathways for Southeast Europe - COMP4SEE". The project aims to contribute to the development of complementary pathways by creating new models of private sponsorship and by making and advocating recommendations for improving national systems in the area of family reunification.

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 2021, *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>.

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>.

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.

In 2022, in total 12,872 intentions to lodge applications for international protection were expressed. Out of the total number of intentions, the largest number of intentions was expressed at border police stations (10,087). The rest were expressed at police stations (2,318), the Reception Centre for Foreigners in Ježevu (138), Pleso Airport police station (137), police administrations (112), the Transit Reception Centre for Foreigners in Tovarnik (50) and the Transit Reception Centre for Foreigners in Trilj (30).¹⁰⁷

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 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

¹⁰⁷ Croatian Law Centre, *The Croatian Asylum System in 2022- National Report* ; The report was prepared as part of the project „Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia“, with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

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.

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 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.

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.

¹¹⁷ Article 39(2)(1) LITP.

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 informed the Croatian Law Centre that delays in the organisation of interviews for the purpose of lodging applications for international protection 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 further information on this topic was provided by the Ministry for the period between 2019 and 2022.

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 In 2022, applicants' cards were issued to 2,520 persons.¹²³

However, Croatia is still a transit country as it is estimated that majority of applicants for international protection leave the country approximately very soon after expressing intention to apply for international procedure. In 2020, the Ministry of Interior suspended a total of 1,674 cases for that reason. The trend has continued in 2021 and 2022.

Out of the total number of expressed intentions to apply for international protection (12,872) in 2022, only 2,727 persons submitted application for international protection.¹²⁴

High percentages (approximately 80% in the period June 2021-June 2022) of applicants leaving Croatia soon after entering asylum system were reported by the independent monitoring mechanism.¹²⁵

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.

¹²³ Croatian Law Centre, *The Croatian Asylum System in 2022- National Report*; The report was prepared as part of the project „Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia“, with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

¹²⁴ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*; The report was prepared as part of the project “Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia“, with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

¹²⁵ Annual Report of the Independent Mechanism of Monitoring the actions of police officers of the Ministry of the Interior in the area of illegal migration and international protection, June 2021 – June 2022, available in in Croatian at <https://bit.ly/3FKhkDQ> and in English at: <https://bit.ly/3FMRcbD>.

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? ¹²⁶ | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Backlog of pending cases at the end of 2022: | Not available |
| 4. Average length of the first instance procedure in 2022: | 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.¹²⁷

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.¹²⁸ 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

¹²⁶ Except for exclusion cases.

¹²⁷ Article 40 LITP.

¹²⁸ 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.¹²⁹

1.2. Prioritised examination and fast-track processing

Applications by unaccompanied children are prioritised as specified by the LITP.¹³⁰ Additionally, an application which may be approved on the basis of the established facts also has priority in decision-making.¹³¹

According to the Ministry of Interior, priority in the decision-making process is given unaccompanied children and persons with special procedural or reception needs.

1.3. Personal interview

Indicators: Regular Procedure: Personal Interview

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the regular procedure?
❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No ☒ Yes ☐ No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision? ☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never
4. Can the asylum seeker request the interviewer and the interpreter to be of a specific gender?
❖ If so, is this applied in practice, for interviews? ☒ Yes ☐ No
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.¹³²

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.¹³³ 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
- When the admissibility of a subsequent application is being assessed.¹³⁴

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.

¹²⁹ Article 40 LITP.

¹³⁰ Article 17(9) LITP.

¹³¹ Article 38(2) LITP.

¹³² Article 35(2) LITP.

¹³³ Article 14(3) LITP.

¹³⁴ Article 35(8) LITP.

The LITP provides that the applicant shall give reasons if they refuse 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.¹³⁵

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.¹³⁶ 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.¹³⁷ 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.

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".¹³⁸

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

¹³⁵ Article 35(6) LITP.

¹³⁶ Article 14(2) LITP.

¹³⁷ Article 13 LITP.

¹³⁸ 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>.

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?

<ul style="list-style-type: none">❖ If yes, is it❖ If yes, is it suspensive	<table border="0"><tr><td><input checked="" type="checkbox"/> Yes</td><td><input type="checkbox"/> No</td></tr><tr><td><input checked="" type="checkbox"/> Judicial</td><td><input type="checkbox"/> Administrative</td></tr><tr><td><input checked="" type="checkbox"/> Yes</td><td><input type="checkbox"/> Some grounds <input type="checkbox"/> No</td></tr></table>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Judicial	<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Some grounds <input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No						
<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: 181¹³⁹

1.4.1. Appeal before the Administrative Court

Decisions of the Ministry of Interior may be challenged before the Administrative Court.¹⁴⁰ 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.¹⁴¹

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 2022, the training of Administrative court judges, financially supported by UNHCR, was held. The topic of the training was Administrative judicial protection of selected rights of applicants for international protection and persons granted international protection. A total of 15 judges and judicial advisors from the Administrative courts in **Zagreb**, **Osijek** and **Rijeka** and High Administrative Court participated at the training.

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.¹⁴²

¹³⁹ This refers only to the average processing time at the Administrative Court of Zagreb in 2022. Waiting times may vary at other Courts. Nevertheless, in 2022, 35 out of the 36 lawsuits were dealt by the Administrative Court of Zagreb.

¹⁴⁰ Article 32(2) LITP.

¹⁴¹ Article 24(1) Law on Administrative Disputes.

¹⁴² 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.

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.¹⁴³ 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 2022:

Second instance decisions by Administrative Courts: 2022					
Category	Zagreb	Rijeka	Osijek	Split	Total
Accepted	0	0	0	0	0
Accepted - cases referred back to the Ministry of Interior	4	0	0	0	4
Rejected	29	0	0	1	30
Suspended	1	0	0	0	1
Incompetence	0	1 ¹⁴⁴	0	0	1
Case referred by other Administrative court due to incompetence	1	0	0	0	1
Total	35	1¹⁴⁵	0	1	36¹⁴⁶

Source: Administrative Court of Zagreb, 23 January 2023; Administrative Court of Rijeka, 31 January 2023; Administrative Court of Osijek, 30 January 2023; Administrative Court of Split, 30 January 2023.

As indicated above, almost all appeals are dealt with by the Administrative Court of **Zagreb** and the large majority of them were rejected in 2022.

The average processing time for asylum cases before Administrative Court in Zagreb was 77 days in 2021 and 181 days in 2022.

1.4.2. Onward appeal before the High Administrative Court

Applicants may lodge a further appeal against the Administrative Court decision before a High Administrative Court. According to the Law on Administrative Disputes, the High Administrative Court shall reject the appeal as unfounded and uphold the first-instance judgment (i.e. the judgment of the Administrative Court) when determined that there are no reasons for the judgment to be challenged or that the reasons do not affect the adoption of a different decision. In addition, the High Administrative Court shall annul the first-instance judgment and shall solely remedy the deficiencies and resolve the matter by issuing a judgment if it determines that the administrative court has committed a substantial violation of the rules of court procedure, has erroneously or incompletely determined the factual state or

¹⁴³ Article 33 Law on Administrative Disputes.

¹⁴⁴ Administrative court in Rijeka reported that one case was received in 2022, but due to lack of jurisdiction, it was referred to the competent Administrative Court in Zagreb for further proceedings.

¹⁴⁵ This case is counted under 35 cases listed for Administrative Court in Zagreb.

¹⁴⁶ The total number is reduced to 1 due to fact that Administrative Court in Rijeka referred the case to Zagreb.

has inaccurately applied the substantive law.¹⁴⁷ 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.¹⁴⁸ During 2022, the High Administrative Court received 19 appeals in international protection cases:

Onward appeal statistics: 2022	
Category	Number
Appeals received	19
Appeals rejected	15
Accepted	3
Suspended	1
Total decisions	19

Source: High Administrative Court, 13 January 2023

As indicated above, the large majority of appeals were 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.¹⁴⁹ 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.

A public call under the AMIF fund for legal aid providers was published by the Ministry of Interior in September 2021.¹⁵⁰ 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 entailed

¹⁴⁷ Article 74 (1) (2) Law on Administrative Disputes.

¹⁴⁸ Article 51(3) LITP.

¹⁴⁹ Article 59(3)-(5) LITP.

¹⁵⁰ Public call in Croatian available at: <https://bit.ly/3pBuqeK>.

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 informative materials and brochures on the ways and conditions of exercising the right to legal counselling were prepared, 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 was developed. The same information as in mobile application, are available on web: <https://rhprotection.mup.hr/hr/>.

In 2022, CLC implemented the project *"Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia"* with the role of implementing partner and with the financial support of the UNHCR. 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.

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 aim of the platform is to use it as a virtual space for the exchange of legal opinions, practical challenges and problems observed in legislation.

Centar for Peace Studies (CPS)¹⁵¹ also provided legal support to applicants for international protection by telephone, mobile and e-mail or in CPS 's office.

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,¹⁵² 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.¹⁵³ Legal assistance may be provided by attorneys at law and lawyers from organisations registered for providing legal assistance.¹⁵⁴

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.

The Administrative Court shall decide on the right to free legal assistance, and the amount of costs of legal assistance.¹⁵⁵ 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

¹⁵¹ Information provided by Centre for Peace Studies, 18 January 2023.

¹⁵² Article 60(2) LITP.

¹⁵³ Article 60(1) LITP.

¹⁵⁴ Article 60(4) LITP.

¹⁵⁵ Article 60(3) LITP.

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 attorney,¹⁵⁶ however no such observations were reported in 2021 and 2022.

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.¹⁵⁷ There is no information available whether this practice has changed in the course of 2022.

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 Attorneys Act 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 Attorneys Act 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 Attorneys Act, which means that they are writing and submitting appeals to the High Administrative Court, without being paid for their work.¹⁵⁸

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.¹⁵⁹ 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.¹⁶⁰

2. Dublin

2.1. General

In 2022, Croatia received 11,931 incoming Dublin requests according to the following categories: 8,636 request for re-acceptance (take back), 1,882 requests for the acceptance of responsibility (take charge), 618 requests for information, 743 requests for the reconsideration of requests for re-acceptance and 51 requests for reconsideration of requests for the acceptance of responsibility. The majority of incoming requests came from Germany (5,054), Slovenia (2,687), Switzerland (1,212), France (1,121) and Belgium (1,100). As for outgoing requests, in 2022, Croatia submitted 2,272 outgoing requests under the Dublin Regulation in the following categories: 1,718 requests for reacceptance (take back), 241 requests for the acceptance of responsibility (take charge), 254 requests for information, 36 requests for the reconsideration of applications for reacceptance and 23 requests for reconsideration of requests for the acceptance of responsibility. Most of the outgoing requests were sent to Greece (1,654), Bulgaria (188), Germany (164) and Hungary (36).¹⁶¹

In 2022, only 1 outgoing Dublin transfer was carried out to Sweden, while Croatia received a total of 167 incoming transfers mainly from Germany (89), Austria (36), Switzerland (18), Slovenia (8) and France (5).

¹⁵⁶ Information provided by an attorney-at-law, 26 January 2021.

¹⁵⁷ Information provided by an attorney-at-law, 3 January 2018.

¹⁵⁸ Information provided by an attorney-at-law, 2 January 2018.

¹⁵⁹ Article 60(5) LITP; Article 11(8)-(9) Ordinance on free legal aid in the procedure of granting international protection.

¹⁶⁰ Article 11(8)-(9) Ordinance on free legal aid in the procedure of granting international protection.

¹⁶¹ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of UNHCR Croatia, available in English at: <https://bit.ly/434T7RL>.

Dublin statistics: 1 January – 31 December 2022

Outgoing Dublin transfers from Croatia		Incoming Dublin transfers to Croatia	
Total	1	Total	167
Sweden	1	Austria	36
		Belgium	2
		Denmark	2
		France	5
		Germany	89
		Norway	4
		Poland	1
		Slovenia	8
		Sweden	2
		Switzerland	18

Source: Ministry of Interior, available at: <https://bit.ly/3C0HJuR>.

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.

In 2022, the most common criterion for both incoming and outgoing requests was Art. 18, para. 1, item b) of the Dublin Regulation.¹⁶²

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 and 2022.

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

¹⁶² Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of UNHCR Croatia, available in English at: <https://bit.ly/434T7RL>.

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>.

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

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

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

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>.

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

On 13 April 2022, the Dutch Administrative Jurisdiction Division of the Council of State ruled that the IND is obliged to do further research on the situation of applicants for international protection being transferred to Croatia under the Dublin III Regulation. This is due to reports of frequent pushbacks (including of applicants who are transferred to Croatia from another EU member state), which may result in a violation of the principle of *non-refoulement*. On 30 May 2022, the Minister for Migration announced that until this research is concluded, no Dublin transfers to Croatia will be carried out.¹⁷⁶

In 2022, German Administrative Court of Stuttgart upheld an appeal against a Dublin transfer to Croatia due to systemic deficiencies in the asylum procedure, characterised by the fact that applicants who have withdrawn their application before an assessment on substance are treated as subsequent applicants upon their return, which entails a risk of *refoulement*. The Court also suggested there may be systemic deficiencies because of the frequent indications both of violent pushbacks and chain deportation of Dublin returnees.¹⁷⁷

The Belgium Council of Alien Law Litigation in its two decisions in 2022 - 278 106¹⁷⁸ and 278 108¹⁷⁹ suspended Dublin transfers to Croatia due to structural deficiencies identified for what concerned the asylum procedure and reception conditions, namely, absence of legal aid for part of the procedure and absence of a screening process for torture victims.

In Switzerland, in the course of 2022, the Federal Administrative Court rejected several appeals against Dublin transfers to Croatia.¹⁸⁰ The Court considered that reception conditions, although not perfect, were acceptable and that in case they were not applicants could revert to NGOs and courts for help. Cases of mistreatment by border guards were considered as individual isolated acts rather than proof of patterns of violation of international law by Croatia or of a general will to mistreat migrants; medical infrastructure was considered similar to that of Switzerland and any deficiencies could be mitigated thanks to support from NGOs and by the fact that Swiss authorities would inform Croatia of medical needs of the applicants.

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

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

¹⁷⁵ *Ibid.*

¹⁷⁶ EMN, *Bulletin n.39*, April-June 2022, available at: <https://bit.ly/4047pBf>.

¹⁷⁷ Administrative Court of Stuttgart :Decision A 16 K 360/22, available at: <https://bit.ly/3NgKDIT>.

¹⁷⁸ Available at: <https://bit.ly/3qnlZa3>.

¹⁷⁹ Available at: <https://bit.ly/3ONlgjc>.

¹⁸⁰ Federal Administrative Court: F-3903/2022 available at: <https://bit.ly/3MCrVU4>; F-5089/2022 available at: <https://bit.ly/42mmE8W>; E-4341/2022 available at: <https://bit.ly/3IPdavY>.

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?

❖ If yes, is it

❖ If yes, is it suspensive

☒ Yes

☒ Judicial

☒ Yes

☐ No

☐ Administrative

☐ 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.¹⁸¹

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,¹⁸² 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 as 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.¹⁸³

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 and 2022.¹⁸⁴

¹⁸¹ Article 43(3) LITP.

¹⁸² Information provided by the attorney at law, 21 January 2020.

¹⁸³ Information provided by the attorney at law, 11 January 2022.

¹⁸⁴ Information provided by the Administrative Court in Zagreb, 31 January 2022.; 23 January 2023.

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 ☒ No¹⁸⁵
❖ 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,¹⁸⁶ 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 data provided by the Ministry of Interior, it can be inferred that this changed in 2017. The Ministry of Interior reported that, according to the Commission Recommendation of 8 December 2016, the Dublin Unit began 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 2017.¹⁸⁷ Although, no such information is available for 2022, in 2022 the highest number of outgoing requests were sent to Greece (1.654).¹⁸⁸

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.¹⁸⁹

¹⁸⁵ State funded free legal aid for applicants for international protection before the Ministry of Interior ended on 31 March 2020.

¹⁸⁶ Article 60(2) LITP.

¹⁸⁷ Information provided by the Ministry of Interior, 10 August 2018.

¹⁸⁸ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

¹⁸⁹ ECRE, *The implementation of the Dublin III Regulation in 2020*, September 2020, available at: <https://bit.ly/3xfv1an>.

On 13 April 2022, the Dutch Administrative Jurisdiction Division of the Council of State ruled that the IND is obliged to do further research on the situation of applicants for international protection being transferred to Croatia under the Dublin III Regulation. This is due to reports of frequent pushbacks (including of applicants who are transferred to Croatia from another EU member state), which may result in a violation of the principle of *non-refoulement*. On 30 May 2022, the Minister for Migration announced that until this research is concluded, no Dublin transfers to Croatia will be carried out.¹⁹⁰

2.7. The situation of Dublin returnees

Applicants who are returned from other Member States in principle do not face any obstacles in accessing 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 the country, 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.¹⁹¹

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 centre for applicants for international protection. There is no different treatment or procedure for persons with special vulnerabilities. In reception centres, 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.¹⁹²

As for the transfers to Croatia, national courts developed different practices in the evaluation of the conditions that returnees would face in the country (see more above under: [Suspension of transfers](#)).¹⁹³

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:¹⁹⁴

- (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;

¹⁹⁰ EMN, *Bulletin n.39*, April-June 2022, available at: <https://bit.ly/4047pBf>.

¹⁹¹ ECRE, *Balkan route reversed*, December 2016, 30.

¹⁹² Swiss Refugee Council, Situation of asylum seekers and beneficiaries of protection with mental health problems in Croatia, available at: <https://bit.ly/3DZ09MS>.

¹⁹³ ECRE, *The implementation of the Dublin III Regulation in 2020*, September 2020, available at: <https://bit.ly/3xjuHYr>.

¹⁹⁴ Article 43(1) LITP.

- (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,¹⁹⁵ 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](#)).

In 2021, the Ministry of Interior dismissed the cases of 105 applicants on the basis of Art. 43, para. 1, item 1 of the LITP (granted international protection in another EEA Member State), for 82 applicants based on Art. 43, para 1, item 5 of the LITP (established responsibility of another EEA Member State to consider the application), for one applicant on the basis of Art. 43, para. 1, item 6 of the LITP (application submitted by a national of an EU Member State) and for 28 applicants based on Art. 43, para. 2 of the LITP (dismissal of a subsequent application if it is determined that such an application is inadmissible in accordance with Article 47, para. 6 of the LITP).¹⁹⁶

In 2022, the cases in which the Ministry of Interior dismissed the applications on the grounds of inadmissibility are as follows: for one applicant, the decision was made on the basis of Art. 41, para. 2 of the Law on General Administrative Procedure (lack of legal preconditions to initiate the proceeding), for 35 applicants on the basis of Art. 43, para. 1, item 1 of the LITP (granted international protection in another EEA Member State), for 29 applicants based on Art. 43, para 1, item 5 of the LITP (established responsibility of another EEA Member State to consider the application), and for 10 applicants on the basis of Art. 43, para. 2 of the LITP (dismissal of a subsequent application if it is determined that such an application is inadmissible in accordance with Article 47, para. 6 of the LITP, i.e. that the subsequent application is not comprehensible or does not 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 meeting of the conditions for approval of international protection.¹⁹⁷

¹⁹⁵ Article 47 LITP.

¹⁹⁶ Croatian Law Centre: *The Croatian Asylum System In 2021 - National Report*, The report was prepared as part of the project "Access to the territory and the asylum system in Croatia - legal support and capacity building" with the financial support of the UNHCR; available in Croatian at: <https://bit.ly/3NBvVpC> and in English at: <https://bit.ly/3NBvVpC>.

¹⁹⁷ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

3.2. Personal interview

Indicators: Admissibility Procedure: Personal Interview

☐ Same as regular procedure

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

The interview is conducted by the Ministry of Interior (i.e. by decision makers from the Department for International Protection Procedure). According to the LITP, the personal interview would not be undertaken if the admissibility of a subsequent application is being assessed.¹⁹⁸ 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?
☒ Yes ☐ No
❖ If yes, is it ☒ Judicial ☐ Administrative
❖ If yes, is it suspensive ☐ Yes ☒ Some grounds ☐ No

According to the LITP the deadline for appealing a dismissal decision before the Administrative Court is 8 days after the delivery of the decision of the Ministry of Interior.¹⁹⁹

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.²⁰⁰

3.4. Legal assistance

Indicators: Admissibility Procedure: Legal Assistance

☒ Same as regular procedure

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

Regarding free legal assistance in “inadmissible” cases, the general provisions about the right and access to free legal assistance apply, meaning that free legal aid in terms of representation is not foreseen in the first instance procedure, but only in the preparation of a lawsuit to the Administrative Court, including

¹⁹⁸ Article 35(8)(3) LITP.

¹⁹⁹ Article 43(3) LITP.

²⁰⁰ Article 51(1)(2)-(3) LITP, citing Article 43(1)(1)-(2) and Article 43(2) LITP.

representation before the Administrative Court,²⁰¹ if requested by the applicant (see section on [Regular Procedure: Legal Assistance](#)).

4. Border procedure (border and transit zones)

4.1. General (scope, time limits)

Indicators: Border Procedure: General

1. Do border authorities receive written instructions on the referral of asylum seekers to the competent authorities? ☒ Yes ☐ No
2. Where is the border procedure mostly carried out? ☐ Air border ☐ Land border ☐ Sea border
3. Can an application made at the border be examined in substance during a border procedure? ☐ Yes ☒ No
4. Is there a maximum time limit for a first instance decision laid down in the law? ☒ Yes ☐ No
❖ If yes, what is the maximum time limit? 4 weeks
5. Is the asylum seeker considered to have entered the national territory during the border procedure? ☐ Yes ☐ No

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

At the moment, the border procedure provided under the LITP does not take place in those two centres. According to information provided by the Ministry of Interior at the beginning of 2019, it was still not clear when the implementation of the border procedure would start.²⁰² However, no information is publicly available on whether this has changed from 2019 to the end of 2022. 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.²⁰³

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.²⁰⁴

4.2. Personal interview

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

²⁰¹ Article 60 LITP.

²⁰² Information provided by the Ministry of Interior, 2 March 2017; 13 February 2018; 28 January 2019.

²⁰³ Article 42(1) LITP.

²⁰⁴ 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 | <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 |

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,²⁰⁵ 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.²⁰⁶

4.4. Legal assistance

Indicators: Border Procedure: Legal Assistance

☒ Same as regular procedure

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

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

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

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

According to the LITP, applicants in all types of procedures shall have access to free state funded legal aid in the preparation of a 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.²⁰⁷

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:²⁰⁸

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;

²⁰⁵ Article 51(1) LITP:

²⁰⁶ Article 42(6) LITP.

²⁰⁷ Article 42(3) LITP.

