

2023 UPDATE

CROATIA



COUNTRY REPORT

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, the Ministry of Interior, IOM, UNHCR, UNICEF, attorneys at law and relevant organisations, including the Are you Syrious, Borders:none, Croatian Red Cross, the Centre for Peace Studies, Civil Rights Project Sisak, Centre for Missing and Exploited Children Croatia, Doctors of the World (MdM), Jesuit Refugee Service, Rehabilitation Centre for Stress and Trauma, SVOJA association, as well as from other publicly available sources.

The information in this report is up-to-date as of 31 December 2023, unless otherwise stated.

The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is managed by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org It covers 23 countries, including 19 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, and SI) and 4 non-EU countries (Serbia, Switzerland, Türkiye, and the United Kingdom). The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.



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Glossary & List of Abbreviations

Asylee	Person granted refugee status
Dismissal	Rejection of an application as inadmissible
Reception Centre for Foreigners	Pre-removal detention centre
CES	Croatian Employment Service Hrvatski zavod za zapošljavanje
CJEU	Court of Justice of the European Union
CPS	Centre for Peace Studies Centar za mirovne studije
CRC	Croatian Red Cross Hrvatski crveni križ
EASO	European Asylum Support Office
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EUAA	European Union Agency for Asylum
IOM	International Organisation for Migration
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

Overview of statistical practice

Applications and granting of protection status at first instance: 2023

Limited asylum statistics for 2023 can be found on the website of the Ministry of Interior (MOI).¹ However, publicly available statistics on a breakdown on the outcome of the procedure are not available, but the Ministry of Interior provided statistics to Croatian Law Centre in writing.² In 2023, 68,114 people made an application for international protection (54,185 male, 13,929 female)³. The top 10 countries were: Afghanistan (19,295), Türkiye (11,199), Russian Federation (8,507), Morocco (5,839), Pakistan (4,658), Iraq (3,883), Syria (3,752), Bangladesh (2,472), Cuba (1,346) and Nepal (1,092). However, out of the total number of applicants, only 1,783 applications for international protection were then lodged (1,685 new applications and 98 subsequent applications). 11 applications were dismissed as inadmissible. International protection was granted to 52 persons (50 asylum, 2 subsidiary protection). Asylum was granted to nationals of Burundi (2), DR Congo (1), Eritrea (2), Iraq (1), Iran (5), Cuba (1), Ivory Coast (9), Russian Federation (23). Syria (1), Türkiye (3) and stateless persons (2). Subsidiary protection was granted to one national of Libya and one national of Russian Federation.

According to the Ombudsperson in the course of 2023, 6,396 procedures for international protection (not limited to applications submitted in 2023) were suspended.⁴ In its report on visit to Croatia in 2022, GREVIO notes that while limited data on asylum procedures are collected and made available by the Ministry of Interior, this does not include data on the grounds under which refugee status is granted, disaggregated by sex. It is therefore not possible to determine whether any women have been granted refugee status on the basis of belonging to a specific social group or on the basis of any other ground. In this respect, GREVIO stresses the importance of disaggregated data collection for identifying trends in violence against women in the asylum field.⁵

¹ Ministry of Interior, Statistics 2023, available at: <https://bit.ly/3Xr1uYp>.

² Information provided by the Ministry of Interior, 8 March 2024.

³ In terms of Croatian legislation making application is called “expressing the intention to submit/lodge application for international protection“.

⁴ Report of the Ombudswoman for 2023, available in Croatian at: <https://bit.ly/4crt2kR>.

⁵ GREVIO, *(Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)-CROATIA*, 26 May 2023, available at: <https://rm.coe.int/baseline-evaluation-report-on-croatia/1680ac76c9>.

	Applicants in 2023	Pending at end of 2023	Total decisions in 2023	Total in merit decisions	Total rejection	In merit rejection	Refugee status	Subsidiary protection	Humanitarian protection (1)
Total	68,114	1,620	N/A	N/A	N/A	112	50	2	N/A

Breakdown by countries of origin of the total numbers

Afghanistan	19,295	201				1	0	0	
Turkey	11,199	178				12	3	0	
Russian Federation	8,507	555				39	23	1	
Morocco	5,839	47				13	0	0	
Pakistan	4,658	38				3	0	0	
Iraq	3,883	43				4	1	0	
Syria	3,752	120				1	1	0	
Bangladesh	2,472	21					0	0	
Cuba	1,346	51				0	1	0	
Nepal	1,092	13					0	0	

(1) Croatian asylum legislation does not foresee the possibility for asylum authorities to issue humanitarian protection decisions. However, the Foreigners Act allows for the recognition of temporary stay on humanitarian grounds.

Gender/age breakdown of the total number of applicants: 2023

	Men	Women ⁶		Adults	Children	
					Accompanied	Unaccompanied
Number	54,185	13,929		55,964	10,634	1,516
Percentage	79.55%	20.45%		82.162%	15.612%	2.226%

Source: Ministry of Interior, Statistics 2023, available at: <https://bit.ly/3Xr1uYp>; also information provided by the Ministry of Interior, 8 March 2024.

⁶ Numbers of both men and women include accompanied and unaccompanied children.

First instance and appeal decision rates: 2023

It should be noted that, during the same year, the first instance and appeal authorities handle different caseloads. Thus, the decisions below do not concern the same applicants.

	First instance		Lawsuit	
	Number	Percentage	Number	Percentage
Total number of decisions	N/A		42	
Positive decisions	52		N/A	
• <i>Refugee status</i>	50			
• <i>Subsidiary protection</i>	2			
Negative decisions	N/A		27	

Source: Ministry of Interior, Statistics 2023, available at: <https://bit.ly/3Xr1uYp>; Administrative Court of Zagreb, 12 January 2024; Administrative Court of Rijeka, 19 January 2024.

Official Gazette 36/2024			
Law on Foreigners, Official Gazette 133/2020 <i>Amended: Official Gazette 114/2022</i> <i>Amended: Official Gazette 151/2022</i>	Zakon o strancima NN 133/2020, 114/2022, 151/2022	Law on Foreigners	https://bit.ly/2OLg8ZC (HR) https://bit.ly/3LqMXi (EN) http://bit.ly/3IGAZ0z (HR) http://bit.ly/3LOEeOf (HR)
Law on Compulsory Health Insurance and Health Care for Foreigners in the Republic of Croatia Official Gazette 80/2013 <i>Amended: Official Gazette 15/2018</i> <i>Amended: Official Gazette 26/2021</i> <i>Amended: Official Gazette 46/2022</i>	Zakon o obveznom zdravstvenom osiguranju i zdravstvenoj zaštiti stranaca u Republici Hrvatskoj NN 80/2013, 15/2018, 26/2021, 46/2022	Law on Compulsory Health Insurance and Health Care	http://bit.ly/1Gm4KSp (HR) https://bit.ly/2uzuZLN (HR) https://bit.ly/3uJOYI6 (HR) http://bit.ly/3lJaYxE (HR)
Law on Free Legal Aid Official Gazette 143/2013 <i>Amended: Official Gazette 98/2019</i>	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	Odluka o visini novčane pomoći tražiteljima međunarodne zaštite NN 135/2015, 155/2022, 117/2023	Decision on Financial Assistance	http://bit.ly/2lQKkmi (HR) http://bit.ly/3z7hTnn (HR) https://bit.ly/3zyZ3cF (HR)

<i>Amended: Official Gazette 155/2022</i> <i>Amended: Official Gazette 117/2023</i>			
Ordinance on the realisation of material reception conditions Official Gazette 135/2015 <i>Amended: Official Gazette 61/2019</i>	Pravilnik o ostvarivanju materijalnih uvjeta prihvata NN 135/2015, 61/2019	Ordinance on Material Reception Conditions	http://bit.ly/2IYZIsM (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	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	Decision on Croatian Language Programme above the Age of 15	http://bit.ly/1yuPG7Y (HR)