²⁰⁸ 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.²⁰⁹

In 2021, a total of 57 applicants for international protection whose applications were processed in an accelerated procedure were registered (Morocco - 24, Tunisia - 17, Algeria - 10, Bosnia and Herzegovina - 2, Albania - 1, Kosovo - 1, Türkiye - 1, United Arab Emirates - 1).²¹⁰

In 2022, a total of 14 applicants for international protection whose applications were processed in an accelerated procedure were registered (nationals of Morocco, Albania, Kosovo, Serbia and Türkiye). In 13 cases Mol rejected them as clearly unfounded.²¹¹

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.²¹²

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

²⁰⁹ Article 41(1) LITP.

²¹⁰ Croatian Law Centre: *The Croatian Asylum System In 2021 - National Report*, The report was prepared as part of the project "Access to the territory and the asylum system in Croatia - legal support and capacity building" with the financial support of the UNHCR; available in Croatian at: <https://bit.ly/3NgBDfc> and in English at: <https://bit.ly/3NBvVpC>.

²¹¹ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia; available in English at: <https://bit.ly/434T7RL>.

²¹² Article 35(8) LITP.

5.3. Appeal

Indicators: Accelerated Procedure: Appeal

☐ Same as regular procedure

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

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

The Administrative Court is the competent appeal body in the accelerated procedure, so there is no difference in the authority responsible for handling the 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.²¹³

Moreover, lawsuits against negative decisions in the accelerated procedures do *not* have suspensive effect.²¹⁴ 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.²¹⁵

5.4. Legal assistance

Indicators: Accelerated Procedure: Legal Assistance

☒ Same as regular procedure

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

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

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

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

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

²¹³ Article 41(5) LITP.

²¹⁴ Article 51(1)(1) LITP.

²¹⁵ Article 51(1)(2) LITP, citing Article 41(1)(6) LITP.

D. Guarantees for vulnerable groups of asylum seekers

1. Identification

Indicators: Identification

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

According to the LITP, vulnerable groups include persons without legal capacity, children, unaccompanied children, elderly and infirm persons, seriously ill persons, disabled persons, pregnant women, single parents with minor children, persons with mental disorders and victims of trafficking, as well as victims of torture, rape or other forms of psychological, physical and sexual violence, such as victims of female genital mutilation.²¹⁶

1.1. Screening of vulnerability

The LITP has introduced special procedural and reception guarantees.²¹⁷ 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.²¹⁸ 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.²¹⁹ The Rehabilitation Centre for Stress and Trauma (RCT) reported the lack of mental health prevention and non-availability of psychiatric facilities with an interpreter.²²⁰ However, in April 2021, a Standard Operational Procedure (SOP) in Cases of Sexual and Gender-Based Violence (SGBV) 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. SOP contain procedures, roles, and responsibilities of service providers involved in the prevention and response to SGBV in the reception centres.

Regular meetings of involved organisations and the Ministry of Interior are held few times each year to discuss current trends, statistical data, actions taken to strengthen prevention of further violence and ensure adequate support for victims, actions that will be taken in coming period, annual reports on SGBV, the method of data collection and their purpose, etc.

²¹⁶ Article 4(1)(14) LITP.

²¹⁷ Article 15 LITP.

²¹⁸ ECRE, *Balkan route reversed*, December 2016, 26.

²¹⁹ *Ibid*, 24.

²²⁰ Information provided by Rehabilitation Centre for Stress and Trauma, 18 January 2023.

In 2022, three meetings of the Coordination Group for Sexual and Gender-Based Violence were held to discuss recorded data on the number of cases of sexual and gender-based violence reported in reception centres for applicants for international protection and to evaluate the efficacy of the Standard Operating Procedure for prevention and response in the case of sexual and gender-based violence in reception centres for applicants for international protection in Croatia.²²¹

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.²²²

Unaccompanied children

The Government adopted a Protocol on the treatment of unaccompanied children on 30 August 2018.²²³ The protocol aims to improve the position of unaccompanied children, provides a detailed overview of all procedures and provides guidance for all relevant actors coming in contact and working with this category of children. The Protocol elaborates in 14 chapters on the various issues in regard to unaccompanied children. According to the Ministry of Interior, an Interdepartmental Commission for the protection of unaccompanied children has been established. The Commission was established with the aim to improve inter-agency cooperation between state administration bodies and other stakeholders involved in the protection of unaccompanied children. The Commission is composed of representatives of the Ministry 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.²²⁴ According to the Ombudsperson for Children, this possibility was not used in 2020,²²⁵ while in 2021, 3 unaccompanied children were placed in foster families²²⁶ In 2022, only one accommodation in foster family took place.²²⁷

In 2022, 329 unaccompanied children were accommodated in reception centres for applicants of international protection, and 107 in social care homes.²²⁸

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.²²⁹ UNICEF reported that they participated in the work of Commission which met twice during 2019, however without significant and concrete results.²³⁰ 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

²²¹ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

²²² Croatian Red Cross, Annual report for 2022, available at: <https://bit.ly/3MNYjmG>, 77.

²²³ Protokol o postupanju prema djeci bez pratnje, 30 August 2018, available in Croatian at: <https://bit.ly/2DEgBEu>.

²²⁴ Official Gazette 115/18

²²⁵ 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>.

²²⁶ 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>.

²²⁷ Ombudsman for children report for 2022, available in Croatian at: <https://bit.ly/43C5ZPL>.

²²⁸ Ombudsman for children report for 2022, available in Croatian at: <https://bit.ly/43C5ZPL>.

²²⁹ EMN, *Bulletin*, July 2019 available at: <https://bit.ly/39MwSV1>.

²³⁰ Information provided by UNICEF, 8 January 2020.

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.²³¹ According to the Ombudsperson for Children, the Commission for unaccompanied minors did not meet in 2021.²³² A new commission was established by a decision of the Government of the Republic of Croatia on 5 January 2022.²³³ The decision states that the goal of the Commission is to improve the interdepartmental cooperation of competent authorities and other stakeholders involved in the protection of unaccompanied children.

At the 115th session of government held on 27 April 2022, the Croatian Government adopted a Decision on the appointment of a representatives of the Interdepartmental Commission for the Protection of Unaccompanied Children,²³⁴ in accordance with the Protocol on the Treatment of Unaccompanied Children. The first session was held on 24 May 2022 at the Ministry of Labour, Pension System, Family and Social Policy.²³⁵

According to the Ombudswoman for Children, the new Commission met twice in the course of 2022 to discuss the following topics: children from Ukraine, difficulties in including unaccompanied children in the education system, accommodation of children in social care homes for children with behavioural problems, appointment of special guardians, assessment of children's age and initial health examination.²³⁶

On the World Refugee Day, in 2022, the Ombudsperson for Children and UNHCR organized a joint Round Table entitled "Protection of Asylum Seeker, Refugee, and Stateless and at-risk Children in Croatia: Current issues and the way forward," in Zagreb. The event served to emphasize key positive developments and areas for improvement in the child protection system in Croatia.²³⁷

In 2021, 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 Mol Border Directorate, police administrations and stations and centres for social welfare.²³⁸

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.²³⁹ 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.

²³¹ 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>

²³² Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2021*, available in Croatian: <https://bit.ly/3LW66Nf>.

²³³ 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>.

²³⁴ Decision on the appointment of the president, deputy president, secretary, members and deputy members of the Interdepartmental Commission for the Protection of Unaccompanied Children, Official Gazette 52/2022, available at: <http://bit.ly/3K4rMIX>.

²³⁵ EMN, *Bulletin n. 39*, April - June 2022, available at: <https://bit.ly/4047pBf>.

²³⁶ Ombudsman for children report for 2022, available in Croatian at: <https://bit.ly/43C5ZPL>.

²³⁷ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

²³⁸ Ombudsperson, *Annual report 2021*, available in Croatian at: <https://bit.ly/3rcoPFf>.

²³⁹ Policy brief on the protection of unaccompanied children in the Republic of Croatia, available at: <https://bit.ly/3E3FpTX>.

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).

According to the report of the Ombudswoman for children, in 2022, 4,773 children requested international protection, which represented a significant increase compared to 2021. Out of the total number of children seeking international protection, 436 were unaccompanied. 74 of them were aged 14-15. A total of 104 applications for international protection were submitted by unaccompanied children. Out of that number, the procedure was suspended for 32 child applicants, two applications were rejected, while 70 applications were pending at the end of 2022. International protection was granted to 17 children, one of whom unaccompanied. Regardless of the year the application was submitted, in 2022, 121 decisions were issued for unaccompanied children seeking international protection. Of these, one was positive, 116 procedures were suspended (due to withdrawal of applications), three applications were rejected, and one was annulled.²⁴⁰

According to report of Ombudswoman for children for 2022, from the data of the Border Violence Monitoring network, it appears that at least 120 children experienced pushback during 2022. Civil society organizations warn that younger children were exposed to psychological and verbal violence, and older to physical violence. Nevertheless, some non-governmental organizations reported to the Ombudswoman that in 2022 they received significantly less calls concerning children.²⁴¹

During 2022, the Croatian Red Cross continued the implementation of two projects aimed at supporting unaccompanied children and experts working with unaccompanied children - "Integrative support for unaccompanied children", co-financed by the European Union from the European Social Fund and "Access to protection for asylum seekers and refugees" financed by UNHCR. CRC provided psychosocial support and tracing services to unaccompanied children accommodated in social welfare institutions throughout Croatia and reception centres for applicants for international protection.

Since unaccompanied children accommodated in social welfare institutions often do not have customized services and interpreters available, CRC mobile team conducted a large number of visits to children placed in those institutions. A mobile team composed of a psychologist or social worker, an interpreter and expert from the Tracing Service carried out an initial assessment of the needs of unaccompanied children.

The initial needs assessment was carried out with each child involved in the projects in order to collect information about the child, determine the circumstances, needs and priorities. For some of the children who expressed a desire for further support or needed additional information, the provision of individual support continued.

CRC activities included provision of individual and group psychosocial support, distribution of humanitarian aid (clothing and footwear, school supplies and equipment for sports activities, mobile devices), services of the Tracing Service (enabling contact with family members, distribution of SIM cards and vouchers for mobile phones, assistance in family reunification process), involvement in activities in the local community (help with enrolment in sports clubs and paying membership fees, socializing with fellow volunteers, participation in various social activities (trips, bowling, cinema, amusement parks, etc.) and other activities depending on the specific needs of the child.

²⁴⁰ Ombudsman for children report for 2022, available in Croatian at: <https://bit.ly/43C5ZPL>.

²⁴¹ Ibid.

In addition, CRC provided support to their guardians, primarily in the area of family reunification, but also in matters related to access to the health and education systems.

In 2022, CRC participated in the work of the Interdepartmental Commission for the Protection of Unaccompanied Children, in which CRC is one of the representatives of the non-governmental sector and can present observed difficulties and possible examples of good practice in order to work on improving cooperation and protection of unaccompanied children.²⁴²

In the course of 2022, the problems with the inadequate accommodation of unaccompanied children continued. The Croatian Red Cross (CRC) and Centre for Peace Studies reported continued problems of inadequate accommodation provided to unaccompanied children.²⁴³ CRC reported that most children who were older than 16, were placed in reception centres for applicants for international protection, together with adults where they were at risk of potential exploitation and abuse.

CRC stressed that the various accommodation capacities are lacking interpreters and often do not provide services for children that are adapted to their age and needs.

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*".²⁴⁴ The project, that aimed at strengthening the capacity and coordination of existing national support services for sexual and gender based violence, as well at facilitating access to such services for refugees, migrants and applicants for international protection affected by SGBV, ended in March 2020. 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 *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));²⁴⁵
- 2) The tailored material presents the services locally available i.e. the leaflet for adults on sexual and gender-based violence in English Arabic, Pashto, and Farsi and the one for children is also available in English, Arabic, Pashto and Farsi.²⁴⁶

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".²⁴⁷ 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.

²⁴² Information provided by Croatian Red Cross, 18 January 2023.

²⁴³ Information provided by Croatian Red Cross and Centre for Peace Studies, 18 January 2023.

²⁴⁴ Information on the project available at: <https://bit.ly/3at8KcS>.

²⁴⁵ The videos are available on YouTube in all mentioned languages here: <https://bit.ly/3gqYuG7>.

²⁴⁶ The PROTECT project, see the English versions available at: <https://bit.ly/3yaMVSW>; and for children at: <https://bit.ly/3omPXWB>.

²⁴⁷ Information provided by Mdm, 17 January 2021.

In 2022, UNHCR Croatia also carried out capacity-building activities with key stakeholders dealing with refugees, more specifically through trainings on gender-based violence, protection from sexual exploitation and abuse (PSEA), the fight against human trafficking and communication with communities. The activities involved state and non-governmental employees, members of the Coordination group for sexual and gender-based violence, operators of the 112-emergency telephone line and the newly established telephone line run by UNHCR and partner Croatian Law Centre specifically for Ukrainian refugees. In addition to the above, numerous informative materials on the mentioned areas were created and their distribution ensured. Furthermore, UNHCR and the Council of Europe (CoE) organized an online event on the topic 'Preventing, combating and responding to gender-based violence in the context of asylum and migration', which gathered experts and key stakeholders of the system who encounter gender-based violence issues in their work.²⁴⁸

In 2022, the Governmental Office for Gender Equality, in cooperation with the Ministry of Interior and UNHCR, published a leaflet intended to inform victims of gender-based violence about available protection options and services. The leaflet is intended primarily for female migrants, refugees and applicants for international protection, although it acknowledges that gender-based violence can be committed against men, and is available in 8 languages (Arabic, Croatian, English, Farsi, French, Kurdish, Turkish and Urdu).²⁴⁹

Within the framework of the project financed by UNHCR, in 2022 CRC prepared short guide on gender-based violence. The document covers the legislative framework for the prevention and suppression of gender-based violence in Croatia in the context of applicants and beneficiaries of international protection. The document also contains recommendations that aim to increase the capacities of the competent ministries, institutions and organizations that deal with the issue of domestic violence.²⁵⁰

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.²⁵¹ 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**.

In 2020, MdM published the report „Everyone has the right to healthcare - model of healthcare mediation/support intended for asylum seekers in Croatia”.²⁵² 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.

In May 2023, MdM issued publication “Physical and mental health of applicants for international protection in the Republic of Croatia - new trends, observations, challenges and recommendations”, developed with support of the European Union’s Asylum, Migration and Integration Fund and Government of Croatia (Ministry of Health).²⁵³

²⁴⁸ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project “Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia”, with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

²⁴⁹ Office for Gender Equality: *The Office for Gender Equality published a leaflet for female migrants, refugees and asylum seekers*, available at: <http://bit.ly/3FNHzte>.

²⁵⁰ Croatian Red Cross, Annual report for 2022, available at: <https://bit.ly/3MNYjmG>

²⁵¹ MdM, *Nearing a point of no return? Mental health of asylum seekers in Croatia*, February 2019, available at: <https://bit.ly/2XeDQiD>.

²⁵² 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>.

²⁵³ MdM Publication *Physical and mental health of applicants for international protection in the Republic of Croatia - new trends, observations, challenges and recommendations* available in Croatian at: <https://bit.ly/42ZH8F2> and in English at: <https://bit.ly/43QN988>.

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.²⁵⁴ 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.²⁵⁵ The assessment of the child's age shall be conducted on the basis of the information available on the child, including the expert opinions of persons involved in work with the child. If the information available is insufficient, a medical examination shall be conducted, with the prior written consent of the child and the guardian. The medical examination shall be conducted by means of a physical examination, X-ray of the teeth and/or hands, with full respect for the dignity of the unaccompanied child. An unaccompanied child shall be informed in writing in a language which he or she may justifiably be presumed to understand and in which he or she is able to communicate about the manner of examination and its possible consequences for his or her health, the consequences of the results of the medical examination for his or her application, as well as the consequences of unjustified refusal. In the case of unjustified refusal of consent, the unaccompanied child shall be deemed to be an adult applicant. The application cannot be refused exclusively on the basis of the fact that consent to perform a medical examination was not given. During the medical examination, an unaccompanied child who does not understand Croatian shall be provided with a translator/interpreter for a language which he or she may justifiably be presumed to understand and in which he or she is able to communicate. The costs of the medical examination shall be borne by the Ministry. If, even following the results and report on the medical examination undertaken, there is still doubt regarding the age of the minor, the concept of benefit of the doubt shall be applied.

In relation to appeal to the age assessment outcome, the Ministry stressed that in case of doubt in the opinion of the doctor, new medical check would be initiated. The Ministry also emphasises that in such case, the concept of benefit of the doubt shall be applied.²⁵⁶

According to the Ministry of Interior, in 2017 and 2018, the age assessment procedure was not conducted.²⁵⁷ No information is available for the period from 2019 until the end of 2022.

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.²⁵⁸ The notion of “adequate support” is understood by the Ministry as meaning that vulnerability should be determined

²⁵⁴ Information provided by the Rehabilitation Centre for Stress and Trauma, 14 January 2022.

²⁵⁵ Article 18 LITP.

²⁵⁶ Information provided by the Ministry of Interior, 2 March 2017.

²⁵⁷ Information provided by the Ministry of Interior, 13 February 2018, 28 January 2019.

²⁵⁸ Article 52(2) LITP.

and that the rights related thereto are respected,²⁵⁹ without however specifying what types of guarantees should be provided.

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. Officials of the Ministry of Interior participated in trainings on how to deal with vulnerable cases in 2022. Namely, 13 employees of the Service for Reception and Accommodation attended various workshops with special emphasis on the vulnerable groups in need of special reception/procedural guarantees (e.g. unaccompanied children, GBV survivors). Workshops were organized by EUAA, UNHCR, Council of Europe, UNICEF, CRC, Frontex, Judicial Academy and State school for public administration.²⁶⁰

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,²⁶¹ in particular the acts of persecution or serious harm already undergone.²⁶² 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;²⁶³
- to an interpreter of the same sex, if possible;²⁶⁴
- to be interviewed as soon as possible upon the submission of the application for international protection;²⁶⁵
- in cases where the interview is omitted,²⁶⁶ 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;²⁶⁷
- in case of an application of an unaccompanied child, the application has priority in decision-making (see section on [Regular Procedure: Fast-Track Processing](#)).²⁶⁸

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.²⁶⁹ According to the Ministry of Interior during 2018 applications lodged by unaccompanied children were not processed under the accelerated procedure.²⁷⁰ 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.²⁷¹ However, as mentioned in

[Border procedure \(border and transit zones\)](#), no border procedure is in place in practice.

²⁵⁹ Information provided by the Ministry of Interior, 21 July 2017.

²⁶⁰ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project “Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia”, with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

²⁶¹ Article 28(2)(3) LITP.

²⁶² Article 28(3) LITP.

²⁶³ Article 35(5) LITP.

²⁶⁴ Article 14(3) LITP.

²⁶⁵ Article 35 LITP.

²⁶⁶ Article 35(8)(2) LITP.

²⁶⁷ Article 35(9) LITP.

²⁶⁸ Article 17(9) LITP.

²⁶⁹ Article 17(10) LITP.

²⁷⁰ Information provided by the Ministry of Interior, 28 January 2019.

²⁷¹ Article 10(11) LITP.

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”).²⁷²

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.²⁷³

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.²⁷⁴

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

4. Legal representation of unaccompanied children

Indicators: Unaccompanied Children

1. Does the law provide for the appointment of a representative to all unaccompanied children? ☒ Yes ☐ No

According to the LITP, “unaccompanied child” means a third-country national or a stateless person younger than eighteen years of age who entered the Republic of Croatia unaccompanied by an adult person responsible for him or her in the sense of parental care, pursuant to the law of the Republic of Croatia, until placed under the care of such a person, and includes all children who are left unaccompanied after they entered the Republic of Croatia.²⁷⁵

In 2021, 195 unaccompanied children sought international protection in Croatia.²⁷⁶

²⁷² Article 15(3) LITP.

²⁷³ Article 58(1) Law on General Administrative Procedure.

²⁷⁴ Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2019, 7 February 2021.

²⁷⁵ Article 2(1)(17) LITP.

²⁷⁶ Ministry of Interior, *Statistics 2021*, available in Croatian at: <https://bit.ly/3DYJpoY>.

In 2022, 4,733 children expressed the intention to seek international protection, among them a total of 436 unaccompanied children, of which 337 were boys and 99 were girls. In 2022, 104 unaccompanied children submitted applications for international protection whereas 32 procedures were suspended, two dismissed and 70 are ongoing. Regardless of the year when applications for international protection were submitted, in 2022 one unaccompanied children was granted international protection, 116 procedures were suspended, three dismissed and one annulled.²⁷⁷

A special guardian should be appointed for each unaccompanied child, with the exception of married unaccompanied children over the age of 16.

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.

Allegations of pushbacks involving children have been a constant in recent years (see previous [AIDA reports](#)). 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.²⁷⁸

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 reported on family separation at the borders in 2021: 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.²⁷⁹

²⁷⁷ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

²⁷⁸ FRA Quarterly bulletin for the period 1 January to 30 June 2021, available at: <https://bit.ly/3O26z2s>.

²⁷⁹ FRA Quarterly bulletin for the period 1 July until 30 September 2021. available at: <https://bit.ly/3rgwd9A>.

In 2022, allegations of pushbacks continued (see [Access to the territory and pushbacks](#)), including pushbacks of children.

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.²⁸⁰ 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 2018.²⁸¹ According to the knowledge of Croatian Law Centre this issue persisted in 2020, 2021 and 2022 in some cases as well.

In 2022, the Croatian Red Cross continued the implementation of two projects aimed at supporting unaccompanied children and experts working with unaccompanied children - "Integrative support for unaccompanied children", co-financed by the European Union from the European Social Fund and "Access to protection for asylum seekers and refugees" financed by UNHCR. (see more under: Unaccompanied children).

In 2022, the Croatian Law Centre (CLC) implemented the project "Legal counselling in the procedure for the approval of international protection in 2021". Within the project, the legal advices and/or information were provided also to unaccompanied children who were applicants for international protection. It was observed that children often did not receive adequate information about their rights and obligations from their guardians. In addition, it was observed that unaccompanied children were quickly leaving the institutions where they were accommodated and consequently Croatia.

During the implementation of the project, CLC published informative material (brochure), visually and terminologically/linguistically adapted to children, in seven languages: English, Turkish, Arabic, Farsi, Pashto, Russian and Spanish. The brochures, which contains basic information on the procedure for international protection and the scope of legal counselling, were sent to social welfare institutions where unaccompanied children were accommodated and are also available on CLC website.²⁸² Within the project, CLC organized and held a meeting with the institutions where unaccompanied children were accommodated and centres for social welfare in order to provide more detailed information about the project and the importance of legal advice for children and their guardians.

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.

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

²⁸⁰ Article 17(1) LITP.

²⁸¹ Information provided by the Ministry of Interior, 28 January 2019.

²⁸² See: <https://bit.ly/3Ppt5Fs>.

received 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.²⁸³ In 2022, the Ombudsperson for Children reached similar conclusions. 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. The Ombudsperson for Children reported that many children do not know who their guardian is or how to contact them, and they only meet guardian when submitting application for international protection. Children do not know how to get information about the family reunification available services and school enrolment. Therefore, there is a need for more frequent and timely communication with the guardian and their actual, not just formal, availability.²⁸⁴

The Croatian Red Cross reported that in 2022 their mobile team conducted a large number of visits to institutions where unaccompanied children are accommodated to provide psychosocial support to children and provide material services (such as clothing and school supplies).²⁸⁵

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 (CLC) 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 CLC, as implementing partner of UNHCR,²⁸⁶ 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 CLC also provided special guardians with legal information about protection of rights of unaccompanied children. In 2022, the similar activities (i.e. counselling for unaccompanied children) were provided by CLC within the project "Legal counselling in the procedure for the approval of international protection in 2021". Project was co-financed with the funds of the Fund for Asylum, Migration and Integration, and based on the contract concluded with the Responsible Authority for the Management of Funds for Internal Affairs, the Directorate for European Affairs, international relations and European Union funds of the Ministry of Interior.

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 inter-sectoral 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

²⁸³ Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2021*, available in Croatian: <https://bit.ly/3jxpvaZ>.

²⁸⁴ Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2022*, available in Croatian at: <https://bit.ly/3p3LZXu>.

²⁸⁵ Information provided by the Croatian Red Cross, 18 January 2023.

²⁸⁶ 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**.²⁸⁷

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.²⁸⁸

According to the law, the best interests of children should be considered when implementing provisions of LITP,²⁸⁹ 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,²⁹⁰ 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.²⁹¹

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

²⁸⁷ Information provided by IOM, 30 December 2020.

²⁸⁸ Policy brief on the protection of unaccompanied children in the Republic of Croatia, available at: <https://bit.ly/3vsEZTB>.

²⁸⁹ Article 10 LITP.

²⁹⁰ Article 17(3) LITP.

²⁹¹ Information provided by Centre for Peace Studies, 18 January 2023.

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.²⁹²

If a person decides to submit a subsequent application,²⁹³ 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.²⁹⁴

Under the LITP,²⁹⁵ 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,²⁹⁶ and that in that case appeal to Administrative Court does not have a suspensive effect,²⁹⁷ (which means that the decision is final)²⁹⁸ 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.²⁹⁹ 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.³⁰⁰

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.

²⁹² Article 4(1)(13) LITP.

²⁹³ Article 47 LITP.

²⁹⁴ Article 35(8)(3) LITP.

²⁹⁵ Article 53(3)-(4) LITP.

²⁹⁶ Article 43(2) LITP.

²⁹⁷ Article 51(1)(3) LITP.

²⁹⁸ Article 4(1)(21) LITP.

²⁹⁹ Article 51(2) LITP.

³⁰⁰ 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.

Although the total number of subsequent applications that were submitted in 2021 and 2022 is not available, it is known that in 2021, 28 subsequent applications were dismissed as inadmissible;³⁰¹ in 2022, the number of subsequent applications deemed inadmissible was 10.³⁰²

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,³⁰³ 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

³⁰¹ Croatian Law Centre: *The Croatian Asylum System In 2021 - National Report*, The report was prepared as part of the project "Access to the territory and the asylum system in Croatia - legal support and capacity building" with the financial support of the UNHCR; available in Croatian at: <https://bit.ly/3NgBDfc> and in English at: <https://bit.ly/3NBvVpC>.

³⁰² Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia; available in English at: <https://bit.ly/434T7RL>.

³⁰³ Article 44 LITP.

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

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

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

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

An application shall be rejected in an accelerated procedure if it is possible to apply a safe country of origin concept (see section on [Accelerated Procedure](#)).³⁰⁴ 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.³⁰⁵ The list includes 10 countries:

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

According to information provided by the Ministry of Interior in the past to the Croatian Law Centre (CLC), the concept is not used for applicants from Türkiye.

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.³⁰⁶ No information on decisions based on the concept of safe country of origin is available for the period from 2019 until the end of 2022.

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.³⁰⁷

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

³⁰⁴ Article 41(1)(9) LITP.

³⁰⁵ Official Gazette 45/2016, available in Croatian at: <http://bit.ly/2lcRePz>.

³⁰⁶ Information provided by the Ministry of Interior, 28 January 2019.

³⁰⁷ Article 45 LITP.

reasonably be expected that he or she could request international protection there, taking into account all the facts and circumstances of his or her application.

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

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

The Ministry has an obligation to regularly inform the European Commission about the countries to which the concept of safe third country has been applied. No information is available for 2019, 2020 and 2021.

The LITP also provides a definition of the concept of safe European third country.³⁰⁸ 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.³⁰⁹ 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**

³⁰⁸ Article 46 LITP.

³⁰⁹ Constitutional Court, Decision U-III-4865/2018, 4 March 2021, available in Croatian at: <https://bit.ly/3bQYmMZ>.

European third country and that Croatia had failed to fulfil its procedural obligations under Article 3 of ECHR.

3. First country of asylum

While the LITP does not define the concept of first country of asylum, an application may be dismissed as inadmissible where the applicant has been granted international protection or enjoys sufficient protection from *refoulement* in a third country.³¹⁰ In 2018, no decision was taken based on the concept of first country of asylum.³¹¹ No information on decisions taken based on the concept of first country of asylum from 2019 until the end of 2022 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.³¹² 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.³¹³ 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.³¹⁴

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.³¹⁵ 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.³¹⁶ 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.³¹⁷

³¹⁰ Article 43(1)(2) LITP.

³¹¹ Information provided by the Ministry of Interior, 28 January 2019.

³¹² Article 59(2) LITP.

³¹³ Article 14 LITP.

³¹⁴ Article 59(1) LITP.

³¹⁵ Information provided by the Ministry of Interior, 28 January 2019.

³¹⁶ Information provided by the Ministry of Interior, 28 January 2019.

³¹⁷ Information provided by the Ministry of Interior, 28 January 2019.

The decision on the transfer that applicants receive include the ground for application of the Dublin Regulation, and also information on the fact that they can lodge a complaint before the Administrative Court within 8 days from the delivery of the decision. The Ministry of Interior does not provide a written translation of the Dublin decision, but they do explain it orally in a language that the applicant understands during the delivery of the decision itself.

No information is available on 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.

In 2022, Croatian Law Centre (CLC) implemented the project "Legal counselling in the procedure for the approval of international protection in 2021". The Project was co-financed with the funds of the Fund for Asylum, Migration and Integration, and based on the contract concluded with the Responsible Authority for the Management of Funds for Internal Affairs, the Directorate for European Affairs, international relations and European Union funds of the Ministry of Interior.

The Project was carried out in cooperation with the Ministry of Interior and targeted applicants for international protection. During the 2022, several information sessions on legal counselling services were held in the Reception Centre for Applicants for International Protection in Zagreb. Legal counselling with interested applicants was provided in CLC's premises. Within the framework of the project counselling for unaccompanied children applicants in institutions where children were accommodated and support to their guardians were also provided.

Among other things, within the project, an informative brochure for applicants for international protection as well as its simplified version adapted to unaccompanied children applicants was created on the project. The brochure contains information on who and under which conditions people can access the right to legal counselling, what legal counselling includes and how to exercise the right to legal counselling. Brochures are available in several languages.³¹⁸

Furthermore, during the implementation of the project, a mobile application was created about the main features of the procedure for granting international protection and ways of exercising the rights of applicants in practice. The application is available at multiple languages (Croatian, Arabic, English, Farsi, Pashto and Turkish).³¹⁹

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.³²⁰

The Centre for Peace Studies (CPS), 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. CPS has also issued a brochure entitled "Welcome to Croatian Society", containing

³¹⁸ Croatian Law Centre: *The project "Legal counselling in the procedure for the approval of international protection in 2021"- informative materials for those seeking international protection created and distributed, available at: <https://bit.ly/46rM1JU>.*

³¹⁹ See: <https://rhprotection.mup.hr/hr>.

³²⁰ 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/3rkgn3>; in Farsi at: <https://bit.ly/3vbDOOrh>; in French at: <https://bit.ly/3xhYksT>; in Urdu at: <https://bit.ly/37cZBH1>; and in Ukrainian at: <https://bit.ly/3KCbpB9>.

information on Croatian history, the political system of Croatia, cultural differences, information on detention, a short overview of asylum procedure etc.³²¹

During 2022, the CPS published on its website and printed leaflets on free legal aid. The leaflet is available in several languages: Arabic, Farsi, Urdu, Pashto, Somali, Turkish, Kurdish (Kurmanji), Tigrinya, Ukrainian, French, in Spanish, English and Croatian.³²² In addition, in 2022, CPS also translated the most frequently asked questions about the procedure for seeking international protection and the rights of applicants for and beneficiaries of international protection into Russian and French.

The Centre for Missing and Exploited Children produced and printed leaflets for unaccompanied children, available in Croatian, English, Arabic and Farsi.³²³

The Croatian Law Centre, within the project entitled “Improving the protection of the rights of unaccompanied children”, prepared a leaflet for unaccompanied children. Leaflets are recorded as mp3 format in Arabic, Croatian, English, Farsi and Pashto.³²⁴

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.³²⁵

Information at the border

Several years ago, leaflets aligned with the LITP were prepared by the Croatian Law Centre and UNHCR in cooperation with the Ministry of Interior and distributed by the Ministry of Interior. At some border crossing points, there is a lack of available interpreters. This prevents effective communication between foreigners (among whom some are potential applicants i.e. applicants for international protection) and border officers. However, according to the LITP third-country nationals or stateless persons in a reception centre, at a border crossing or in a transit zone of an airport, sea port or inland water port who wish to express their intention to apply for international protection shall be provided by police officers with all necessary information on the procedure for the approval of international protection in a language which they may justifiably be expected to understand and in which they are able to communicate.³²⁶

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.³²⁷ Problems regarding 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 2022 (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).

³²¹ According to the Centre for Peace Studies, the brochure is available in Arabic, Croatian, Farsi, French, English, Russian and Turkish.

³²² Centre for Peace Studies, Leaflet on free legal aid, available at: <https://bit.ly/44cOcie>.

³²³ Centre for Missing and Exploited Children, *Welcome to Croatia: Guide for unaccompanied children*, available at: <https://bit.ly/2TBXncq>.

³²⁴ 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>.

³²⁵ The video is available at: <https://bit.ly/32CTDJP>.

³²⁶ Article 59(1) LITP.

³²⁷ ECRE, *Balkan route reversed*, December 2016, 11-12.

2. Access to NGOs and UNHCR

Indicators: Access to NGOs and UNHCR

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

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

Since the end of March 2020 and the beginning of the COVID-19 pandemic, access for NGOs to Reception Centre for Applicants of International Protection was restricted; this continued in 2022. Although the measures related to the pandemic were lifted in 2022, civil society organizations were prevented from accessing the Reception Centres, and based on their project with the Ministry of Interior, only the Croatian Red Cross (CRC) and MdM had daily access to the Reception centres.

The CRC 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.

MdM staff is also present in the Reception Centre for Applicants for International Protection in Zagreb.

In 2022, lawyers of the Croatian Law Centre (CLC) held several information sessions on legal counselling services in the Reception Centre for Applicants for International Protection in Zagreb. Sessions were held within the project "Legal counselling in the procedure for the approval of international protection in 2021", carried out in cooperation with the Ministry of Interior. For adult interested applicants for international protection legal aid was provided in CLC's premises.

Contacts with applications were also 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 beginning of 2018, so their activities were provided out of the Centres during 2022.³²⁸ The Rehabilitation Centre for Stress and Trauma reported that their request for continuation of their work in the Reception Centre was denied.³²⁹

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?³³⁰ ☒ Yes ☐ No
❖ If yes, specify which: Algeria, Morocco, Tunisia, Albania, Bosnia and Herzegovina, North Macedonia, Kosovo, Montenegro, Serbia

³²⁸ Information provided by the Centre for Peace Studies, 18 January 2023.

³²⁹ Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2023.

³³⁰ Whether under the "safe country of origin" concept or otherwise.

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.³³¹ Out of total number, 16 were children.³³²

³³¹ Ombudsperson, *Annual report 2021*, available in Croatian at: <https://bit.ly/3v5TsVi>.

³³² 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 740 places.

In 2022, within the project "Renovation of the Reception Centre for Applicants for International Protection in Kutina", the Kutina Reception Centre was renovated. The aim of the project was to improve reception and accommodation conditions, and one of the results was that accommodation capacity of Kutina center has been increased from 100 to 140.³³³

The highest number of applicants for international protection than ever before has been recorded in Croatia, which required great efforts in adapting the reception and accommodation conditions.

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.³³⁴

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
-----------------------------------------	-----------------------------

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.³³⁵ 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.³³⁶

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.

³³³ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

³³⁴ Article 7(1) Ordinance on the realisation of material reception conditions

³³⁵ Article 55(4) LITP.

³³⁶ Article 7(1) Ordinance on the Realisation of Material Reception Conditions.

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),³³⁷ '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.'³³⁸

Applicants are entitled to financial support if, in the month for which they have received support, they have been accommodated in the Reception Centre for Applicants for International Protection for at least 25 consecutive days.³³⁹ 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.³⁴⁰

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.³⁴¹ 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.³⁴²

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.³⁴³ 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.³⁴⁴

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.³⁴⁵

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,³⁴⁶ and accommodation in the Reception Centre for Foreigners should be considered as the adequate standard of living is secured.³⁴⁷

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 2022 (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.³⁴⁸ The manner and conditions of providing material reception conditions shall be established by the Ministry of Interior, while the Reception Centre

³³⁷ Article 23(2) Ordinance on the Realisation of Material Reception Conditions.

³³⁸ Article 23(2) Ordinance on the Realisation of Material Reception Conditions.

³³⁹ Article 24(2) Ordinance on the Realisation of Material Reception Conditions.

³⁴⁰ Article 24(3) Ordinance on the Realisation of Material Reception Conditions.

³⁴¹ Article 3(7) Ordinance on the Realisation of Material Reception Conditions.

³⁴² Article 25 (1) (2) Ordinance on the Realisation of Material Reception Conditions.

³⁴³ Article 7(6) Ordinance on the Realisation of Material Reception Conditions.

³⁴⁴ Article 62(1) LITP.

³⁴⁵ Article 25(1)-(2) Ordinance on the Realisation of Material Reception Conditions.

³⁴⁶ Article 3(1) Ordinance on the Realisation of Material Reception Conditions.

³⁴⁷ Article 3(4) Ordinance on the Realisation of Material Reception Conditions.

³⁴⁸ Article 55(1) LITP and Article 1(2) Ordinance on the Realisation of Material Reception Conditions.

shall decide on the right to financial assistance.³⁴⁹ The amount of financial assistance should be established by the decision of the Minister of Interior.³⁵⁰

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.³⁵¹

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).³⁵²

There is no information available whether (or how many) decisions on reduction or withdrawal of reception conditions were taken by the Ministry of Interior from 2019 to the end of 2022.

4. Freedom of movement

Indicators: Freedom of Movement

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

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

³⁴⁹ Article 55(2) LITP.

³⁵⁰ Article 55(3) LITP.

³⁵¹ Article 55(5) LITP and Article 4(1) Ordinance on the Realisation of Material Reception Conditions.

³⁵² Article 55(6)-(9) LITP.

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.³⁵³

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.³⁵⁴

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:³⁵⁵

- (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):³⁵⁶

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](#).

³⁵³ Article 10(2) Ordinance on the Realisation of Material Reception Conditions.

³⁵⁴ Article 17(1) Ordinance on the Realisation of Material Reception Conditions.

³⁵⁵ Article 54(5) LITP.

³⁵⁶ Article 54(2) LITP.

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation

1. Number of reception centres:³⁵⁷ 2
2. Total number of places in the reception centres: 740
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: 2022			
Centre	Location	Maximum capacity	Occupancy
Hotel Porin	City of Zagreb	600	N/A
Kutina	80km from Zagreb	140	N/A
Total		740	N/A

In 2019 reconstruction of the Reception Centre in *Zagreb* was finalised. The Croatian Red Cross assessed that living conditions greatly improved thanks to renovation.³⁵⁸ In 2022, the Reception Centre in Kutina was closed due to the renovation of the facility. The renovation was realised as part of the project "Renovation of the Reception Centre for Applicants for International Protection in Kutina" that was implemented from January 2020 to September 2022. The implementation of the project improved the conditions of accommodation and stay of applicants in the Reception Centre, as well as the working conditions of officials and other personnel.³⁵⁹

As a result of the project, the accommodation capacity of the Reception Centre in Kutina was increased of 40 places (from 100 to 140). Beside that project, within the framework of the AMIF fund, three more projects were implemented in the course of 2022, with the purpose of improving the reception and accommodation conditions for the applicants for international protection.³⁶⁰

As for the statistics on the occupancy in both centres, they are not available for the period from 2019 to 2022.

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 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

³⁵⁷ Both permanent and for first arrivals.

³⁵⁸ Information provided by Croatian Red Cross, 20 December 2019.

³⁵⁹ Ministry of Interior, *Successful completion of the project "Renovation of the Reception Center for Applicants for International Protection in Kutina"*, available at: <https://bit.ly/3MEvOYC>.

³⁶⁰ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

to equip reception centres in accordance with the best European practice to improve the quality of life of applicants as well as the working conditions for state officials.³⁶¹ 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.³⁶²

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 renovation of Reception Centre in **Kutina** was finalised in 2022 and capacity of the centre increased. 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.

In 2020, due to COVID-19, one part of the Reception Centre in **Zagreb** was repurposed 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 2022.

In 2022, reception and accommodation of applicants for international protection was challenging due to the number of expressed intentions to apply for international protection and to the continuation of the COVID-19 pandemic. The practice of placing all newcomers in the Reception Centre in self-isolation, in accordance with health recommendations, continued until May 2022. In 2022 1,403 applicants for international protection went through self-isolation, 199 people were tested, and the total number of COVID-19 positive people was 48. Furthermore, all interested applicants were given the opportunity to be vaccinated, and in 2022 a total of 125 people were vaccinated.³⁶³

In early May 2022, in agreement with the epidemiologists of the Andrija Štampar Teaching Institute of Public Health”, the mandatory preventive isolation rules for the newly arrived applicants were lifted, and a smaller isolation area was maintained only for patients who were SARS CoV-2 positive and their contacts. Patients with symptoms were further tested and received appropriate treatment/medical follow-up when tested positive for SARS CoV-2.³⁶⁴

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.³⁶⁵ The same

³⁶¹ 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/3hlqzli>.

³⁶² 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>.

³⁶³ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project “Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia”, with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

³⁶⁴ Information provided by MdM, 14 February 2023.

³⁶⁵ 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/3xgvlOf>.

organisation continued in 2022 and restrictions for nonessential entries to the centres remained in place until the end of 2022.

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.³⁶⁶

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.³⁶⁷ 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.³⁶⁸ 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. The renovation of Reception centre in Kutina was finalised by the end of 2022.

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.³⁶⁹

Kitchens, equipped by the Croatian Red Cross, where applicants can prepare meals by themselves, are provided in the Reception Centres in **Kutina**,³⁷⁰ and in **Zagreb**.³⁷¹ However, there is no information available whether kitchens were in function in 2020,2021 and 2022 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.³⁷²

2.2. Activities in the centres

The staff of the Ministry of Interior working in the reception centres was generally sufficient. However in 2022, the main challenges resulted from the COVID-19 pandemic and highest numbers of applicants than ever recorded.

³⁶⁶ Article 56(6) LITP.

³⁶⁷ Information provided by the Croatian Red Cross, 18 March 2019.

³⁶⁸ Information provided by the Croatian Red Cross, 18 March 2019.

³⁶⁹ Article 20 Ordinance on the Realisation of Material Reception Conditions.

³⁷⁰ Information provided by the Croatian Red Cross, 18 March 2019.

³⁷¹ Information provided by the Croatian Red Cross, 20 December 2019.

³⁷² Ministry of Interior, 'Working together to successfully integrate asylum seekers', 3 March 2019, available in Croatian at: <https://bit.ly/34f1kWp>.

Access to reception centres was restricted from March 2020 until the end of 2022, with the exception of personnel of the Ministry of Interior, Croatian Red Cross and MdM who ensured the normal functioning of the facilities.³⁷³ Apart from CRC and MdM, other civil society organisations were not present in the centres in the course of 2022. In 2022, as in previous years, most of the applicants remained in the centre for a very short period of time and fluctuation of applicants who were voluntarily leaving the centre was significant. At the same time, the capacity of the centre was filling with the new persons with the same intensity.³⁷⁴

In 2022, **Croatian Red Cross (CRC)** continued to carry out activities with applicants for international protection in Reception Centres in **Zagreb**.³⁷⁵ 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:

- 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,
- 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.

The work of the CRC team 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 2022. 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).

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

³⁷³ 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>.

³⁷⁴ Information provided by the Croatian Red Cross, 18 January 2023.

³⁷⁵ Information provided by the Croatian Red Cross, 18 January 2023.

AYS³⁷⁶ reported having sent, in the summer of 2022, a request to the Ministry of Interior to hold two-day workshops for children in the Reception Centre. The request was rejected with the explanation that activities for children are already carried out in the framework of projects funded through AMIF so AYS organised workshops at the outdoor space opposite the Reception Centre.

In 2022, 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. 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 needs for the whole month.

AYS also provides support in learning the Croatian language. During 2022, AYS conducted 4 informal Croatian language courses lasting for 4 months. 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. Each course started when it reached 10 participants. AYS conducted a literacy course for people who are illiterate in Latin Script, so that they can start with a language course. AYS reported that their organisation received more inquiries for the language courses compared to the capacity of the organization. Most of the participants were applicants for international protection. During the year, the demographics of the participants was changing. At the beginning of the war in Ukraine, a large number of applicants from Russia joined the course, while at the end of the year, the number of people from Burundi and Chechnya increased. In addition, AYS collaborated with Croaticum, which organizes courses at the B1 level for people who have already know some basics of Croatian language.

In 2022, in addition to psychological support, psychotherapy and art therapy activities, the Rehabilitation Centre for Stress and Trauma (RCT) also carried out activities focused on social mentoring, preparation for the labor market and employment, contacts with employers, support in terms of accompaniment and translation when exercising rights in the social welfare system, socio-cultural orientation workshops and creative workshops, and provided support to asylum seekers at the risk of homelessness. RCT reported that their request to continue with providing activities in the Reception Centre for Applicants of International Protection, was rejected.³⁷⁷

The Centre for children, youth and family Modus provided psychosocial counselling.³⁷⁸

The Croatian Law Centre's (CLC) lawyers were providing legal counseling to interested applicants in CLC premises, but also through phone and email.