Official Gazette 100/2012	NN 100/2012		
Decision on establishing the price of passport issued in accordance with the 1951 Convention relating to the Status of Refugees Official Gazette 98/2016 Corrigendum Official Gazette 102/2016 <i>Amended:</i> Official Gazette 155/2022	Rješenje o utvrđivanju cijene putovnice izdane sukladno Konvenciji o statusu izbjeglica od 28. srpnja 1951. godine NN 98/2016 Ispravak Rješenja o utvrđivanju cijene putovnice izdane sukladno Konvenciji o statusu izbjeglica od 28. srpnja 1951. godine NN 102/2016 Rješenje o izmjeni Rješenja o utvrđivanju cijene putovnice izdane sukladno Konvenciji o statusu izbjeglica od 28. srpnja 1951. godine NN 155/2022	Decision on the Price of Refugee Passports	http://bit.ly/2kOXEmP (HR) http://bit.ly/2kvoBjf (HR) 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 Prihvatištu 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	Odluka o osnivanju Međuresorne radne skupine za provedbu Odluke o premještanju i preseljenju državljana	Decision on the Relocation and	http://bit.ly/2IQNEgT (HR)

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	trećih zemalja ili osoba bez državljanstva koje ispunjavaju uvjete za odobrenje međunarodne zaštite NN 78/2015	Resettlement Working Group	
Decision on resettlement of third country nationals or stateless persons who meet the conditions for approval of international protection Official Gazette 99/2017	Odluka o preseljenju državljana trećih zemalja ili osoba bez državljanstva koje ispunjavaju uvjete za odobrenje međunarodne zaštite NN 99/2017	Decision on Resettlement	https://bit.ly/2GVUWHW (HR)
Decision on resettlement of third country nationals or stateless persons who meet the conditions for approval of international protection for 2019 Official Gazette 16/2019	Odluka o preseljenju državljana trećih zemalja ili osoba bez državljanstva koje ispunjavaju uvjete za odobrenje međunarodne zaštite za 2019. godinu NN 16/2019	Decision on Resettlement for 2019	https://bit.ly/2JdqcxL (HR)
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	Rješenje o utvrđivanju cijene dozvole boravka za azilanta i stranca pod supsidijarnom zaštitom NN 98/2016	Decision on the Price of Residence Permits	http://bit.ly/2kvB0Un (HR)

<p>Official Gazette 98/2016</p> <p>Corrigendum Official Gazette 102/2016</p> <p><i>Amended: Official Gazette 155/2022</i></p>	<p>Ispravak Rješenja o utvrđivanju cijene dozvole boravka za azilanta i stranca pod supsidijarnom zaštitom NN 102/2016</p> <p>Rješenje o izmjeni Rješenja o utvrđivanju cijene dozvole boravka za azilanta i stranca pod supsidijarnom zaštitom NN 155/2022</p>		<p>http://bit.ly/2kXSmb6 (HR)</p> <p>http://bit.ly/3lE9Ewb (HR)</p>
<p>Decision on the list of safe countries of origin in the procedure of granting International Protection</p>	<p>Odluka o listi sigurnih zemalja podrijetla u postupku odobrenja međunarodne zaštite NN 45/2016</p>	<p>Decision on the List of Safe Countries of Origin</p>	<p>http://bit.ly/2lcRePz (HR)</p>
<p>Ordinance on treatment of third country nationals, Official Gazette 136/2021 <i>Amended: Official Gazette 145/2023</i></p>	<p>Pravilnik o postupanju prema državljanima trećih zemalja NN 136/2021, 145/2023</p>	<p>Ordinance on treatment of third country nationals</p>	<p>https://bit.ly/3MfvLI0 (HR)</p> <p>https://bit.ly/3z4YbMy</p>
<p>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> <i>Amended: Official Gazette 137,2023</i></p>	<p>Pravilnik o boravku u Prihvatnom centru za strance i načinu izračuna troškova prisilnog udaljenja NN 145/2021, 155/2022, 137/2023</p>	<p>Detention Centre Ordinance</p>	<p>https://bit.ly/35NIA5r (HR)</p> <p>http://bit.ly/4067W5E (HR)</p> <p>https://bit.ly/3KOVm4R (HR)</p>
<p>Action plan for the Integration of beneficiaries of international protection for the period 2017-2019</p>	<p>Akcijski plan za integraciju osoba kojima je odobrena međunarodna zaštita za razdoblje 2017. do 2019. godine</p>	<p>Action plan for Integration</p>	<p>https://bit.ly/2GMCKNL (HR)</p> <p>https://bit.ly/2lHO40C (EN)</p>
<p>Decision on the Establishment of a Permanent Commission for the Implementation of the Integration of Foreigners into Croatian Society Official Gazette 110/2019</p>	<p>Odluka o osnivanju Stalnog povjerenstva za provedbu integracije stranaca u hrvatsko društvo NN 110/2019, 119 /2020, 68/2023</p>	<p>Decision on the Establishment of a Permanent Commission for Integration</p>	<p>https://bit.ly/2wCNTTX (HR)</p>

Amended: Official Gazette 119 /2020 Amended: Official Gazette 68/2023			https://bit.ly/3wXxALF (HR) https://bit.ly/3Vp2OIN (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 Amended: Official Gazette 155/2022	Pravilnik o boravku državljana trećih zemalja u Republici Hrvatskoj NN 20/2022, 155/2022		https://bit.ly/3HlvjYR (HR) 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 **June 2023**.

International protection

Legislative framework

In March 2023, the Croatian Parliament passed the **Law on Amendments to the Law on International and Temporary Protection**, which entered into force on 1 April 2023. Some important changes relate to:

- ❖ Strengthening the role of the special guardian of unaccompanied minors;
- ❖ the possibility to exceptionally submit an application for international protection in written form;
- ❖ the possibility that the interview may also be held using electronic audio-visual equipment;
- ❖ possibility to organize medical examinations;
- ❖ in addition to undergoing verification and identification of the identity, applicants for international protection are obliged to undergo a verification of their country or region of origin, including language and dialect analysis with the possibility of using software technologies;
- ❖ the possibility for competent authorities to search the applicants for international protection and their belongings;
- ❖ broadening the reasons for the restriction of freedom of movement and/or detention;
- ❖ the introduction of an obligation for the court to review the restriction of movement/detention within a reasonable time period, especially when it lasts longer than a month and the obligation for the Ministry of Interior to act without delay if a court decision proves that the mentioned restriction/detention is not lawful;
- ❖ the regulation of the temporary accommodation for persons already granted international protection in reception centres which are primarily intended for accommodation of applicants for international protection;
- ❖ applicants for international protection can access the labour market after a period of 3 months from the date of submission of the application;
- ❖ beneficiaries of international protection, in addition to the current maximum of 2 years of the subsidized accommodation, can temporarily use a housing unit that is owned by the Republic of Croatia for an additional maximum of up to 2 years, provided that they do not have financial resources or property with which they can support themselves;
- ❖ the possibility for humanitarian admission was introduced.

Asylum procedure

- ❖ **Access to the territory:** Reports of push backs and violent police practices at the border were documented in 2023. According to the Danish Refugee Council (DRC), 3,323 persons were pushed back from Croatia to Bosnia and Herzegovina (BiH) in 2023. Out of the total number of pushbacks, 825 persons reported being denied access to asylum system. 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.⁷ UNHCR data further indicates that 89 persons were pushed back from Croatia to Serbia.⁸
- ❖ **Relevant case law on access to the territory:** Concerning the case of *M.H. and Others v. Croatia*,⁹ in July 2023, Human Rights House Zagreb and the Centre for Peace Studies, civil society organizations registered in Croatia, made a submission to respond to the Government's

⁷ Danish Refugee Council (DRC): Border Monitoring Factsheets January- December 2023, available in English at: <https://bit.ly/3KKqbaH>.

⁸ UNHCR, Serbia- Snapshots January- July 2023, available at: <https://bit.ly/4ckWUil>.

⁹ 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>.