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 in 2022. In 2022, 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. Although CPS did not implement activities in the Reception Centre for Applicants for International Protection, the Ministry of Interior, at the CPS's request, placed CPS' posters containing information about the possibility of free legal aid in the CPS premises, in the Reception Centre. In addition, CPS carried out other activities such as providing support in learning the Croatian language, providing information about life in Croatia, as well as psychosocial support.³⁷⁹

IOM implemented the voluntary return and reintegration programme (AVRR.hr).

Due to the COVID-19 pandemic, access to Reception Centres for applicants of international protection in **Zagreb** was limited to prevent the spread of the SARS-CoV-2 virus, so IOM had to adjust its activities,

³⁷⁶ Information provided by Are You Syrious, 3 February 2023.

³⁷⁷ Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2023.

³⁷⁸ Information provided by the Centre Modus, 9 January 2023

³⁷⁹ Information provided by Centre for Peace Studies, 18 January 2023.

relying on officials working in the Centre and employees of non-governmental organisations that provide necessary services to applicants.

However, from March 2022, due to the easing of the pandemic situation, the IOM restarted carrying out regular visits every two weeks to the Reception Center for Applicants for International Protection in Zagreb with the aim of informing applicants about the possibility of voluntary return, and conducting consultations with interested persons. If necessary, IOM organized voluntary return for the applicants who decided to return.

In 2022, a sufficient number of informative multilingual posters and leaflets were provided inside the Reception Centre, which referred applicants to IOM in case of a desire for voluntary return. In addition, open communication channels for access to information are regularly maintained with employees of the Ministry of Interior and non-governmental organizations working in the Reception Centre.³⁸⁰

2.3. Duration of stay in the centres

No information on the average length of stay in the reception centres in 2022 is available. However, in practice, applicants do not stay for long periods in reception centres as most of them leave the country after a few weeks or even days. Croatia is still a transit country and it is estimated that more than 70-80% of applicants for international protection leave the country. In 2022, there was a great discrepancy between expressed intentions and submitted applications for international protection. Namely, 12,872 persons expressed their intention to seek international protection, while only 2,727 of them submitted application for international protection. Although there are no official statistics from which it can be conclude that all of 10145 applicants have left Croatia, the unofficial information stipulates that the high number of applicants after they expressed intention, did not appear at the Reception Centre for Applicants for International Protection within the prescribed deadline, which suggests that they have continued their journey to other EU countries.

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.

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
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

³⁸⁰ Information provided by IOM, 18 January 2023.

fault of the applicant.³⁸¹ 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.³⁸²

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.³⁸³

In 2022, the Administrative Court in Zagreb received 2 lawsuits regarding certificates granting the right to work, which were rejected.³⁸⁴

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 2019.³⁸⁵ According to the data of the CES, 2 female applicants for international protection (one from Ukraine and 1 from Russian Federation)) were registered in their records of unemployed persons on 31 December 2022, while 2 applicants for international protection were receiving individual counselling at CES.³⁸⁶

Applicants can work on a voluntary basis in both Reception Centres.³⁸⁷ 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.

Are You Syrious (AYS) reported that, in the last quarter of 2022, 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).³⁸⁸ 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 Studies³⁸⁹ and Rehabilitation Centre for Stress and Trauma³⁹⁰ also provide support in job searching.

2. Access to education

Indicators: Access to Education

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

The right to education is a constitutional right for all children staying in Croatia. According to the LITP, only child applicants (i.e. those under 18) are entitled to primary and secondary education.³⁹¹ 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.³⁹²

³⁸¹ Article 61(1) LITP.

³⁸² Article 61(5) LITP.

³⁸³ Article 61(2)-(3) LITP.

³⁸⁴ Information provided by Administrative Court in Zagreb, 23 January 2023.

³⁸⁵ Article 14 Law on Labour Market, Official Gazette 118/2018, 32/2020, 18/2022.

³⁸⁶ Information provided by the Croatian Employment Service, 12 January 2023.

³⁸⁷ Article 19 Ordinance on the Realisation of Material Reception Conditions.

³⁸⁸ Information provided by AYS, 3 February 2023.

³⁸⁹ Information provided by Centre for Peace Studies, 18 January 2023.

³⁹⁰ Information provided by Rehabilitation Centre for Stress and Trauma, 18 January 2023.

³⁹¹ Article 58(1) LITP.

³⁹² Article 58(3) LITP.

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.³⁹³ 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 continued in 2022. 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.³⁹⁴

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".³⁹⁵ 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 good practices.

According to the Ministry of Science and Education, in order to be included to the educational system, candidates are required to have following documents: a certificate of status in the Republic of Croatia; a certificate of residence in the Republic of Croatia; an identity document (birth certificate, identity card, passport or corresponding document of the Ministry of the Interior of the Republic of Croatia); and a document on previous education.³⁹⁶ 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.³⁹⁷

The ombudsperson for Children reported that difficulties with inclusion in the educational system were recorded in 2022, primarily for children enrolled in high school. The challenges relate to the unpreparedness of educational institutions to work with children from the migrant population, insufficient engagement of special guardians for inclusion in school, organisation and division of responsibilities of guardians and employees of institution regarding enrolment and transportation from the institution where the child is accommodated. On the other hand, older children are not included in educational system due to their own lack of interest, illiteracy, lack of formal education in the country of origin or during the travel, but also due to the fact that they often leave the country soon after arrival. Ombudsperson also reported that although 74 procedures for enrolment were initiated, only 18 were realised.³⁹⁸

³⁹³ 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).

³⁹⁴ Information provided by Are You Syrious, 3 February 2023.

³⁹⁵ Information provided by Centre for Peace Studies, 10 January 2022. See also: <https://bit.ly/35VYJFI>.

³⁹⁶ 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.

³⁹⁷ FRA, Migration: Key fundamental rights concerns- January- June 2121, *Quarterly bulletin*, available at: <https://bit.ly/3w1ydGj>.

³⁹⁸ Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2022*, available in Croatian: <https://bit.ly/3NkGzQ9>.

During 2022, for 74 children (both unaccompanied, and accompanied by their families) the enrolment process in the educational system was initiated, but only 18 of them attended school – 1 child in preschool programme, 13 children in primary education and 4 children in secondary education. The significant disproportion between the number of children for whom the enrolment in education system was initiated and the number of children who attended it is the result of the dynamics of movement of applicants for international protection and the fact that Croatia is not their destination country. In several cases, parents resisted the enrolment of their children in the educational system, especially for girls.³⁹⁹

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.⁴⁰⁰

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.⁴⁰¹ 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.⁴⁰²

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 2022. 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.⁴⁰³ In the Health Centre, a competent ambulance (family medicine) has been designated for the provision of health care from the

³⁹⁹ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

⁴⁰⁰ Article 57(1) LITP.

⁴⁰¹ Official Gazette 28/2020, available in Croatia at: <https://bit.ly/3asTWel>.

⁴⁰² Article 9 (1) (4) Ordinance on health care standards for applicants for international protection and foreigners under temporary protection

⁴⁰³ Information provided by the Ministry of Interior, 28 January 2019.

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.

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).⁴⁰⁴

In May 2022, the mandatory preventive isolation rules for the newly arrived applicants in the Reception Centre for Applicants of International Protection were lifted, and a smaller isolation area was maintained only for patients who were SARS CoV-2 positive and their contacts.⁴⁰⁵

At the beginning of the COVID-19 pandemic, the Croatian Institute for Public Health issued Protocol related to testing for COVID-19 / SARS-CoV-2.⁴⁰⁶ The protocol states that, among others, applicants for international protection and refugees belongs to priority groups for testing.

Information posters and/or leaflets on COVID 19 and hygiene were prepared by the Croatian Institute for Public Health and Ministry of the Interior,⁴⁰⁷ Médecins du Monde (MdM),⁴⁰⁸ and the Croatian Red Cross.⁴⁰⁹ Multilingual info-prevention posters and flyers for applicants were displayed in the Reception Centre for Applicants for International Protection.

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.

In 2022, in cooperation with IOM Slovenia and Croatian Ministry of Interior, posters and brochures on vaccination against COVID-19 were developed in several languages and distributed, among others, to the Reception Centre for Applicants of International Protection. The brochures list the benefits of vaccination against COVID-19, explain how applicants and beneficiaries of international protection can approach vaccination, and present the currently available vaccines and their possible side effects. Information on the validity of the vaccination certificate against COVID-19 and general protection measures can be also found in the materials. A total of 1,300 brochures and 25 posters were distributed. Furthermore, an awareness video for applicants and beneficiaries of international protection was developed to raise awareness of the importance of vaccination against COVID-19 and support informed decisions about vaccination against COVID-19. The video which is available in 5 language versions can

⁴⁰⁴ Information provided by MdM, 19 January 2022.

⁴⁰⁵ Information provided by MdM, 14 February 2023.

⁴⁰⁶ 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>.

⁴⁰⁷ 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>.

⁴⁰⁸ MdM, 'Washing hands poster', 2020, available in several languages at: <https://bit.ly/3vfZJw1>.

⁴⁰⁹ Croatian Red Cross information on available sources of information on COVID-19, available in Arabic at: <https://bit.ly/3avMuPT>.

be found on the website of IOM Croatia, as well as brochures.⁴¹⁰ In addition, it was distributed to key stakeholders for their use in future prevention activities involving migrant communities.⁴¹¹ In 2022, as in 2021, MDM-BELGIQUE's team also further informed applicants for international protection about the possibility of vaccination and organised transportation with interpreters to the main public vaccination centre in Zagreb.

In 2022, MDM-BELGIQUE's team developed info-prevention posters/leaflets on three different topics: "How I feel matters", "Everyone has the right to birth control" and "There is no room for violence in the family"; as well as a brochure on mental health.⁴¹²

In 2023, MdM issued the publication "Physical and mental health of applicants for international protection in the Republic of Croatia - new trends, observations, challenges and recommendations".⁴¹³

Complementary services by NGOs

In 2022, the MDM- BELGIQUE's team consisted of one general practitioner, one nurse and interpreters (4-6 interpreters throughout 2022 - for Arabic, Farsi, Russian, Spanish and French languages).⁴¹⁴

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 to the 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, organised the transport schedule and patient transportation (including the transport schedule for the Croatian Red Cross) and accompanied patients to their appointments with the help of interpreters.

Regular vaccination of children and medical visits for pre-school/school enrolment were carried out continuously in 2022 through the cooperation with the Health Centre and **Andrija Štampar Teaching Institute of Public Health**. Transportation of children to relevant health institutions and hospitals and other health centres with paediatric clinics was conducted regularly.

In 2022, the MdM's medical team carried out 3,076 medical consultations with applicants for international protection, out of which 2,342 were initial medical examinations of newly arrived applicants. Out of the 3,076 medical consultations: 44.7% were organized with women and 33.1% with children. The most represented nationalities were Kurdish population from **Iraq** and **Türkiye** (25.9%), **Afghans** (16.7%) and **Cubans** (13.6%). In addition, a total of 380 transports of 250 applicants for international protection to health care facilities for the necessary specialist and diagnostic treatment were performed (including 27 transports for children to paediatricians/vaccinations/school medicine specialists).

Furthermore, in 2022, between 2 and 11 pregnant women were accommodated at the same time at the Reception Centre in Zagreb (total of 101 during the entire year). MDM-BELGIQUE's team provided them

⁴¹⁰ See: <https://croatia.iom.int/improving-access-covid-19-vaccinations>

⁴¹¹ Information provided by IOM, 18 January 2023.

⁴¹² Information provided by MdM, 14 February 2023.

⁴¹³ Available in Croatian at: <https://bit.ly/3IQ6Zl7>; and in English at: <https://bit.ly/3C4pO6r>.

⁴¹⁴ Information provided by MdM, 14 February 2023.

with comprehensive healthcare services in cooperation with the Outpatient Clinic Zagreb - Centar (including gynaecological examinations and necessary tests) and accompanied them to the Clinical Hospital for Women's Diseases and Obstetrics of the University Hospital Centre Zagreb, or to the „Sveti Duh” Hospital.

In 2022, the MDM team also held info prevention workshops for women and girls. The workshops were held on the topic of mental health and psychosocial support, and took place, on average, once a week in the Reception Centre in Zagreb.

Given the specific conditions of the migration route, which include poor nutrition and limited possibilities for maintaining oral hygiene, a significant number of beneficiaries needed dental services. Through cooperation with “Health Centre Zagreb - Centar”, MDM-BELGIQUE tried to provide the necessary care to applicants who needed dental services in order to prevent the number of emergency dental treatments and complex interventions. For this purpose, communication was established with 12 dental medicine specialists, and successful cooperation was established with 8 of them. Regular organisation of dental care services presented the additional workload of organising transportation and interpretation, for MDM-BELGIQUE's team.

Since March 2020 and throughout 2021 and 2022, MDM-BELGIQUE's team was also in charge of health protection and prevention of SARS CoV-2 among the population of applicants for international protection accommodated in the Reception Centre for Applicants in Zagreb in close cooperation with Andrija Štampar Teaching Institute of Public Health, Ministry of Interior, Croatian Red Cross and other relevant stakeholders.

In early May 2022 and in agreement with the epidemiologist of the Andrija Štampar Teaching Institute of Public Health”, the mandatory preventive isolation rules for the newly arrived applicants were lifted, and a smaller isolation area was maintained only for patients who were SARS CoV-2 positive and their contacts. Patients with symptoms were further tested and received appropriate treatment/medical follow-up when tested positive for SARS CoV-2.

MDM-BELGIQUE's team further also informed applicants for international protection about the possibility of vaccination and organised transportation with interpreters to the main public vaccination centre in Zagreb. Lastly, multilingual info-prevention posters and flyers for applicants were displayed at the facility.

In 2022, 1403 persons went through preventive isolation area of the Reception Centre for Applicants for International Protection (which was removed in May 2022), 199 persons were tested, 48 persons who tested positive for SARS CoV-2 received appropriate treatment/medical follow-up and 125 persons were supported to access vaccination against SARS CoV-2.

In total, in the period between March 2020 and December 2022, 5,569 persons went through an isolation area in Reception Centre for Applicants for International Protection in Zagreb (removed since May 2022), 799 persons were tested; 122 persons who tested positive for SARS CoV-2 received appropriate treatment/medical follow-up; 321 persons were supported to access vaccination against SARS CoV-2.

Two MDM-BELGIQUE's psychologists further conducted initial psychological assessment and individual psychological counselling (working with beneficiaries for 6 hours every working day), as well as emergency interventions when needed in 2022. Alongside permanent team members, MDM-BELGIQUE continued to cooperate with an external associate (psychiatrist) in 2022, who was conducting psychiatric examinations of asylum seekers in Zagreb three times per month. Compared with previous years, in 2022, MDM-BELGIQUE observed additional increase of sexual and gender-based violence cases (SGBV) - with a total of 66 cases. MDM-BELGIQUE offered adequate psychological assistance and/or psychiatric treatment to all survivors as well as assistance with other necessary referrals - in cooperation with relevant service providers.

Main challenge encountered by MDM throughout 2022 was the large surge in the numbers of applicants for international protection in Croatia as well as further intensification of transit migration levels (at the beginning of 2022, applicants were staying in Croatia for, on average, 30 days, while during August and September for an average of 3 days).

Besides particularly complex cases (which included post-operative care after reconstructive foot surgery, cases of severe PTSD, suicidality, severe chronic diseases and acute conditions), increasing arrivals resulted in a large surge in the number of first health examinations that needed to be conducted by the team (up to 110 newcomers per day; with some weeks with around 500 arrivals), but also additional administrative work of ordering diagnostics tests, specialist examinations and planning transport schedules - that often needed to be cancelled because applicants left Croatia before scheduled appointments. The increased workload resulted in high level of stress and fatigue for the origination's staff.

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.⁴¹⁵ 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 lasts until 31 December 2022.

Due to lack of funding, MdM had to temporary suspend their activities inside the reception centers for applicants for international protection from 22 May 2023.⁴¹⁶

2. Mental health

Psychological counselling and support was provided by MdM during 2021.⁴¹⁷

Two MdM's psychologists conducted initial psychological assessments and individual psychological counselling sessions every working day for 6 hours, as well as emergency interventions when needed. Cooperation with an external associate – psychiatrist continued in 2022 who was visiting the Reception Centre in **Zagreb** three times a month. An increase in the number of reported cases of sexual and gender-based violence (SGBV) (as well as the number of applicants) compared to the previous year was noted in 2022. A total of 66 cases were reported. MdM's psychologists offered adequate psychological help and support and, if necessary, included them in adequate psychological and/or psychiatric treatment. During 2022, 665 individual psychological consultations were carried out by two psychologists, and 96 specialist psychiatric examinations were conducted by one psychiatrist.

In addition, three info-prevention posters/leaflets concerning mental health, protection of reproductive health and violence-prevention were distributed: "How I feel matter", "Everyone has the right to birth control" and "There is no room for violence in the family", as well as a brochure on mental health. Additional info-prevention workshops for women and girls on the topics of mental health and psychosocial support were also conducted on average once a week in the course of 2022.

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.⁴¹⁸ 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

⁴¹⁵ Ministry of Interior: Decision on the allocation of financial resources 31 July 2020, available in Croatian at: <https://bit.ly/3eiRKat>.

⁴¹⁶ Information provided by MdM, 19 June 2023.

⁴¹⁷ Information provided by MdM, 14 February 2023.

⁴¹⁸ Article 57(2) LITP.

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).⁴¹⁹

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".⁴²⁰ 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.⁴²¹ The LITP provides special procedural and reception guarantees (see section on [Special Procedural Guarantees](#)).

However, up until now the Ministry of Interior does not have a special unit dealing with vulnerable groups, but accommodates their needs in the general reception system.

When accommodating applicants in the Reception Centre, gender, age, position of vulnerable groups, applicants with special reception needs and family unity shall be particularly taken into account.⁴²² 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.⁴²³

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

⁴¹⁹ Official Gazette 28/2020, available in Croatia at: <https://bit.ly/2QKE3ZK>.

⁴²⁰ Information provided by MdM, 17 January 2021.

⁴²¹ Article 4(1)(14) LITP.

⁴²² Article 56(4) LITP; Article 6(1) Ordinance on the Realisation of Material Reception Conditions.

⁴²³ Article 7(3) Ordinance on the Realisation of Material Reception Conditions.

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.⁴²⁴

Applicants with special health care needs shall be provided a special diet, based on the recommendations of the physician.⁴²⁵

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.⁴²⁶

In regard to persons with special needs who were accommodated outside Reception centres, in 2022 there were two adult applicants for international protection who were provided accommodation in special social welfare institutions due to their health condition.⁴²⁷

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.⁴²⁸ Similar findings were reported by RCT in 2021.⁴²⁹ 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 needed⁴³⁰

1. Reception of women and children

⁴²⁴ Article 12(1)-(3) Ordinance on the Realisation of Material Reception Conditions.

⁴²⁵ Article 20(2) Ordinance on the Realisation of Material Reception Conditions.

⁴²⁶ Information provided by the Ministry of Interior, 28 January 2019.

⁴²⁷ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

⁴²⁸ FRA, *Migration: Key fundamental rights concerns - Quarterly bulletin 4 – 2020*, available at: <https://bit.ly/3avkqMn>.

⁴²⁹ Information provided by the Rehabilitation Centre for Stress and Trauma, 14 January 2022.

⁴³⁰ Information provided by the Centre For Peace studies, 10 January 2022.

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.⁴³¹

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.⁴³²

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.⁴³³ 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. Ombudsperson for Children also reported about the lack of systematic support from interpreters in institutions where unaccompanied children are accommodated.⁴³⁴

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 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.⁴³⁵ According to Ombudsperson for Children, 1 unaccompanied child was placed in a foster family in 2022.⁴³⁶

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.⁴³⁷ 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.⁴³⁸ However in January 2022, the decision to implement the project was revoked considering

⁴³¹ Article 10(3) LITP.

⁴³² Information provided by the Centre For Peace studies, 18 January 2023; AYs, 3 February 2023, see also Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2022*, available in Croatian: <https://bit.ly/3NkGzQ9>.

⁴³³ 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>.

⁴³⁴ Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2022*, available in Croatian at: <https://bit.ly/3NkGzQ9>.

⁴³⁵ Official Gazette 115/2018, available in Croatian at: <https://bit.ly/2xP8gh5>.

⁴³⁶ It is not clear whether child was an applicant for international protection. Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2022*, available in Croatian: <https://bit.ly/3NkGzQ9>.

⁴³⁷ EMN, *Migration Bulletin*, February 2021 available at: <https://bit.ly/2QohgDc>.

⁴³⁸ Ministry of Labour, 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>.

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.⁴³⁹

The Croatian Red Cross reported having implemented two projects in 2022, aimed at supporting unaccompanied children and experts working with unaccompanied children.⁴⁴⁰ 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 2022. 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 shortcomings observed by CRC include inappropriate accommodation for unaccompanied children and insufficient number of available specialised services adapted to their age and needs. 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.

In 2022, 4,733 children expressed the intention to seek international protection. Among them, 436 were unaccompanied children, of which 337 boys and 99 girls. Furthermore, in 2022, 104 unaccompanied children submitted applications for international protection whereas 32 procedures were suspended, two dismissed and 70 were pending.⁴⁴¹ In its Annual report on 2022, the Ombudsperson for Children states that international protection was granted to 17 children, out of which 1 for unaccompanied child. Regardless of the year when applications were submitted, in 2022 121 decision were issued for unaccompanied children, 1 positive (granted international protection), 116 procedures were suspended, three dismissed and one annulled.

In 2022, 329 children were accommodated in the Reception Centre for Applicants for International Protection, while 107 of them were placed in social welfare institutions.⁴⁴²

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.⁴⁴³

⁴³⁹ 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>.

⁴⁴⁰ Information provided by CRC, 18 January 2023;

⁴⁴¹ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

⁴⁴² Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2022*, available in Croatian: <https://bit.ly/3NkGzQ9>.

⁴⁴³ Article 57(2) LITP.

The system for addressing the consequences of torture among applicants was not established in practice for years and there was a lack of clarity on who can get treatment and under which conditions, and who should provide such treatments. However in 2020, the Ordinance on health care standards for applicants for international protection and foreigners under temporary protection entered into force regulating, amongst other, also the scope of health care for vulnerable groups.⁴⁴⁴ This is discussed in detail in the section on [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.⁴⁴⁵

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.⁴⁴⁶

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,⁴⁴⁷ as well as information on legal counselling, accommodation and daily life,⁴⁴⁸ health care,⁴⁴⁹ education,⁴⁵⁰ obligation to respect the legal framework and customs of the Republic of Croatia,⁴⁵¹ and cultural features in the local community.⁴⁵² The videos were made with English subtitles and synchronized to Arabic.

Applicants accommodated in the reception centres also received information on COVID-19 and the measures that need to be taken to prevent its further spread. Information posters and/or leaflets on COVID

⁴⁴⁴ Official Gazette 28/2020, 13 March 2020, available in Croatia at: <https://bit.ly/2PcZGBM>.

⁴⁴⁵ Article 59(2) LITP.

⁴⁴⁶ Information provided by the Ministry of Interior, 2 March 2017.

⁴⁴⁷ The video is available at: <https://bit.ly/3awCMN4>.

⁴⁴⁸ The video is available at: <https://cutt.ly/qvKPaQo>.

⁴⁴⁹ The video is available at: <https://cutt.ly/6vKPjJp>.

⁴⁵⁰ The video is available at: <https://cutt.ly/YvKPcY4>.

⁴⁵¹ The video is available at: <https://cutt.ly/YvKPQut>.

⁴⁵² The video is available at: <https://cutt.ly/6vKPTPm>.

19 and hygiene were prepared by the Croatian Institute for Public Health and Ministry of the Interior,⁴⁵³ Médecins du Monde (MdM),⁴⁵⁴ and Croatian Red Cross.⁴⁵⁵ 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. IOM Croatia reported that in 2022, materials related to COVID-19 vaccinations were developed in cooperation with IOM Slovenia and Croatian Ministry of Interior and were distributed also to Reception centres.

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.⁴⁵⁶

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.

Additionally, 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.⁴⁵⁷

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 did not constitute an issue in the past. In 2020, due to COVID-19 preventive measures, access to the reception centres was restricted for persons who are not necessary for the normal functioning of the facilities.⁴⁵⁸

As of mid-March 2020 until the end of 2022, due to pandemic, access to Reception centres for applicants for international protection was restricted, with the exception of persons who ensure the normal functioning of the facilities. The 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 on the daily bases.

G. Differential treatment of specific nationalities in reception

There is no difference in treatment with respect to reception based on nationality.

⁴⁵³ Croatian Institute for Public Health and Ministry of Interior leaflets available at: <https://bit.ly/3tJ9d2v>; <https://bit.ly/3gx4ehl>.

⁴⁵⁴ MdM, *Washing hands*, available at: <https://bit.ly/3v7ISMx>; <https://bit.ly/3sBfiws>.

⁴⁵⁵ Croatian Red Cross information on available sources of information on COVID-19, available in Arabic at: <https://bit.ly/3n89ut5>.

⁴⁵⁶ NGO Roda, *Koronavirus i trudnoća, porod i dojenje na engleskom jeziku*, available in Croatian and other languages at: <https://bit.ly/3v9MX1P>.

⁴⁵⁷ Article 56 (2) LITP.

⁴⁵⁸ 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/3syjKv>.

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2022: ⁴⁵⁹	Not available
2. Number of asylum seekers in detention at the end of 2022:	Not available
3. Number of detention centres:	3
4. Total capacity of detention centres:	N/A

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.⁴⁶⁰ 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 on whether this has changed in the period from 2020 until the end of 2022. 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 2021, the Reception Centre for Applicants for International Protection in Zagreb issued 27 decisions on restriction of the freedom of movement, among which movement was restricted through the measure of banning movement outside the Reception Centre for Applicants for International Protection for seven applicants, reporting in person to the Reception Centre for Applicants for International Protection at a certain time for six applicants and depositing travel documents and tickets for one applicant, while for 13 applicants, the freedom of movement was restricted by detention in the Reception Centre for Foreigners.

In 2021, the average duration of the restrictions on the freedom of movement at the Reception Centre for Foreigners, based on the decision made by the Reception Centre for Applicants for International Protection in Zagreb, was three months. Regarding the structure of applicants whose movement was restricted by detention in the Reception Centre for Foreigners, in the above 13 cases, these were adult male persons who were nationals of Türkiye (11), Algeria (1) and India (1). As for the legal basis for detention in the Reception Centre for Foreigners, for 10 applicants, freedom movement was restricted on the basis of Art. 54, para. 2, item 4 of the Law on International and Temporary Protection (LITP) (prevention of abuse of procedure), and for three on the basis of Art. 54, para. 2, item 3 of the LITP (protection of the national security or public order of the Republic of Croatia). Data on decisions on the restriction of freedom issued by police administrations or stations were not provided for 2021, so it was not possible to determine the total number of applicants for international protection whose right to freedom of movement was restricted in 2021.⁴⁶¹

⁴⁵⁹ Including *both* applicants detained in the course of the asylum procedure and persons lodging an application from detention.

⁴⁶⁰ Information provided by the Ministry of Interior, Border Directorate, 6 February 2019.

⁴⁶¹ Croatian Law Centre: *The Croatian Asylum System In 2021 - National Report*, The report was prepared as part of the project "Access to the territory and the asylum system in Croatia - legal support and capacity building" with the financial support of UNHCR; available in Croatian at: <https://bit.ly/3NgBDfc> and in English at: <https://bit.ly/3NBvVpC>.

505 migrants in 2021 and 905 in 2022 were detained in the Reception Centre for Foreigners in **Ježevo**.⁴⁶²

In 2022, the Service for Reception and Accommodation of Applicants for International Protection issued 85 decisions on restriction of the freedom of movement, among which movement was restricted by detention in Reception Centre for foreigners in Ježevo (45 applicants), Transit Reception Centre for Foreigners Trilj (32 applicants) and in Transit Reception Centre for Foreigners Tovarnik (4 applicants). In addition, for 7 applicants for international protection, decisions on the restriction of freedom of movement were issued by police administrations or stations after expressing intention to seek international protection. All of them were detained in the Reception Centre for Foreigners in Ježevo. The average duration of the detention in the Reception Centre for Foreigners Ježevo was 2 months, while in Transit Reception Centre for Foreigners Trilj and Tovarnik 3 months.⁴⁶³

As for the gender composition, the Reception Centre for Foreigners Ježevo's population was 89% male and 11% female. In terms of age of the persons present in the centre, 75% were in the age group 18-34 and 25% in the age group 35-64. In the Transit Reception Centre for Foreigners in Trilj all applicants were male, 66% in the age group 18-34 and 34% in the age group 35-64. In the Transit Reception Centre in Tovarnik there were also just male applicants, 50% in the age group 18-34 and 50% in the age group 35-64.⁴⁶⁴

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.⁴⁶⁵ The applicant considered that said provision is contrary to Article 22 para. 2 of the Constitution,⁴⁶⁶ 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).

⁴⁶² Ministry of Interior, *Statistical overview of basic safety indicators and work results in 2021*, available at: <https://bit.ly/3N6VXRd>; *Statistical overview of basic safety indicators and work results in 2022* available at: <https://bit.ly/3IRt74L>.

⁴⁶³ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

⁴⁶⁴ *Ibid.*

⁴⁶⁵ Constitutional Court, Decision Number: U-I-503/2018, 24 June 2020, available in Croatian at: <https://bit.ly/3wY8SLs>.

⁴⁶⁶ 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: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |
| ❖ at the border: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| 2. Are asylum seekers detained in practice during the Dublin procedure? | | | |
| | <input type="checkbox"/> Frequently | <input checked="" type="checkbox"/> Rarely | <input type="checkbox"/> Never |
| 3. Are asylum seekers detained during a regular procedure in practice? | | | |
| | <input type="checkbox"/> Frequently | <input checked="" type="checkbox"/> Rarely | <input type="checkbox"/> 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.⁴⁶⁷ Detention may be ordered for 4 reasons,⁴⁶⁸ 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.

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:⁴⁶⁹

- 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 2022, in the Reception Centre for Foreigners Ježev, the freedom of movement was restricted for 32 applicants on the basis of Art. 54, para. 2, item 4 of LITP (prevention of abuse of procedure), and for 13 on the basis of Art. 54, para. 2, item 3 of the LITP (protection of the national security or public order of the Republic of Croatia). For all applicants in Transit Reception Centre Trilj and Transit Reception Centre Tovarnik the freedom of movement was restricted on the basis of Art. 54, para. 2, item 4. During 2022, in 4 cases freedom of movement was restricted by applying alternatives to detention on the basis of Art.

⁴⁶⁷ Article 54(5) LITP.

⁴⁶⁸ Article 54(2) LITP.

⁴⁶⁹ Article 54(4) LITP.

54, para. 5, item 1 (measure of banning movement outside the Reception Centre for Applicants for International Protection).⁴⁷⁰

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 2018.⁴⁷¹ In 2021, this option was used in only one case, and the person was detained in the Reception Centre for Foreigners.⁴⁷² No public information on detention during the Dublin procedure is available for 2022.

The LITP specifies that detention in Reception Centre for Foreigners may be imposed if, by individual assessment, it is established that other measures would not achieve the purpose of restriction of freedom of movement.⁴⁷³ 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.⁴⁷⁴ Similar reports were made by two attorneys at law in 2021.⁴⁷⁵

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.⁴⁷⁶

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 information from the Border Police Directorate in 2018, 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

⁴⁷⁰ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

⁴⁷¹ Information provided by the Ministry of Interior, 28 January 2019.⁴⁷² Croatian Law Centre: *The Croatian Asylum System In 2021 - National Report*, The report was prepared as part of the project "Access to the territory and the asylum system in Croatia - legal support and capacity building" with the financial support of UNHCR; available in Croatian at: <https://bit.ly/3NgBDfc> and in English at: <https://bit.ly/3NBvVpC>.

⁴⁷² Croatian Law Centre: *The Croatian Asylum System In 2021 - National Report*, The report was prepared as part of the project "Access to the territory and the asylum system in Croatia - legal support and capacity building" with the financial support of UNHCR; available in Croatian at: <https://bit.ly/3NgBDfc> and in English at: <https://bit.ly/3NBvVpC>.

⁴⁷³ Article 54(6) LITP.

⁴⁷⁴ Information provided by attorneys at law on 3 December 2019, 6 December 2019, 16 December 2019 and 21 January 2020.

⁴⁷⁵ Information provided by attorneys at law on 27 December 2021 and 29 December 2021.

⁴⁷⁶ Information provided by the Ministry of Interior, 2 March 2017.

that are expressed in the Transit Reception Centres in **Trilj** and **Tovarnik** are received by local police stations based on their territorial jurisdiction.⁴⁷⁷

In 2021, the Ombudsperson conducted an investigative proceeding in regard to preventing access to international protection in the reception centre for foreigners.⁴⁷⁸

In 2022, persons detained in the Reception Centre for Foreigners contacted directly by phone the Center for Peace Studies on several occasions, and declared not being able access to the asylum system.⁴⁷⁹

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

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.⁴⁸⁰

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.⁴⁸¹ No information is available for 2019, 2020, 2021 and 2022.

During 2022, in 4 cases freedom of movement was restricted by applying alternatives to detention on the basis of Art. 54, para. 5, item 1 (measure of banning movement outside the Reception Centre for Applicants for International Protection).⁴⁸²

⁴⁷⁷ Information provided by the Ministry of Interior, Border Directorate, 17 August 2018.

⁴⁷⁸ Ombudsperson, *Annual report 2021*, available in Croatian at: <https://bit.ly/37ypocG>.⁴⁷⁹ Information provided by Centre for Peace Studies, 18 January 2023.

⁴⁷⁹ Information provided by Centre for Peace Studies, 18 January 2023.

⁴⁸⁰ Article 54(11) LITP.

⁴⁸¹ Information provided by the Ministry of Interior, 28 January 2019.

⁴⁸² Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

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.⁴⁸³ Moreover, it provides for detention of unaccompanied children, although for as short a period as possible.⁴⁸⁴ No information is available on the number of vulnerable applicants who were detained in the detention centres in the course of 2019 and 2020.

While there is no public data on the use of detention for vulnerable applicants for international protection in 2022, the Ombudsperson for Children reported that the freedom of movement of 7 accompanied children of irregular migrants was restricted during the year. They were held in the Reception Centre for Foreigners **Ježevo (5)** and in the Transit Reception centres for foreigners **Trilj** and **Tovarnik (2)**.⁴⁸⁵

In 2022, according to the Ministry of Interior's Border Directorate, in the Reception Centre for Foreigners in Zagreb 5 separated children were accommodated – nationals of Türkiye, China and Iraq. In the Transit Reception Centre for Foreigners in Tovarnik there were 2 unaccompanied children from Türkiye detained, while there were no unaccompanied children detained in Transit Reception Centre for Foreigners Trilj in the course of 2022.⁴⁸⁶

In 2021,⁴⁸⁷ there were no child applicants for international protection (accompanied or unaccompanied) and applicants with special reception needs detained in the Reception Centre for Foreigners (or in the Transit Reception Centres).

In 2022,⁴⁸⁸ there were no child applicants for international protection (accompanied or unaccompanied) in detention.

4. Duration of detention

Indicators: Duration of Detention

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

Article 54(9) LITP provides a maximum detention time limit of 3 months, which may be extended by another 3 months. Where detention is applied in a Dublin procedure, however, it cannot exceed 6 weeks from the establishment of the responsibility of another Member State of the European Economic Area. If an administrative dispute has been initiated, the time limit of 6 weeks shall be counted from the time the decision on dismissal becomes final.⁴⁸⁹

⁴⁸³ Article 54(7) LITP.

⁴⁸⁴ Article 54(8) LITP.

⁴⁸⁵ Ombudsperson for Children: *Report on the work of the Ombudsman for Children in 2022*, available in Croatian: <https://bit.ly/43C5ZPL>.

⁴⁸⁶ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

⁴⁸⁷ Croatian Law Centre: *The Croatian Asylum System In 2021 - National Report*, The report was prepared as part of the project "Access to the territory and the asylum system in Croatia - legal support and capacity building" with the financial support of UNHCR; available in Croatian at: <https://bit.ly/3NgBDfc> and in English at: <https://bit.ly/3NBvVpC>.

⁴⁸⁸ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

⁴⁸⁹ Article 54(10) LITP.

According to the Ministry of Interior the average duration of detention of applicants in 2018 was 3 months.⁴⁹⁰ In 2022, the average duration of the detention in the Reception Centre for Foreigners Ježevu was of 2 months, while in the Transit Reception Centre for Foreigners in Trilj and Tovarnik it was 3 months.⁴⁹¹

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.⁴⁹²

There is a pre-removal detention centre (“Reception Centre for Foreigners”) in **Ježevu**, 30km from **Zagreb**, which has a total capacity of 95 places.⁴⁹³ The centre has capacity to accommodate 68 men, 12 women and 15 vulnerable persons. The special wing for vulnerable groups in Ježevu 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 Ježevu 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.⁴⁹⁴

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.⁴⁹⁵ Each centre can accommodate 62 migrants, and include a separate wing for vulnerable groups with 12 places.⁴⁹⁶

The activities performed by these centres are defined by the Decree on Internal Organisation of the Ministry of Interior,⁴⁹⁷ and it is envisaged that the Transit Reception Centres will serve for the detention of foreigners apprehended for irregular crossing of the EU's external border until their transfer to **Ježevu** or until removal under a readmission agreement. This would mean that they are primarily intended for shorter accommodation of foreigners.

⁴⁹⁰ Information provided by the Ministry of Interior, 28 January 2019.

⁴⁹¹ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project “Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia”, with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

⁴⁹² Article 54(5)-(6) LITP.

⁴⁹³ Information provided by the Border Directorate, 30 January 2018.

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

⁴⁹⁶ Information provided by the Border Directorate, 6 February 2019.

⁴⁹⁷ Official Gazette 97/2020, 7/2022 Article 100f, Article 409 and Article 674.

1.2. Airport transit zones and police stations

According to the information for 2018 provided by the Border Directorate of the Ministry of Interior,⁴⁹⁸ 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 2022 was 1,035. The total number of refusal of entry in 2022 was 11,521, which also includes land (10,434), sea (51) and rivers (1).⁴⁹⁹

The total number of police stations at the end of 2018 was 184, while the total number of places where migrants can be detained in police stations is 162. In 2018, 1,243 migrants were deprived of liberty in police stations. However, no information was made available since 2019.

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.⁵⁰⁰ 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.⁵⁰¹ The CPT report on the visit to Croatia was finally published in December 2021.⁵⁰²

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**.⁵⁰³ No new data is available for 2020, 2021 and 2022.

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 2022.⁵⁰⁴

In 2020, the Ombudswoman initiated an investigation proceeding related to access to free legal aid for irregular migrants detained in the Reception Centre for foreigners in **Ježevo**. It was determined that they were not adequately informed that they are entitled to free legal aid. They were also not made aware of

⁴⁹⁸ Information provided by the Border Directorate, 6 February 2019.

⁴⁹⁹ Ministry of Interior, *Statistical overview of basic safety indicators and work results in 2022*, available at: <https://bit.ly/3IRt74L>.

⁵⁰⁰ 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>.

⁵⁰¹ Ombudsman, Annual report 2020, available in Croatian at: <https://bit.ly/3aaQXar>.

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

⁵⁰⁴ Official Gazette 145/2021, 155/2022

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.⁵⁰⁵ In 2021, the Ombudsperson conducted one investigative proceedings regarding the inability to access the international protection procedure in the reception centre for foreigners.⁵⁰⁶

According to the Ombudsman's report for 2022,⁵⁰⁷ difficulties were reported in realization of rights of detained persons, especially due to the insufficient and inadequate information provided. In addition, in 2022, the Ombudswoman conducted investigations based on complaints from applicants for international protection, their family members, as well as on information provided by civil society organizations and determined that, at border police stations, interpretation was not provided when processing cases and issuing decisions on restriction on freedom of movement. Detained persons also complained that they were not aware of the reasons for the restriction of movement imposed on them, and that they were not informed about the status of their cases.

The CPT report on its visit to Croatia in 2020 was published in December 2021.⁵⁰⁸ 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 batons 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 Ombudsman's report for 2022,⁵⁰⁹ all three reception centres for foreigners (transit-reception centres in Tovarnik and Trilj and Ježev Reception Centre) are working on further improvement of accommodation conditions by investing in construction or improvement of existing accommodation capacities.

In May 2022, a Decision was made on the allocation of financial resources for the implementation of the project "Improvement of accommodation and working conditions in the Transit Reception Centre for foreigners Trilj" within the framework of the Fund for Asylum, Migration and Integration.⁵¹⁰

The purpose of this project is to improve the accommodation and working conditions in the Transit Reception Centre for foreigners in Trilj through the construction of sanitary facilities, the separation of the

⁵⁰⁵ Ombudsman, Annual report 2020, available in Croatian at: <https://bit.ly/3aaQXar>.

⁵⁰⁶ Ombudsperson, *Annual report 2021*, available in Croatian at: <https://bit.ly/3OdvWOS>.

⁵⁰⁷ Report of the Ombudswoman for 2022, available in Croatian at: <https://bit.ly/3MNkaLf>.

⁵⁰⁸ 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>.

⁵⁰⁹ Report of the Ombudswoman for 2022, available in Croatian at: <https://bit.ly/3MNkaLf>.

⁵¹⁰ Ministry of Interior: *Project "Improvement of accommodation and working conditions in the Transit Reception Centre for foreigners Trilj"*, available at: <https://bit.ly/46cW8SH>.

living area from the reception area for foreigners, the installation of a video surveillance system and an alarm bell, and the procurement of additional necessary equipment and furniture.

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 2022.⁵¹¹ The Ordinance was amended at the end of December 2022, due to the entry of the Republic of Croatia into the Eurozone.

According to the Ordinance, each room must guarantee 4m² per person and have access to daylight.⁵¹² Every person has their own bed and there is sufficient space and separation between beds, as well as sufficient space to store personal possessions. Men and women are separated.⁵¹³ Detainees are provided with clothes,⁵¹⁴ although they are all dressed in identical tracksuits and cannot, in usual circumstances, use their clothes. Upon arrival in the Centre and during their stay, persons use the clothes, bed linen and hygiene supplies they are assigned. If necessary, their clothes are being washed and put away packed in a storage room, and only exceptionally foreigners may be allowed to use their own clothes, if the clothes are suitable for staying in the centre.⁵¹⁵

According to the CPT report on its visit to Croatia in 2020, 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.⁵¹⁶

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.⁵¹⁷

If a person is in possession of any cash, it will be temporarily seized.⁵¹⁸

While staying in the Centre, people may however use the seized cash for the necessary payment; the exchange of foreign currencies is done once a week. Any detainee cannot be in possession of an amount of money superior to EUR 53.09.⁵¹⁹

The costs of accommodation of foreigners in the centre are charged as a flat rate at the amount of 33.18 euros and are calculated from the day accommodation until the day of discharge from the centre.⁵²⁰

⁵¹¹ Official Gazette 145/2021, 155/2022

⁵¹² Article 9 Detention Centre Ordinance.

⁵¹³ *Ibid.*

⁵¹⁴ Article 11 Detention Centre Ordinance.

⁵¹⁵ Article 11 Detention Centre Ordinance.

⁵¹⁶ 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>.

⁵¹⁷ Article 8 paragraph 3 Detention Centre Ordinance.

⁵¹⁸ Article 21 paragraph 1 Detention Centre Ordinance

⁵¹⁹ Article 21 Detention Centre Ordinance.

⁵²⁰ Article 27 paragraphs 5 -6 Detention Centre Ordinance.

These costs are borne by the foreigners themselves and in the case of families, the costs are borne by the person who holds the funds.⁵²¹

According to the Ordinance, persons are provided with three meals a day, of which at least one must be a warm meal. Children are provided with four meals a day. Specific diets can be prepared upon request for religious reasons, or when ordered by a doctor (e.g. for pregnant women).⁵²² 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).⁵²³ This does not always happen for example during bad weather conditions

Migrants, have the right to practice their religion, but they must respect the religious and cultural worldviews of other people in the centre. In addition, upon their requests, foreigners will be allowed be in contact with religious communities.⁵²⁴

However in 2022, detained persons reported to Ombudswoman problems related to nutrition, the inability to make phone calls, inadequate health care, the behaviour of police officers and similar.⁵²⁵

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.⁵²⁶ 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.⁵²⁷

In October 2020, information was published according to which the Reception centre for Foreigners in **Ježevó** implements the project: "Improvement of accommodation conditions and working conditions in the Reception Center for Foreigners in **Ježevó**". 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 Centre.⁵²⁸ 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 Centre for Foreigners in Ježevó - II. phase" was adopted.⁵²⁹ In May 2021, the Decision on the allocation of financial resources for the implementation of the project "Improvement of accommodation and working conditions in the Transit Reception Centre Trilj" was adopted.⁵³⁰

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

⁵²¹ Article 28 paragraph 2 Detention Centre Ordinance.

⁵²² Article 16 paragraphs 2-5 Detention Centre Ordinance.

⁵²³ Article 15 paragraph 1 Detention Centre Ordinance.

⁵²⁴ Article 17 Detention Centre Ordinance.

⁵²⁵ Report of the Ombudswoman for 2022, available in Croatian at: <https://bit.ly/3MNKaLf>.

⁵²⁶ 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>.

⁵²⁷ 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>.

⁵²⁸ Ministry of Interior: Project "Improvement of accommodation conditions and working conditions in the Reception Center for Foreigners in Ježevó", 23 October 2020, available at: <https://bit.ly/3emgiiW>.⁵²⁹

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 Ježevó - II. phase", available at: <https://bit.ly/3KzJKRi>.

⁵²⁹ 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 Ježevó - II. phase", available at: <https://bit.ly/3KzJKRi>.

⁵³⁰ Decision on the allocation of financial resources for the implementation of the project "Improvement of accommodation and working conditions in the Transit Reception Centre Trilj", available at: <https://bit.ly/3MI0197>; Decision on allocation of additional financial resources , available at: <https://bit.ly/43i8eI7>.

the ECtHR on 23 October 2018.⁵³¹ The applicant complained 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. In January 2023, the ECtHR delivered its ruling in *Daraibou v. Croatia*.⁵³² The ECtHR established, unanimously, that two violations of Article 2 (right to life/investigation) of the European Convention on Human Rights occurred. The ECtHR concluded that the authorities had failed to provide the applicant with sufficient and reasonable protection of his life and limb, in violation of Article 2. It also held that there had been a further violation of Article 2 as concerned the investigation into the tragic fire. Although the authorities' initial reaction had been prompt, certain questions – concerning searches and monitoring of detainees, as well as the adequacy of the premises – had been left unanswered and no attempt had been made to establish whether there had been broader institutional shortcomings which could have prevented similar errors in the future.⁵³³

2.2. Health care and special needs in detention

During the stay in the centre, access to health care services is provided to third country nationals. In case individual medical condition worsens outside of the working hours of the centre's doctor's office, officials will take measures to provide assistance and all measures to eliminate the danger to foreigner's life or health. Special medical care is provided to pregnant women and women giving birth.⁵³⁴

During admission to the centre, the foreigner is obliged to undergo a general medical examination.⁵³⁵ Immediately upon placement in the centre, the person is obliged to inform the officials about any existing health and mental condition. In case of infection or suspicion of the existence of an infectious disease, the foreigner is placed in a special room and provided with medical care.⁵³⁶

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.⁵³⁷ 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 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

⁵³¹ ECtHR, *Daraibou v. Croatia*, Application No 84523/17, available at: <https://bit.ly/2RZ2uCl>.

⁵³² ECtHR, *Daraibou v. Croatia*, Judgment, available at: <http://bit.ly/3THBvbb>.

⁵³³ ECtHR, Press Releases: *Judgment Daraibou v. Croatia - fatal fire in police-station basement room used to detain illegal migrants*; available at: <https://bit.ly/3IFUYfS>.

⁵³⁴ Article 13 Detention Centre Ordinance.

⁵³⁵ Article 12 paragraph 2 Detention Centre Ordinance

⁵³⁶ Article 7 Detention Centre Ordinance.

⁵³⁷ 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>.

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.⁵³⁸

In 2022, Croatian Red Cross continued to provide psychosocial support and made a leaflet on the topic of mental health and psychosocial support for detained persons. The leaflet states what reactions people in detention can have and what they can do to make it easier for themselves.⁵³⁹

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 5 minutes. An exception is provided for minors who have the right to talk to their guardians by phone without cost and limitation. Foreigners can make other calls through the public phone in the centre at their own expense.⁵⁴⁰

Persons are allowed to receive visits at least twice a week.⁵⁴¹ 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. A police officer can terminate a visit, if during the visit security, order and peace in the centre are disturbed or if it is determined that the visitor has arrived in a different capacity than announced.

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,⁵⁴² 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 **Ježevo** as well as problems in relation to privacy with their client.⁵⁴³ No such information was received in relation to 2020. In 2021, one lawyer reported that problems persisted in that regard.⁵⁴⁴

According to the Ombudsman's report for 2022⁵⁴⁵, difficulties in accessing legal aid providers were observed in all three centres, as also reported to the Ombudsman by the Croatian Bar Association.

⁵³⁸ Information provided by the Border Police Directorate, 14 October 2015.

⁵³⁹ Information provided by the, 18 January 2023.

⁵⁴⁰ Article 18 Detention Centre Ordinance.

⁵⁴¹ Article 19 Detention Centre Ordinance.

⁵⁴² Article 25(5-6) Detention Centre Ordinance, citing Article 19.

⁵⁴³ Information provided by attorneys at law, 3 December 2019.

⁵⁴⁴ Information provided by attorneys at law, 29 December 2021.

⁵⁴⁵ Report of the Ombudswoman for 2022, available in Croatian at: <https://bit.ly/3MNKaLf>.

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 the problems experienced in accessing the Reception Centre for Foreigners in Ježevo in 2022.⁵⁴⁶

3.2. Access of NGOs and UNHCR to detention facilities

During 2022, the Croatian Red Cross did not face issues in accessing transit reception centres and reception centres for foreigners. During 2022, CRC visited the Transit Centre in **Trilj** 4 times, the Transit Centre in **Tovarnik** 3 times and the Reception Centre for Foreigners in **Ježevo** was visited by CRC on a weekly basis. In the Centres, the Croatian Red Cross provided individual and group psychosocial support, social activities, and detained persons were also provided with humanitarian aid, phone cards and other necessities according to their needs. A leaflet on the topic of mental health and psychosocial support was prepared by CRC in the course of 2022.⁵⁴⁷

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 2022, the Croatian Red Cross held training for employees of the three Centres, on the following topics: the entry of the Republic of Croatia into the Schengen Area and the changes that come with that; the transition from International Humanitarian Law to International Law on Human Rights; Immigration detention - communication with the migrant population; health epidemiological difficulties in the migrant population and urgent first aid procedures with an emphasis on potential situations in detention.

IOM reported that they did not encounter any problem with accessing reception centre in 2022.⁵⁴⁸ IOM maintained open communication channels with staff working in the Reception Centres 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 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 2022, IOM held the third training for border police officers as part of the project "Improving Access to COVID-19 Vaccinations for Vulnerable Migrants". The training took place in the premises of the Transit Reception Centre for foreigners in Trilj. The topics covered by the training were the same as in 2021.

In practice, NGOs are facing obstacles to accessing detention centres for the past several years. 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 2018.⁵⁴⁹ CRP Sisak, reported the problems with the access to Reception Centre for Foreigners in Ježevo in 2022.⁵⁵⁰ UNHCR has also access to the Centres. However, every visit should be announced in advance.

⁵⁴⁶ Information provided by Civil Rights Project Sisak, 9 January 2022.

⁵⁴⁷ Information provided by Croatian Red Cross, 18 January 2022

⁵⁴⁸ Information provided by IOM, 18 January 2023.

⁵⁴⁹ Information provided by the Centre for Peace Studies, 22 January 2021, also confirmed on 18 January 2023.

⁵⁵⁰ Information provided by Civil Rights Project Sisak, 9 January 2022.

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.

In practice, the interpreter is 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.⁵⁵¹ However in 2022, the national Ombudswoman conducted investigations based on the complaints of applicants for international protection, their family members, as well as on information provided by civil society organizations and determined that, at border police stations, in the procedure of passing a decision on restriction of freedom of movement, interpretation was not provided.⁵⁵²

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.⁵⁵³ 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 2022, Administrative Court of Zagreb decided in 40 cases regarding the procedure apply to restrict asylum seekers' freedom of movement. Most law suits against restriction of the freedom of movement presented before the Administrative Court of Zagreb were rejected in 2022. Out of the 40 law suits, more than half (27) were rejected, 10 were accepted, 1 was accepted and referred back and 2 were referred. Other Administrative Courts did not deal with lawsuits against restrictions to the freedom of movement in the course of 2022.

The average duration of the judicial review of procedure of restriction of the freedom of movement in 2021 was 43 days⁵⁵⁴ and 38 days in 2022 before the Administrative Court of **Zagreb**.⁵⁵⁵

In 2022, the High Administrative Court received 4 onward appeals in cases of detention in the Reception Centre for Foreigners and they were rejected.⁵⁵⁶

⁵⁵¹ Information provided by attorneys-at-law, 3 December 2019.

⁵⁵² Report of the Ombudsman for 2022, available in Croatian at: <https://bit.ly/3MNkaLf>.

⁵⁵³ Information provided by the Administrative Court in Zagreb, 18 February 2021.

⁵⁵⁴ Information provided by the Administrative Court in Zagreb, 31 January 2022.

⁵⁵⁵ Information provided by the Administrative Court in Zagreb, 23 January 2023.

⁵⁵⁶ Information provided by the High Administrative Court, 13 January 2023.

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.⁵⁵⁷ One attorney reported that detention decisions are often brought in standard form that all look alike, and that the Administrative Court usually confirms them.⁵⁵⁸

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.⁵⁵⁹ No such difficulties were reported in 2020 and 2021. However, according to the Ombudswoman, in 2022 difficult access of legal aid providers was observed in all three centres.⁵⁶⁰

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.

However, AYS reported that applicants for international protection who visited their Integration Centre, reported to them in October 2022, that approximately ten person who were previously accommodated in the Reception Centre for Applicants of International protection were detained. Allegedly, according to applicants who approached AYS, detention decisions were preceded by numerous discriminatory actions of the staff of the Reception Centre for Applicants of International Protection.⁵⁶¹

⁵⁵⁷ Information provided by attorneys at law, 3 December 2019, 6 December 2019, 16 December 2019, 21 January 2020.

⁵⁵⁸ Information provided by attorney at law, 27 December 2021.

⁵⁵⁹ FRA, *Migration flows: Key fundamental rights concerns – Q2, 2019*, available at: <https://bit.ly/3dXREnQ>.

⁵⁶⁰ Report of the Ombudswoman for 2022, available in Croatian at: <https://bit.ly/3MNkaLf>.

⁵⁶¹ Information provided by AYS, 3 February 2023.

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.⁵⁶² 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 2022, although it was planned that it would cover the period from 2020 to 2022.⁵⁶³ By the end of 2022, the new Action Plan was still not adopted.

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.⁵⁶⁴

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.⁵⁶⁵ 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.⁵⁶⁶

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 refugees 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.⁵⁶⁷ 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 June 2022, a session of the Permanent Commission for the Implementation of the Integration of Foreigners into Croatian Society was held. In the session, a Decision was adopted for the establishment and appointment of members of the Working Group for the preparation of the Protocol of Procedures for the Integration of Persons Granted International Protection.⁵⁶⁸ The meeting was also convened with the aim of exchanging information on normative changes and improved practices in providing guaranteed services to persons under international and temporary protection.⁵⁶⁹ At the session held on 19 December 2022, the Permanent Commission unanimously adopted the Protocol on Procedures for the Integration

⁵⁶² 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>.

⁵⁶³ EMN, Migration bulletin, November 2020, available at: <https://bit.ly/3vjA5Xf>.

⁵⁶⁴ EMN Migration bulletin, February 2021 available at: <https://bit.ly/2QMD8YW>.

⁵⁶⁵ 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>.

⁵⁶⁶ 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>.

⁵⁶⁷ Governmental Office for cooperation with NGOs: public call, 15 January 2020, available in Croatian at: <https://bit.ly/3dMGpAF>.

⁵⁶⁸ EMN, *Bulletin n. 39*, April - June 2022, available at: <https://bit.ly/4047pBf>.

⁵⁶⁹ The Government of the Republic of Croatia – Office for Human Rights and the Rights of National Minorities, *The 3rd session of the Permanent Commission for the Integration of Foreigners into Croatian Society was held*; available at: <https://bit.ly/3OPlkqV>.

of Persons Granted International Protection. The Protocol⁵⁷⁰ was prepared in a participatory process and through cooperation with representatives of the academia, local self-government units and competent departmental bodies. The Working Group for the preparation of the Protocol on Procedures for the Integration of Persons Granted International Protection, consisted of representatives of the Ministry of Interior, the Ministry of Labour, the Pension System, Family and Social Policy, the Ministry of Science and Education, the Ministry of Health, the Central State Office for reconstruction and housing, the Croatian Employment Service, the City of Zagreb, City of Karlovac and City of Varaždin.⁵⁷¹

In 2022, the new Law on Recognition and Evaluation of Foreign Educational Qualifications⁵⁷² entered into force. The Law prescribes the possibility of evaluating foreign educational qualifications for the purpose of continuing education at the same or higher level of education and for the purpose of accessing the labour market for beneficiaries of international and temporary protection and their family members.

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'.⁵⁷³ The draft was under public consultation until 15 July 2021.⁵⁷⁴

The Action Plan of the City of Zagreb for the Integration of Applicants for and Beneficiaries of International Protection for 2022⁵⁷⁵ was adopted in January 2022, making the City of Zagreb the first unit of local and regional self-government in Croatia to adopt such strategic document.⁵⁷⁶ Measures and activities include social protection, health care, language learning and education, work and employment, strengthening local capacities and intercity and international cooperation. The action plan of the City of Zagreb was adopted for 2022 because it was one of the activity within CONNECTION project - CONNEcting Cities Towards Integration action, which ended in 2022. As part of the new project UNITES - Urban InTEgration Strategies through co-design, the development of a new action plan is envisaged.⁵⁷⁷

In May 2022, eight civil society organisations signed a cooperation agreement with the City of Zagreb to carry out activities from the Action Plan of the City of Zagreb for the integration of applicants for international protection and persons granted international protection for the year 2022. These activities are part of the project Connection - CONNEcting Cities Towards Integration action project.⁵⁷⁸

In 2022, the integration.zagreb.hr website, funded by the Connection project, was created. The website contains information on the rights and services provided by the City of Zagreb for applicants of international protection, persons granted international protection and persons under temporary protection, i.e. displaced persons from Ukraine. The information is published in Croatian, English, Arabic, Farsi and Ukrainian and refers to services in the fields of social protection, health care, education, employment, free legal aid and cultural activities organised by the cultural centres of the City of Zagreb.⁵⁷⁹

In 2021, the Ministry of Interior published frequently asked questions and answers in regard to status of international protection in several language.⁵⁸⁰

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

⁵⁷⁰ Text of the Protocol on Procedures for the Integration of Persons Granted International Protection is available in Croatian at: <https://bit.ly/3K49FD3>. and in English: <https://bit.ly/3N6l4Uj>.

⁵⁷¹ Office for Human Rights and the Rights of National Minorities: The Protocol on Procedures for the Integration of Persons Granted International Protection has been published, available at: <http://bit.ly/3z1cWww>.

⁵⁷² Law on Recognition and Evaluation of Foreign Educational Qualifications, Official Gazette 69/2022, available in Croatian at: <https://bit.ly/3OPwl79>.

⁵⁷³ The draft of the Action plan is available at: <https://bit.ly/3hHLVzj>.

⁵⁷⁴ City of Zagreb: Report on the conducted public consultation available at: <https://bit.ly/3HPcgwh>.

⁵⁷⁵ Text of the Action Plan in Croatian is available at: <https://bit.ly/3Zbg9o0>.

⁵⁷⁶ See more at: <http://bit.ly/40cXQjw>.

⁵⁷⁷ Office for Human Rights and the Rights of National Minorities: The Protocol on Procedures for the Integration of Persons Granted International Protection, available at: <https://bit.ly/3Zhngqeq>.

⁵⁷⁸ EMN, *Bulletin n. 39*, April - June 2022, available at: <https://bit.ly/3K49FD3>.

⁵⁷⁹ Ibid.

⁵⁸⁰ Ministry of Interior: Frequently asked questions, available at: <https://bit.ly/3jrnayt>.

Farsi).⁵⁸¹ In 2022, the Office for Human Rights and the Rights of National Minorities published an updated edition of the Guide for Integration in Croatian and Ukrainian.⁵⁸²

In May 2022, the Office for Human Rights and the Rights of National Minorities issued the publication *Social Inclusion of Persons Granted International Protection in the Republic of Croatia – data collection system development and recommendations*, which is available in Croatian and English. The purpose of the research was the creation of a database on the social inclusion of persons granted international protection and the establishment of a data collection system that will serve for the systematic monitoring of the successful inclusion in society of persons granted international protection. The main goal is to monitor and evaluate the effects of integration policies in individual areas using a series of indicators.⁵⁸³ In April 2022, the first meeting of the coordinators (representatives of competent bodies and public institutions in key areas of integration) for the collection of data on the social inclusion of persons granted international protection was held. During May and June 2022, several schools in Zagreb, Osijek and Sisak organised social actions in the community. The aim was to empower local communities to accept citizens of third countries. The actions were organised as part of the project "INCLuDE of the Office for Human Rights and the Rights of National Minorities, together with students, school employees, and residents of local communities."⁵⁸⁴

In 2021, the Office for Human Rights and Rights of National Minorities produced an informative video to raise awareness of the importance of the successful integration of persons granted international protection.⁵⁸⁵ 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.

In 2022, the video was translated in seven languages (Arabic, English, Farsi, French, Kurdish, Pashto and Turkish).⁵⁸⁶

In February 2023, the Office for Human Rights and the Rights of National Minorities issued a brochure "The Rights of Persons Granted International and Temporary Protection". The brochure contains information on the available mechanisms for the protection and promotion of human rights and the suppression of discrimination in Croatia, especially in the context of international and temporary protection. The brochure is available in twelve languages: Arabic, English, Farsi, Filipino, French, Hindi, Croatian, Nepali, Pashto, Spanish, Turkish and Ukrainian.⁵⁸⁷

In 2022, the Governmental Office for Gender Equality, in cooperation with the Ministry of Interior and UNHCR, published a leaflet intended to inform victims of gender-based violence about available protection options and services. The leaflet is intended primarily for female migrants, refugees and

⁵⁸¹ Croatian Government, 'An updated edition of the Integration Guide has been published', 21 January 2019, available in Croatian at: <https://bit.ly/2Xi52wX>.

⁵⁸² Office for Human Rights and the Rights of National Minorities: *An updated edition of the publication Guide for Integration published*, available at: <http://bit.ly/3K46LxT>.

⁵⁸³ Office for Human Rights and the Rights of National Minorities: Publication *Social Inclusion of Persons Granted International Protection in the Republic of Croatia – data collection system development and recommendations*, issued, available at: <http://bit.ly/3lx3o9D>.

⁵⁸⁴ EMN, *Bulletin n. 39*, April - June 2022, available at: <https://bit.ly/3K49FD3>.

⁵⁸⁵ 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.

⁵⁸⁶ Office for Human Rights and Rights of National Minorities: *Video "Inclusion of persons under international protection in Croatian society" translated into 7 languages: Arabic, English, Farsi, French, Kurdish, Pashto and Turkish*, available at: <http://bit.ly/3lx4rq5>. The videos are available at the following links: https://www.youtube.com/watch?v=buppk_IR7MI; https://youtu.be/TshH_VF6TtY; <https://youtu.be/1h12SRmaYQw>; <https://youtu.be/hGI15wrq8ZA>; https://www.youtube.com/watch?v=2dJ6x8_5Vxl; <https://youtu.be/mNvzuhIMFHY>; <https://youtu.be/WUrLp6kvJMc>.

⁵⁸⁷ Office for Human Rights and the Rights of National Minorities: *Brochure Rights of the persons granted international and temporary protection issued*, available at: <http://bit.ly/3IGIJQn>.

applicants for international protection, although it acknowledges that gender-based violence can be committed against men. It is available in 8 languages (Arabic, Croatian, English, Farsi, French, Kurdish, Turkish and Urdu).⁵⁸⁸

In 2021, the Ministry of Interior created the application “Resettle in Croatia”.⁵⁸⁹ 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 Türkiye 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 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.⁵⁹⁰

In 2022, IOM Croatia, in cooperation with IOM Slovenia and Croatian Ministry of Interior, prepared brochures and posters as well as video clips for applicants for and beneficiaries of international protection on vaccination against COVID-19 in 5 different languages.⁵⁹¹ In July 2022, the IOM, in cooperation with the Ministry of the Interior, has started the implementation of the project “Technical assistance in the integration of third-country nationals into the Republic of Croatia”. The project is broadly directed at migrants, including, applicants for and beneficiaries of international protection. During 2022, an analysis of the legislative framework in the field of integration for third-country nationals was carried out, as well as an analysis of stakeholders in the field of integration at the national, regional and local levels.

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.⁵⁹² In 2022, UNHCR Croatia presented the Toolkit for Effective Inclusion of Refugees, developed by UNHCR and the Migration Policy Group, to local and regional authorities, local NGOs, representatives of public services and other key stakeholders. In addition, in 2022 UNHCR launched an awareness-raising campaign in the ten largest Croatian cities on the World Refugee Day, which included the creation of visual works in key urban locations by renowned Croatian artists. In addition, UNHCR organized a conference for Croatian journalists on the topic of reporting on refugee inclusion (increasing visibility in the media, ethical dilemmas and professional standards when reporting on refugees). Second year of partnership with IKEA Croatia, which provided three-month fully paid internship opportunities for 11 refugees in IKEA Zagreb, has successfully continued.⁵⁹³

In 2022, the association RODA (Parents in Action), with the support of UNICEF, created a website (<https://www.parentinginroatia.eu/>) where basic information is provided to families on the move and families with children staying in Croatia. For now, the texts are available in Croatian and Ukrainian, and the plan is to adapt and translate the texts into English, Arabic, Farsi and French.⁵⁹⁴

In January 2022, Croatian Law Centre started the implementation of the project “Complementary pathways for Southeast Europe - COMP4SEE”. The project aims to contribute to the development of

⁵⁸⁸ Office for Gender Equality, *The Office for Gender Equality published a leaflet for female migrants, refugees and asylum seekers*, available at: <https://bit.ly/3FNHzte>.

⁵⁸⁹ EMN HR. *Resettle in Croatia*, available at: <https://bit.ly/3hRLEQt>.

⁵⁹⁰ Application (Re)Settle in Croatia is available via Google Play: <https://bit.ly/3hHzBp4>; and Apple App Store: <https://apple.co/3Mvkihh>.

⁵⁹¹ Information provided by IOM Croatia, 18 January 2023., materials available at: <https://bit.ly/3MNI1LX>.

⁵⁹² UNHCR, Help, Website available at: <https://bit.ly/3sPxNnF>; see also videos available at: <https://bit.ly/3nki3RI>.

⁵⁹³ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project “Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia”, with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

⁵⁹⁴ Information provided by RODA, 6 December 2022.

complementary pathways by creating new models of private sponsorship and by making and advocating recommendations for improving national systems in the area of family reunification.

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*.⁵⁹⁵

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.⁵⁹⁶ 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.

Lack of Croatian language courses was reported in 2022 as well.⁵⁹⁷ The Ministry of Interior terminated its cooperation with the Ministry of Science and Education, among other things, due to its failure to hold language courses. Since language courses financed from the state budget are not available, this constitutes a problem for persons under international protection who are located outside the capital city of Zagreb and do not have access to organizations that hold informal courses.⁵⁹⁸

The Ombudsman's report for 2022 states that according to the Ministry of Interior, the above mentioned contract was terminated because the Ministry of Science and Education applied it in a way that contrary to the principles of good financial management and the rules of the profession. In addition, the report states that Croatian language courses, when conducted, are organized only at A1 and A2 levels, while B2 level is required for performing jobs and obtaining citizenship. Therefore, the Ombudswoman recommended to the Ministry of Interior and the Ministry of Science and Education to find a way to finance and implement customized B-level Croatian language courses for persons granted international protection as soon as possible.⁵⁹⁹

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.⁶⁰⁰ 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 2022, civil society organizations stressed that there are differences in access to rights for persons displaced from Ukraine and for beneficiaries under international protection.

The main problems in integration identified by the Ombudsperson are: non-implementation of Croatian language courses, delays in preparatory classes for children, and difficulties in accessing high education.⁶⁰¹

⁵⁹⁵ 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>.

⁵⁹⁶ UNHCR, *2020 Participatory Assessment Croatia, Impact of COVID-19 pandemic on refugee integration in Croatia*, March 2021, available at: <https://bit.ly/35WojdK>.

⁵⁹⁷ Information provided by Rehabilitation Centre for Stress and Trauma, 18 January 2023; AYS. 3 February 2023.

⁵⁹⁸ Information provided by AYS. 3 February 2023.

⁵⁹⁹ Ombudsperson, *Annual report 2022*, available in Croatian at: <https://bit.ly/3OKwMVW>.

⁶⁰⁰ Available at: <https://bit.ly/3sOwwcZ>.

⁶⁰¹ Ombudsperson, *Annual report 2022*, available in Croatian at: <https://bit.ly/3OKwMVW>.

The Croatian Red Cross reported that beneficiaries of international protection continued to face challenges in exercising their rights in the health care system and accessing housing after two years of subsidized housing. Croatian language courses are still problematic as reported by CRC.⁶⁰²

The Centre for Peace studies (CPS) reported that in 2022, beneficiaries of international protection encountered a number of institutional barriers as well as discrimination practices in exercising their rights. CPS reported problems relating to Croatian language courses, the access to the healthcare system, delays in preparatory classes for children, challenges in accessing high education and exercising rights of the students, and the access to the housing system. CPS also reported problems in the recognition of qualifications and notification 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.⁶⁰³

Civil Rights Project Sisak reported problems with the access to housing after expiration of two years of subsidised housing.⁶⁰⁴

Are You Syrious? (AYS) reported problems within the system of subsidised housing as in practice, accommodation is waived for several months. AYS reported problems with accessing preparatory classes for children and higher education, as well as challenges within the health system.⁶⁰⁵

Civis Mundi, which carries out activities in the area of the cities of Rijeka and Sisak and the municipality of Viškovo, reported problems with the Croatian language courses, small and inadequate accommodation facilities, challenges in accessing the higher education and employment.⁶⁰⁶

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.⁶⁰⁷ 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.⁶⁰⁸ “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.⁶⁰⁹ In 2021, Danube Compass, has been updated and translated into Arabic, English, Farsi and Urdu.⁶¹⁰
- A [Web platform for integration](#) is provided by the **NGO Mi**.⁶¹¹
- In the course of 2022, **Rehabilitation Centre for Stress and Trauma (RCT)**, carried out activities with beneficiaries of international protection related to the access to the labour market, assistance in family reunification procedure and activities with unaccompanied children.⁶¹²
- **Centre for children, youth and family –Modus** provided psychosocial counselling. In addition, they provided assistance with learning for children under international protection.⁶¹³

⁶⁰² Information provided by CRC, 18 January 2023.

⁶⁰³ Information provided by Centre for Peace Studies, 18 January 2023.

⁶⁰⁴ Information provided by Civil Rights Project Sisak, 9 January 2023.

⁶⁰⁵ Information provided by Are You Syrious, 3 February 2023.

⁶⁰⁶ Information provided by Civis Mundi, 14 February 2023

⁶⁰⁷ 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.

⁶⁰⁸ Information provided by Centre for Peace Studies, 27 December 2018. See also: <http://hr.danubecompass.org/>.

⁶⁰⁹ EMN, *Bulletin*, July 2019, available at: <https://bit.ly/34GhR5V>.

⁶¹⁰ EMN Bulletin Number 35, April – June 2021, available at: <https://bit.ly/34sYBxm>.

⁶¹¹ The website is available at: <https://www.irh.hr/>.

⁶¹² Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2023.

⁶¹³ Information provided by the Centre Modus, 9 January 2023

- In 2022, the **Civil Rights Project Sisak** provided psychosocial assistance and free legal aid, including assistance in finding adequate housing. They issued a manual that, among other categories, targets beneficiaries granted international protection.⁶¹⁴
- 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 2020.⁶¹⁵ The project is implemented in partnership with the Islamic Community in Croatia and with the support of the Ministry of Interior. The aim of the project is to increase the success of integration in the three years for 200 people in Croatia who have been granted international protection.⁶¹⁶ 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.⁶¹⁷ The project ended in March 2023.
- The **Croatian Red Cross (CRC)** in 2022 provided support to beneficiaries of international protection under their integration programme in the field of health care, employment and family reunification. 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.⁶¹⁸
- In 2022, **AYS** assisted beneficiaries of international protection with activities on access to the labour market, which in practice meant assisting them in drafting resumes, finding suitable jobs in rapport to beneficiaries’ education, work experience and contacting potential employers. AYS also provided individual consultations by phone and in person on the rights of persons under international protection particularly regarding rights from the social welfare system, pension insurance, health care. Beneficiaries were also assisted in several health care institutions (health centres, hospitals, dental practice, etc.) 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. Assistance was also provided in enrolling in primary and secondary school, as well as in higher education and adult education. 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. AYS also provided 4 informal initial Croatian language courses for applicants for international protection and beneficiaries with granted international protection. Due to increase in unemployment among persons under international protection, in cooperation with the Solidarna foundation and the association Wir Packer’s An, AYS continued with the support program in the form of covering one rent or offering one-time aid to cover the cost of food for people in unfavourable socio-economic conditions. Throughout 2022, they helped 29 households. Throughout 2022, AYS prepared leaflets on the rights of beneficiaries of international protection. Leaflets are available in Arabic, Persian, Kurdish and Spanish.⁶¹⁹
- In 2022, lawyers of the **Croatian Law Centre**, as UNHCR’s implementing partner, provided legal information to beneficiaries of international protection in person, over the phone, WhatsApp and e-mail. In 2022, CLC updated Croatian version of the handbook “Integration of refugees into Croatian Society- legislation and realization 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

⁶¹⁴ Civil Rights Project Sisak: Manual, available in Croatian at: <https://bit.ly/42qdOas>.

⁶¹⁵ EMN, Migration Bulletin number 31, August 2020, available at: <https://bit.ly/2QRsD6C>.

⁶¹⁶ Center for Culture of Dialogue: The Project of the Center for Culture of Dialogue “New Neighbours” presented to the public, available at: <https://bit.ly/3aCWE0U>.

⁶¹⁷ UNHCR: Living in Croatia, available at: <https://bit.ly/3vldp92>.

⁶¹⁸ Leaflet available at: <https://bit.ly/32RH656>.

⁶¹⁹ Information provided by Are You Syrious, 3 February 2023.

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 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.⁶²⁰ In 2022, CLC held a second module of trainings on the topic Development and strengthening of inter-sector cooperation in local self-government units. Education was a part of the Government's Office for Human Rights and Rights of National Minorities' project "Include – Interdepartmental Cooperation on Strengthening of the Third-country Nationals". Three two-day educations were held in Zagreb, Rijeka and Osijek.

- The **Center for Peace Studies** (CPS) provided different types of support to persons granted international protection such as individual informal courses on the Croatian language, support in accessing the labour market, information on life in Croatia and general psychosocial support. Furthermore, their lawyer and the volunteer lawyers provided legal information and advice on various status issues.⁶²¹
- In the cities of Rijeka and Sisak and the municipality of Viškovo, the **CIVIS MUNDI** association assisted beneficiaries of international protection in 2022. Their activities included the following: donations of hygiene items, clothes and shoes, appliances; organisation of city tours and its surroundings in order for beneficiaries to familiarize themselves with the place of residence; helping with the enrolment of persons granted international protection in an intensive Croatian language course; creative workshops, assisting in employment; helping in everyday life (enrolling in sports activities); organisation of psychosocial support groups etc.⁶²² From May 2020 to December 2022, Civis Mundi implemented the Project: "Improvements of the Integration Procedure"⁶²³

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,⁶²⁴ and to foreigner under subsidiary protection for a period of 3 years.⁶²⁵

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

⁶²⁰ 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/3MxIqjf>.

⁶²¹ Information provided by the Centre for Peace Studies, 18 January 2023.

⁶²² Information provided by Civis Mundi, 14 February 2023.

⁶²³ See: <https://civis-mundi.hr/projekti/>.

⁶²⁴ Article 75(2) LITP.

⁶²⁵ Article 75(3) LITP.

protection.⁶²⁶ The request for issuing residence permit should be submitted to the competent police administration,⁶²⁷ and the residence permit should be issued within 30 days from submitting the request.⁶²⁸

According to the Ministry of Interior 411 residence permits were issued to asylees and 79 to foreigners under subsidiary protection in 2018.⁶²⁹ No information is available for 2019 and 2020.

In 2021, 257 residence permits were issued to asylees and 24 residence permits to foreigners under subsidiary protection,⁶³⁰ while in 2022, residence permits were issued to a total of 211 persons who has been granted with international protection status (183 asylees and 28 persons under subsidiary protection).⁶³¹

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.⁶³²

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.⁶³³ The registration of a birth of child into the Birth Register is made on the basis of the oral registration or written applications to the registrar in a place where the child was born. If a child is born in a health institution, it is required that a health institution reports a birth. If a child is born outside a health institution, the father of the child is required to report the child's birth, or the person in whose place of residence the child was born or a mother when she is capable of it, or a midwife, or a doctor who participated in the childbirth.

When these persons are not present, or when they cannot report the birth, the person who finds out about the birth is obliged to report it. The birth of a child must be reported within 15 days of the birth. Marriage is regulated by the Family Law.⁶³⁴ 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

⁶²⁶ Article 55(1)-(2) LITP.

⁶²⁷ Article 75(1) LITP; Article 10(1) Ordinance on the Forms and Data Collections in the Procedure for International and Temporary Protection.

⁶²⁸ Article 12(1) Ordinance on the Forms and Data Collections in the Procedure for International and Temporary Protection.

⁶²⁹ Information provided by the Ministry of Interior, 28 January 2019.

⁶³⁰ Croatian Law Centre: *The Croatian Asylum System In 2021 - National Report*, The report was prepared as part of the project "Access to the territory and the asylum system in Croatia - legal support and capacity building" with the financial support of UNHCR; available in Croatian at: <https://bit.ly/3NgBDfc> and in English at: <https://bit.ly/3NBvVpC>.

⁶³¹ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia; available in English at: <https://bit.ly/434T7RL>.

⁶³² Article 65(3) LITP.

⁶³³ Official Gazette 96/1993, 76/2013, 98/2019, 133/2022.

⁶³⁴ Official Gazette 103/15, 98/2019, 47/2020.

stepbrother, or between the children of sisters and brothers or stepsisters and stepbrothers. This shall also apply to relationships established by adoption. A marriage may not be entered into by a person who is already married or is in a same-sex life partnership registered under the relevant legislation. A marriage that is contracted contrary to the provisions above is not valid and the provisions for annulment shall apply.

Family Law regulates civil marriage and religious marriage with the effects of a civil marriage. Civil marriage is contracted before a registrar, while religious marriage is contracted before an official of a religious community that has a regulated legal relationship thereof with the Republic of Croatia. The spouses must give notice of their intention to enter into a civil marriage in person to the registrar competent for the place where they wish to enter into marriage. They must enclose relevant documents at the registrar's request. Asylees and foreigners under subsidiary protection, when reporting their intention, have to provide the certificate that they have been granted asylum or subsidiary protection and adequate proof of non-existence of another marriage. Adequate proof is considered to be a statement made before a public notary or before a registrar where they announce their intention to marry.

The registrar shall verify, on the basis of the spouses' consent and by using other means, whether the preconditions for entering into marriage have been met. If a court decision is needed for entering into marriage to take place, the registrar shall ask the spouses to obtain one. After having verified that the preconditions for entering into marriage have been met, the registrar shall take a statement from the spouses on the choice of the surname.

The spouses shall confirm by their signatures that they understand their personal rights and responsibilities in marriage, as well as the possibility of determining property relations.

The registrar shall determine the date of marriage upon the agreement with the spouses who want to enter into a civil marriage usually in the period between the thirtieth and forty-fifth day since the day of giving the notice of the intention to enter into marriage.

A marriage is contracted in the presence of the spouses, the registrar and two witnesses who have to be of full age and have legal capacity. The spouses who want to enter into a religious marriage shall obtain from the registrar competent for the place where they wish to enter into marriage a certificate of having fulfilled all marriage preconditions.

The official of the religious community before whom the religious marriage has been contracted shall submit the registrar the document signed by the spouses, the witnesses and the religious community official which confirms that the marriage has been contracted. This document must be submitted to the registrar within five days of the date of the contraction of marriage. The registrar is obliged to record the religious marriage into a marriage register within three days of the day of receipt of the document. Immediately upon entering the records on the contracted marriage into a marriage register, the registrar shall submit the marriage certificate to the spouses. The registrar shall inform the spouses that the marriage certificate from a national marriage register is a proof that the religious marriage they entered into is equal in effect to a civil marriage.

3. Long-term residence

Indicators: Long-Term Residence

1. Number of long-term residence permits issued to beneficiaries in 2022:	Not available
---------------------------------------------------------------------------	---------------

A new Law on Foreigners entered into force on 1 January 2021 and was amended in the course of 2022. One of the novelties introduced in 2021 was the 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.⁶³⁵

The 5 years' residence period required for the approval of long-term residence for refugees or beneficiaries of 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.⁶³⁶

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.⁶³⁷

Long term residence shall be granted to a third-country national who, along with the above conditions:⁶³⁸

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.⁶³⁹

An application for the issuance of a residence permit shall be submitted by a third-country national on long-term residence within eight days from the day s/he was granted long-term residence in the Republic of Croatia.⁶⁴⁰

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 2018.⁶⁴¹ However, no information is available for 2019 and 2020.

In 2021, 4 long-term residence permits were approved (3 to asylees, 1 to a beneficiary of subsidiary protection),⁶⁴²

4. Naturalisation

Indicators: Naturalisation

- | | |
|-----------------------------------------------------------|---------------|
| 1. What is the waiting period for obtaining citizenship? | 8 years |
| 2. Number of citizenship grants to beneficiaries in 2022: | Not available |

Requirements for the acquisition and termination of Croatian citizenship are regulated by the Law on Croatian Citizenship.⁶⁴³

⁶³⁵ Article 150 (1) (4) Law on Foreigners

⁶³⁶ Article 151(3) Law on Foreigners.

⁶³⁷ Article 152(1)(3) Law on Foreigners.

⁶³⁸ Article 153 (1) Law on Foreigners.

⁶³⁹ Article 153 (2) Law on Foreigners.

⁶⁴⁰ Article 169 (1) Law on Foreigners.

⁶⁴¹ Information provided by the Ministry of Interior, 28 January 2019.

⁶⁴² Croatian Law Centre: *The Croatian Asylum System In 2021 - National Report*, The report was prepared as part of the project "Access to the territory and the asylum system in Croatia - legal support and capacity building" with the financial support of UNHCR; available in Croatian at: <https://bit.ly/3NgBDfc> and in English at: <https://bit.ly/3NBvVpC>.

⁶⁴³ Official Gazette 53/1991, 70/1991, 28/1992, 113/1993, 4/1994, 130/2011, 110/2015, 102/2019, 138/2021.

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.⁶⁴⁴

A foreign citizen who submit application for acquiring Croatian citizenship shall acquire Croatian citizenship by naturalisation if he or she:⁶⁴⁵

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;⁶⁴⁶
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 refugees 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.⁶⁴⁷ 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.

In 2018 and 2019, no person granted international protection acquired Croatian citizenship. In 2020, nine persons were granted Croatian citizenship.⁶⁴⁸

In 2021, two persons who were granted subsidiary protection got Croatian citizenship.⁶⁴⁹ The similar was reported for 2022 i.e. two persons with subsidiary protection were granted Croatian citizenship.⁶⁵⁰

⁶⁴⁴ Article 24 (3)(4) Law on Croatian Citizenship.

⁶⁴⁵ Article 8(1)(5) Law on Croatian Citizenship.

⁶⁴⁶ 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.

⁶⁴⁷ Article 77(1)(2) LITP.

⁶⁴⁸ 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>.

⁶⁴⁹ Croatian Law Centre: *The Croatian Asylum System In 2021 - National Report*, The report was prepared as part of the project "Access to the territory and the asylum system in Croatia - legal support and capacity building" with the financial support of UNHCR; available in Croatian at: <https://bit.ly/3NgBDfc> and in English at: <https://bit.ly/3NBvVpC>.

⁶⁵⁰ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

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:⁶⁵¹

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 refugee 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.⁶⁵² 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 refugee or beneficiary of subsidiary protection accordingly and shall allow him or her to make an oral statement for the record.⁶⁵³

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.⁶⁵⁴

According to the Ministry of Interior, there were no cases of cessation of international protection in 2015, 2016, 2017 or 2018.⁶⁵⁵ However, the Ministry continuously examines whether the legal requirements for cessation are fulfilled. This provision applies without exception to all categories of foreigners who have previously been granted international protection. No information on cases of cessation of international protection is available for 2019 and 2020.

In 2021, subsidiary protection was ceased for one Georgian national pursuant to Art. 49, para. 2 of the LITP.⁶⁵⁶

⁶⁵¹ Article 49(1) LITP.

⁶⁵² Article 49(2) LITP.

⁶⁵³ Article 49(3) LITP.

⁶⁵⁴ Article 72 LITP.

⁶⁵⁵ Information provided by the Ministry of Interior, 2 March 2017; 13 February 2018, 28 January 2019.

⁶⁵⁶ Croatian Law Centre: *The Croatian Asylum System In 2021 - National Report*, The report was prepared as part of the project "Access to the territory and the asylum system in Croatia - legal support and capacity building" with the financial support of UNHCR; available in Croatian at: <https://bit.ly/3NBvVpC> and in English at: <https://bit.ly/3NgBDfc>.

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:⁶⁵⁷

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 refugee 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 refugees 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.⁶⁵⁸

According to the Ministry of Interior, 2 asylum statuses (applications from 2016 and 2017) and 3 subsidiary protection (applications from 2009) were annulled in 2020.⁶⁵⁹

In 2021, international protection was annulled for four persons.⁶⁶⁰

⁶⁵⁷ Article 50 LITP.

⁶⁵⁸ Information provided by the Ministry of Interior, 28 January 2019.

⁶⁵⁹ Source: Ministry of Interior, *Statistical overview of basic safety indicators and work results in 2020*, available at: <https://bit.ly/2QsZP4H>, 163.

⁶⁶⁰ Croatian Law Centre: *The Croatian Asylum System In 2021 - National Report*, The report was prepared as part of the project "Access to the territory and the asylum system in Croatia - legal support and capacity building" with the financial support of UNHCR; available in Croatian at: <https://bit.ly/3NgBDfc> and in English at: <https://bit.ly/3NBv>.

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,⁶⁶¹ 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.⁶⁶²

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.⁶⁶³

In practice, family reunification procedures remain lengthy and highly bureaucratized that beneficiaries of protection alone, without additional support, can hardly manage.

In 2020, the Croatian Law Centre prepared the updated analyses of the institute of family reunification in Croatia.⁶⁶⁴ 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.

⁶⁶¹ Article 66 LITP.

⁶⁶² Article 66(5) LITP.

⁶⁶³ 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>.

⁶⁶⁴ 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 a refugee 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 a refugee or beneficiary of subsidiary protection.

A minor child of a refugee 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 refugees or beneficiaries of 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.⁶⁶⁵

1.2. Family reunification procedure

The family reunification procedure consists of two stages. First, an application for the temporary stay is submitted; once temporary stay is granted, an application for the issuance of a long-term visa has to be submitted.

National legislation stipulates that in the case of reunification with an asylee or a foreigner under subsidiary protection, the procedure is initiated by a family member of the person who has been granted international protection in Croatia, by submitting an application to the competent Croatian diplomatic/consular representation. 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. The application for temporary stay based on family reunification may be submitted regular mail. Once temporary stay for the purpose of family reunification is granted, the person has to apply for visa to enter Croatia. Family member has to appear in person at the embassy or external service provider to make an application for a visa to enter Croatia and provide biometric data. The legal time limit for issuing the visa is 15 days from the date of submission of the application for a long-term visa. However, this period can be extended up to a maximum of 45 days, if there are justified reasons to do so.⁶⁶⁶

In practice, the whole procedure lasts approximately six to nine months, and in some cases even the whole year from the date of submission of application for temporary stay until family member come to Croatia.

All family members of asylees and foreigners under subsidiary protection shall regulate their residence pursuant to the provisions of the Law on Foreigners in order to be able to enter Croatia, which means that they should submit applications for temporary stay.

Family members of asylees and foreigners under subsidiary protection who regulate their stay pursuant

⁶⁶⁵ Article 66(6) LITP.

⁶⁶⁶ Article 37(6) Law on Foreigner

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,
- 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.⁶⁶⁷

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.⁶⁶⁸ 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.⁶⁶⁹

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.⁶⁷⁰

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.

In 2021, total of 60 applications for temporary stay were submitted for the purpose of family reunification with persons granted international protection. Out of these, 47 were granted (Bangladesh 1, DR Congo 7, Egypt 1, Eritrea 4, Iraq 2, Iran 1, Yemen 1, Jordan 1, Pakistan 3, Sierra Leone 2, Syria 20, Northern Macedonia 1, Sudan 1, Türkiye 1, Ukraine 1) while 13 (Afghanistan 1, Eritrea 4, Russia 1, Syria 7) were pending.⁶⁷¹

In 2022, a total of 64 requests for family reunification with beneficiaries of international protection were submitted, and by the end of 2022, 21 requests were in the process, while 43 requests were approved. The largest number of requests were submitted by nationals of Syria, Iraq and Iran.⁶⁷²

2. Status and rights of family members

A minor child who has not started his/her own family and who has joined a person who has been granted international protection in Croatia follows the legal status of a representative who has been granted international protection,⁶⁷³ which means that child will be granted asylum or subsidiary protection depending on the status of the family member the child is joining. As previously stated, in order to enter Croatia, a child must have been granted temporary stay, and when a minor child of a person who has

⁶⁶⁷ Article 59(1) Law on Foreigner.

⁶⁶⁸ Article 66 (1) Law on Foreigners.

⁶⁶⁹ Article 66 (2) Law on Foreigners.

⁶⁷⁰ Article 61 (1),(2), (5) Law on Foreigners.

⁶⁷¹ Croatian Law Centre: *The Croatian Asylum System In 2021 - National Report*, The report was prepared as part of the project "Access to the territory and the asylum system in Croatia - legal support and capacity building" with the financial support of UNHCR; available in Croatian at: <https://bit.ly/3NgBDfc> and in English at: <https://bit.ly/3NBvVpC>.

⁶⁷² Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia; available in English at: <https://bit.ly/434T7RL>.

⁶⁷³ Article 66, paragraph 2 of the AITP: A minor child of an asylee and a foreigner under subsidiary protection who has not started his/her own family follows the legal position of a legal representative who has been granted international protection, which shall be decided upon by the Ministry.

been granted international protection comes to Croatia, the parent who has been granted protection submits an application for international protection for the child.⁶⁷⁴

Other family members are granted temporary stay in accordance with Law on Foreigners.

A family member of an asylee or beneficiary of subsidiary protection who is legally resident in the Republic of Croatia shall exercise the same rights as the beneficiary of international protection.⁶⁷⁵

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.⁶⁷⁶ 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,⁶⁷⁷ while foreigners under subsidiary protection are issued special passport for foreigners, valid for 2 years.⁶⁷⁸

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.

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.⁶⁷⁹ Such a special travel document for foreigners is valid for a 2-year period.⁶⁸⁰

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.⁶⁸¹

In 2021, a total of 77 travel documents were issued in accordance with Convention relating to the Status of Refugees, and 5 special travel documents for persons granted subsidiary protection.⁶⁸²

⁶⁷⁴ Ministry of Interior, Most frequently asked questions - international protection, available at: <https://bit.ly/3N9uhvi>.

⁶⁷⁵ Article 66(4) LITP.

⁶⁷⁶ Article 73 LITP.

⁶⁷⁷ Article 75(6) LITP.

⁶⁷⁸ Article 75(8) LITP; Article 6(3) Law on Foreigners.

⁶⁷⁹ Article 8(1) Law on Foreigners

⁶⁸⁰ Article 65(8) Ordinance on stay of third country nationals in the Republic of Croatia.

⁶⁸¹ EMN study, *Beneficiaries of international protection travelling to their country of origin*, November 2019, available at: <https://bit.ly/2Rfztz1>.

⁶⁸² Croatian Law Centre: *The Croatian Asylum System In 2021 - National Report*, The report was prepared as part of the project "Access to the territory and the asylum system in Croatia - legal support and capacity building" with the financial support of UNHCR; available in Croatian at: <https://bit.ly/3NgBDfc> and in English at: <https://bit.ly/3NBvVpC>.

D. Housing

Indicators: Housing

- | | |
|---------------------------------------------------------------------------------|--------------------------|
| 1. For how long are beneficiaries entitled to stay in reception centres? | Two years ⁶⁸³ |
| 2. Number of beneficiaries staying in reception centres as of 31 December 2022: | 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.⁶⁸⁴

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.⁶⁸⁵ With the expiry of 2 years' time limit they have the right to accommodation pursuant to the legislation regulating the field of social welfare.⁶⁸⁶ In practice however, beneficiaries of international protection are allowed to stay in the Reception Centre for Applicants for International Protection until appropriate accommodation (a flat) is found for them.

If the Centre establishes that the asylee or foreigner under subsidiary protection generates the financial means or owns property that could be used to generate funds to participate in the payment of accommodation costs, the decision recognising the right to accommodation shall state that the asylee or foreigner under subsidiary protection is to participate in the payment of accommodation costs by making a payment into the account of the Central State Office for Reconstruction and Housing.

If the Centre, in procedures within its remit, establishes, after the decision recognising the right to accommodation becomes enforceable, that the asylee or foreigner under subsidiary protection has the financial means or property to generate funds to participate in the payment of accommodation costs, it shall quash the decision and issue a new decision, recognising the right to accommodation of the asylee or foreigner under subsidiary protection and establishing the obligation to participate in the payment of accommodation costs. An appeal against the decision may be lodged within 15 days of the delivery of the decision but it does not delay its enforcement.⁶⁸⁷ 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:⁶⁸⁸

- 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;

⁶⁸³ This time limit is foreseen by law but does not reflect the reality in practice, as explained further below.

⁶⁸⁴ Articles 67 and 67a LITP.

⁶⁸⁵ Article 67(4) LITP.

⁶⁸⁶ Article 67(5) LITP.

⁶⁸⁷ Article 67 (7) LITP.

⁶⁸⁸ Article 67(8) LITP.

- 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 2018.⁶⁸⁹ 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.⁶⁹⁰ This is problematic as this time is also calculated under 2 years of state subsidised accommodation.

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.⁶⁹¹

Centre for Peace Studies (CPS) reported that persons under international protection, were exposed to discrimination and are faced with prejudice when trying to rent an apartment after two years of subsidized housing. CPS also underlined that the general rise in housing prices was observed.⁶⁹² Data provided by Central State Office for Reconstruction and Housing Care show that in 2021, the right to accommodation

⁶⁸⁹ Official Gazette 59/2018

⁶⁹⁰ Information provided by Are you Syrious, 3 February 2023.

⁶⁹¹ 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>.

⁶⁹² Information provided by the Centre for Peace Studies, 18 January 2022.

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.⁶⁹³

Similarly, the Croatian Red Cross (CRC) reported that challenges were observed in securing accommodation for beneficiaries whose right to paid housing has expired.⁶⁹⁴ 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.

Difficulties in housing after expiration of 2-years period in the situation of pandemic was also addressed by other NGOs. In 2022 AYS, assisted in finding accommodation after the expiration of two years of state-funded accommodation.⁶⁹⁵ 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 and one-time aid to cover the cost of food for people who find themselves in unfavourable socio-economic conditions. During 2022, AYS provided assistance to 29 households.

In 2022, 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.⁶⁹⁶

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.⁶⁹⁷ 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 project was 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 were free of charge for beneficiaries and

⁶⁹³ Ombudsperson, *Annual report 2021*, available in Croatian at: <https://bit.ly/3MdomlB>.

⁶⁹⁴ Information provided by CRC, 18 January 2023.

⁶⁹⁵ Information provided by Are you Syrious, 3 February 2023.

⁶⁹⁶ Information provided by the Civil Rights Project (CRP) Sisak, 9 January 2023.

⁶⁹⁷ Article 68(1) LITP.

funded by the AMIF – the EU Asylum, Migration and Integration Fund.⁶⁹⁸ However, in September 2022, the Ministry of Interior took the decision to terminate the agreement with the Ministry of Science and Education related to the implementation of the mentioned project, among other things, since Croatian language courses were not held.⁶⁹⁹

According to Croatian Red Cross (CRC)⁷⁰⁰, in 2022, the Croatian language course were still not conducted continuously and when carried out, were not adapted to all participants who are not on the same level of previous knowledge of the Croatian language, nor are equally capable of mastering the material.

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. 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.⁷⁰¹

Similar problems with Croatian language courses were also reported by the Rehabilitation Centre for Stress and Trauma (RCT)⁷⁰² and Are You Syrious.⁷⁰³

CPS⁷⁰⁴ pointed out at the problems in the recognition of qualifications and validation of diplomas. For those beneficiaries who do not poses documents, according to CPS there are no adapted procedures for recognizing qualifications which take into account the specific circumstances in which refugees often find themselves. In addition, CPS reported insufficiently available requalification programs that are closely related to (lack of) knowledge of the Croatian language and consequently to (lack of) possibility of participation.

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.⁷⁰⁵ 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.

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 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 jobs⁷⁰⁶

Many other NGOs such as Centre for Cultural Dialogue,⁷⁰⁷ Jesuit Refugee Service (JRS), the Centre for Peace Studies, the Rehabilitation Centre for Stress and Trauma, Are you Syrious (AYS), CRP Sisak also provide assistance during integration. The Integration Centre "SOL", which is run by JRS and was opened

⁶⁹⁸ 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>.

⁶⁹⁹ Ministry of Interior: Decision on the cancellation of the Decision on the allocation of financial resources for the implementation of the project "Integration of asylees and foreigners under subsidiary protection into Croatian society, education and preparation for inclusion in the labor market"; available in Croatian at: <https://bit.ly/3lzxqtk>.

⁷⁰⁰ Information provided by Croatian Red Cross, 18 January 2023.

⁷⁰¹ Information provided by Centre for Peace Studies, 18 January 2022.

⁷⁰² Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2023.

⁷⁰³ Information provided by Are you Syrious, 3 February 2023,

⁷⁰⁴ Information provided by Centre for Peace Studies, 18 January 2022.

⁷⁰⁵ Article 67(4) LITP.

⁷⁰⁶ UNHCR, *2020 Participatory Assessment Croatia, Impact of COVID-19 pandemic on refugee integration in Croatia*, March 2021, available at: <https://bit.ly/3lSKbFv>.

⁷⁰⁷ See: <https://ccd.hr/>.

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.⁷⁰⁸

In 2022, Croatian Red Cross (CRC) provided support regarding employment by phone. CRC maintained cooperation with employers, and one meeting was held with the aim of exchanging experiences and determining the future needs of employers and users.⁷⁰⁹

Civis mundi provided mediation services in finding employment for persons granted international protection.⁷¹⁰

With the support of JRS, in 2022, 9 persons completed the A1 level of the Croatian language and 17 persons were trained as confectioners, waiters and pizza makers.⁷¹¹

In the course of 2022, AYS provided information to persons under international protection on their right to work as well as assistance in job searching.

In 2022, the Rehabilitation Centre for Stress and Trauma (RCT) made contacts with 11 employers, and 18 beneficiaries of international protection concluded fixed-term contracts.⁷¹²

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, foreigner under subsidiary protection and foreigner under temporary 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.⁷¹³

According to CES, 55 asylees (of which 31 women), 5 foreigners under subsidiary protection (of which 3 women), 5 members of families of persons that were granted international protection (of which 4 women), 633 persons under temporary protection (of which 515 women) and 2 female applicants for international protection were inscribed in their registry as unemployed on 31 December 2022.⁷¹⁴ According to the data of the CES from January 1 until December 2022, 84 asylees, 8 persons under subsidiary protection, 8 member of families of persons under international protection, 2 applicants for international protection and 1604 persons under temporary protection were provided individual counselling at CES and a total of 2318 individual counselling for these users were conducted, while 2 asylees, 1 person under subsidiary protection and 171 foreigners under temporary protection were included in active employment policy measures. Most of the persons registered were from Ukraine (633), **Syria** (25), **Afghanistan** (15), **Iraq** (8) and **Türkiye** (5).

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 that CES recorded the successful employment of persons under international and temporary protection.

2. Access to education

⁷⁰⁸ JRS, 'Refuge Integration Centre „SOL“ opened', 2018, available at: <https://bit.ly/3chtSBs>.

⁷⁰⁹ Information provided by Croatian Red Cross, 18 January 2023.

⁷¹⁰ Information provided by Civis Mundi, 14 February 2023.

⁷¹¹ JRS, Annual report 2022, available at: <https://bit.ly/3C7rigq>.

⁷¹² Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2023.

⁷¹³ 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>.

⁷¹⁴ Information provided by the Croatian Employment Service, 12 January 2023.

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.⁷¹⁵

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.

During 2022 the Ministry of Science and Education organized 23 courses of Croatian language, history and culture for asylees and foreigners under subsidiary protection with the aim of their inclusion in Croatian society. Furthermore, in the same period documentation (diplomas and certificates) were translated for 15 asylees and foreigners under subsidiary protection. In 2022, 5 persons under international protection were enrolled at the following universities: Faculty of Law, Faculty of Political Sciences, Faculty of Mining and Geology, Faculty of Architecture and Faculty of Civil Engineering, while only one refugee student is the beneficiary of a stipend.⁷¹⁶

However, in September 2022, the Ministry of Interior took the decision to terminate the agreement with the Ministry of Science and Education, among other things, due to the fact that Croatian language courses were not held.⁷¹⁷

According to the Ombudsman's report for 2022, civil society organizations stressed that there are differences in the implementation of preparatory classes in the Croatian language for children under international protection, for which the approval of the Ministry of Science and Education must first be obtained, which sometimes takes months, compared to the preparatory classes that are organized for children displaced from Ukraine, which is organized within couple of days. The Ombudsman's report further emphasized that, although students under international protection are guaranteed the right to higher education under the same conditions as Croatian citizens, the ordinance from 2013, which regulates the exercise of the right to cover part of students' food costs, does not mention them. Recognizing said shortcoming, the Ministry of Science and Education regulated the issue of their nutrition with a special decision, and a new ordinance is being drafted that will systematically regulate the issue of nutrition for the aforementioned category of students.⁷¹⁸

In 2022, the new Law on Recognition and Evaluation of Foreign Educational Qualifications⁷¹⁹ entered into force. The Law prescribes the possibility of evaluating foreign educational qualifications for the purpose

⁷¹⁵ Article 70 LITP.

⁷¹⁶ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

⁷¹⁷ Ministry of Interior: Decision on the cancellation of the Decision on the allocation of financial resources for the implementation of the project "Integration of asylees and foreigners under subsidiary protection into Croatian society, education and preparation for inclusion in the labor market"; available in Croatian at: <https://bit.ly/3lzxqtk>.

⁷¹⁸ Ombudsperson, *Annual report 2022*, available in Croatian at: <https://bit.ly/3OKwMVV>.

⁷¹⁹ Law on Recognition and Evaluation of Foreign Educational Qualifications, Official Gazette 69/2022, available in Croatian at: <https://bit.ly/3OPwl79>.

of continuing education at the same or higher level of education and for the purpose of accessing the labour market for beneficiaries of international and temporary protection and their family members.

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: problems with preparatory classes for children; lack of preparedness of schools; insufficient number of teaching assistants; problems in realizing the right to higher education; problems in exercising majority of rights enjoyed by regular students, such as the right to subsidized accommodation and food and the possibility of receiving a scholarship; 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.⁷²⁰

According to Civis Mundi, higher education is hard-to-reach for persons granted international protection. According to them this is due to few reasons: the slowness of the competent Ministry of Science and Education in translation and nostrification of documentation but also due to the high costs for continuation or enrolment in the higher education.⁷²¹

AYS reported that in the course of 2022, they continued to provide educational support to children granted international protection i.e. 77 volunteers provided 2,407 hours of educational support to 48 school aged children from 21 families.⁷²² The support programme included support in language learning, mastering school materials, cooperation with schools and mediation in communication between parents and the school. The similar support in 2022 was provided by the Centre for children, youth and family – Modus.⁷²³ In 2022, Modus provided learning assistance to children under the international protection. The activity was carried out by volunteers in the premises of the school attended by children. As a rule, volunteers and children met once a week for 60 minutes or once every two weeks for 90 minutes. In addition to support in writing homeworks and preparing for tests, the engagement of volunteers was designed to act as friends-mentors for children and at the same time provide additional social support in the integration of children. In addition, joint gatherings of children, parents and volunteers involved in the project were organized in 2022.

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".⁷²⁴ 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.

Centre for Peace Studies (CPS) also reported obstacles in the access of beneficiaries granted international protection to higher education in practice in 2022.⁷²⁵ 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.

⁷²⁰ Information provided by Centre for Peace Studies, 18 January 2023.

⁷²¹ Information provided by Civis Mundi, 14 February 2023.

⁷²² Information provided by Are you Syrious, 3 February 2023.

⁷²³ Information provided by the Centre for children, youth and family –Modus, 9 January 2022.

⁷²⁴ Information provided by Centre for Peace Studies, 10 January 2022. See: <https://bit.ly/3Mul8Kb>.

⁷²⁵ Information provided by Centre for Peace Studies, 18 January 2023.

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.⁷²⁶ However in 2022, AYS reported that this process was simplified by only in regard to children from Ukraine.

AYS also reported that children are, due to non-standardized tests, often enrolled in lower classes than their peers. For this reason, most of the children are in the class with others which are not at their developmental level and are often victims of violence and social isolation. In addition, AYS reported that, although higher education should be available for persons granted international protection under the same conditions as Croatian citizens, for those who have not yet received Croatian citizenship, the only option is enrolment according to the quota for foreigners. Furthermore, not all faculties apply this quota.

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.⁷²⁷

In May and June 2022, several schools in Zagreb, Osijek and Sisak organized social actions in the community. The aim was to empower local communities to accept citizens of third countries. The actions were organized as part of the project "INCLuDE of the Office for Human Rights and the Rights of National Minorities, together with students, school employees, and residents of local communities."⁷²⁸

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.⁷²⁹ In February 2022, a new Law on Social Welfare entered into force.⁷³⁰

The Law on Social Welfare regulates that asylees, foreigners under subsidiary protection, and foreigners under temporary protection as well as members of their family who legally reside in Republic of Croatia, can receive benefits and services in the social welfare system under the conditions prescribed by this Law, and the Law on international and temporary protection.⁷³¹

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.

Some basic information are also provided in materials (i.e. videos and a brochure) prepared by the Croatian Law Centre.⁷³²

⁷²⁶ Information provided by Centre for Peace Studies, 10 January 2022 and Are You Syrious, 7 February 2022 and 3 February 2023.

⁷²⁷ 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>.

⁷²⁸ EMN, Quarterly Bulletin (April - June 2022), available at: <https://bit.ly/43hrsOg>.

⁷²⁹ Article 73 LITP.

⁷³⁰ Official Gazette 18/2022, available at: <https://bit.ly/3uxR6PN>, amendments: Official Gazette 46/2022 available at: <http://bit.ly/3TIJc1a>, and Official Gazette 119 /2022 available at: <http://bit.ly/3z5vnjQ>.

⁷³¹ Official Gazette 18/2022, 46/2022, 119 /2022.

⁷³² 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>.

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 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.⁷³³

In 2022, according to the Ministry of Labour, Pension System, Family and Social Policy, a total of 18 persons under international protection has been granted with a minimum guaranteed allowance, one person has been granted with disability allowance and one person was granted a allowance for assistance and care. One person has been granted with status of a parent-caregiver and in the reporting period there were 85 proceedings in which the right to a one-time financial compensation was approved.⁷³⁴

Following the Amendments to the Decision of Social Welfare in 2019,⁷³⁵ the social rights provided by the City of **Zagreb** were extend to families of asylees and foreigners under subsidiary protection.⁷³⁶

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.⁷³⁷ 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.⁷³⁸

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.⁷³⁹ 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, foreigners under subsidiary protection, foreigners under temporary protection and

⁷³³ 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>.

⁷³⁴ Croatian Law Centre, *The Croatian Asylum System in 2022 - National Report*. The report was prepared as part of the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia", with financial support of the UNHCR Croatia: available in English at: <https://bit.ly/434T7RL>.

⁷³⁵ Amendments available in Croatian at: <https://bit.ly/2UQoMXa>.

⁷³⁶ City of Zagreb, *Social welfare decision*, 4 April 2019, available at: <https://bit.ly/2URy7hj>.

⁷³⁷ The manual is available at: <https://bit.ly/3pNh13c>.

⁷³⁸ 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>.

⁷³⁹ Article 69(1)-(2) LITP.

their family members they have a right to health care,⁷⁴⁰ in the same scope as health insured persons under mandatory health insurance.⁷⁴¹

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.⁷⁴² The competent police administration or police station is obliged to notify the ministry competent for health that the asylum, subsidiary protection or temporary protection was granted to foreigner, at the latest within 8 days from the date when the decision on granted asylum, subsidiary protection or temporary protection became final.⁷⁴³

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 cannot 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.⁷⁴⁴ 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.⁷⁴⁵ 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.⁷⁴⁶

Problems in the health system were reported by Are You Syrious, the Croatian Red Cross, the Centre for Peace Studies, the Rehabilitation Centre for Stress and Trauma, and other actors.

⁷⁴⁰ Article 17 Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

⁷⁴¹ Article 21(1) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

⁷⁴² Article 21(2) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

⁷⁴³ Article 21(3) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

⁷⁴⁴ 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>.

⁷⁴⁵ Letter from the Ministry of Health to Croatian Health Insurance Fund, available at: <https://bit.ly/3tD9kh1>.

⁷⁴⁶ 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>.

In course of 2022, AYS⁷⁴⁷ 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 highlighted that shortcomings continue to be the non-recognition of the right to health care for beneficiaries of international protection. AYS also reported that the lack of translation during health checks remains unsolved.

The same challenges were reported by the Centre for Peace Studies (CPS). In addition, according to CPS; pharmacies are also not informed about the procedure for dispensing medicines to persons under international protection. Therefore, beneficiaries of international protection's requests are often rejected. CPS also reported that some beneficiaries were treated discriminatorily by doctors and health workers who did not want to examine and provide treatment to some refugees due to unfounded fear that they would spread Covid-19 or other diseases ⁷⁴⁸

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). ⁷⁴⁹

In 2022, the Rehabilitation Centre for Stress and Trauma reported that there is no system for the prevention of mental health issues in place, nor available psychiatric institutions with interpreters. They also pointed out that a small part of the beneficiaries have serious mental health problems and need psychiatric treatment, which they cannot get within the system due to the language barrier. ⁷⁵⁰

Centre for children, youth and family –Modus in the course of 2022 provided psychosocial counselling for beneficiaries of international protection with the assistance of the interpreters. ⁷⁵¹

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. ⁷⁵²

⁷⁴⁷ Information provided by Are you Syrious, 7 February 2022.

⁷⁴⁸ Information provided by Centre for Peace Studies, 18 January 2023.

⁷⁴⁹ Information provided by CRC, 18 January 2023

⁷⁵⁰ Information provided by the Rehabilitation Centre for Stress and Trauma, 18 January 2023.

⁷⁵¹ Information provided by the Centre for children, youth and family –Modus, 9 January 2022.

⁷⁵² 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)