Action Plan of 21 June 2023. Submission aims to inform the Committee of Ministers that the proposed measures are not sufficient for the appropriate implementation of the judgement. Organizations argued that individual measures have been ineffective and insufficient while the general measures proposed by the Government do not bring any real and systemic changes necessary for the full implementation of the European court's judgement.¹⁰

- ❖ **Key statistics on the asylum procedure:** The number of applicants for international protection increased significantly throughout 2023, going from 12,872 in 2022 to 68,114 people making an application for international protection in 2023. Out of the total number most applications were made at border police stations (35,992). The rest were made at police stations (31,426), the Reception Centre for Foreigners in Jezevo (106), Transit Reception Centre in Tovarnik (61) and Trilj (19) airport and maritime police stations (464), police administrations (35), the Ministry of Interior (10) and in the Reception Centre for Applicants for International Protection (1). However, out of this number, only 1,783 applications for international protection were lodged in 2023 (1,685 new applications and 98 subsequent). The recognition rate remained low, as only 52 persons were granted international protection in the course of 2023, while only 11 requests were dismissed as inadmissible, and only 112 were rejected on the merits in the first instance procedure.¹¹ However, Croatia is still perceived as transit country. According to the Ombudsperson in the course of 2023, 6,396 procedures for international protection were suspended regardless of the year on which applications were submitted.¹² The government reported (for the first 10 months of 2023) that Croatia mainly remained a transit country for asylum seekers, as 97% of persons who only made an application or reached the stage of lodging left or aimed at leaving the Croatia to reach other EU Member States. At the same time, 47% of persons who made an international protection application never reported to the reception centres for asylum applicants in Zagreb or Kutina.¹³ According to the Ombudsperson, a large number of suspensions of the procedure – mostly related to cases of applicants abandoning reception centres -, both in relation to 2023 and to 2022 is still pending.¹⁴

Reception conditions

- ❖ **Reception centres:** According to the Ministry of Interior, during 2023, more than 34,000 people were accommodated in Reception Centres for applicants for International Protection in Zagreb and Kutina. The Ministry of Interior reported that the average length of stay in the reception centers was 3 days, with the largest number of people leaving the reception center within 24 hours from the arrival.¹⁵ As reported by NGOs, due to the high increase in the number of applicants for international protection in 2023, capacities of the Reception Centres for applicants of international protection were not enough. In some periods of 2023, applicants slept in the hallways of the centre in Zagreb.¹⁶

Detention of asylum seekers

- ❖ **Restrictions to the freedom of movement:** According to the Ministry of Interior, in 2023, the Service for Reception and Accommodation of Applicants for International Protection issued 47 decisions on restrictions of freedom of movement with a measure of detention in the Reception

¹⁰ Human Rights House Zagreb and Centre for Peace Studies, *Rule 9.2. Communication*, 18 July 2023; available in English at: <https://bit.ly/3VMzAVL>.

¹¹ Information provided by the Ministry of Interior, 8 March 2024. See also: Statistics 2023, available at: <https://bit.ly/3Xr1uYp>.

¹² Ombudswoman: Report of the Ombudswoman for 2023, available in Croatian at: <https://bit.ly/4crt2kR>.

¹³ Government of the Republic of Croatia: Report on the situation of illegal migration in the territory of the Republic of Croatia for the period since Croatia's entry into the Schengen area, available at: <https://bit.ly/3z72PcY>, 4.

¹⁴ Ombudswoman: Report of the Ombudswoman for 2023, available in Croatian at: <https://bit.ly/4crt2kR>.

¹⁵ Information provided by the Ministry of Interior, 8 March 2024.

¹⁶ See, e.g., <https://www.youtube.com/watch?v=mZh1Mz9MkLk>; Information also provided by Croatian Red Cross, 15 January 2024; by AYS, 29 January 2024; by JRS, 5 February 2024.

Centre for Foreigners.¹⁷ However, since decisions can also be issued by the police administrations/stations, the total number might be different.

- ❖ **Relevant case law:** In January 2023, the European Court on Human Rights (ECtHR) published its ruling on the case *Daraibou v. Croatia*¹⁸. 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. The judgment became final on April 14, 2023. In October 2023, the Republic of Croatia submitted an Action Plan for the implementation of the judgment to the Committee of Ministers of the Council of Europe.¹⁹

Content of international protection

- ❖ **Inclusion:** No new Integration Action Plan was adopted in 2023, even the previous Integration Action Plan expired at the end of 2019. At the local level, in May 2023, the City Assembly of the City of Zagreb adopted the new Action Plan of the City of Zagreb for the implementation of the Charter of Integrating Cities for 2023 and 2024.²⁰ The general objective of the Action Plan is to encourage and implement the integration of applicants for international protection, persons granted international or temporary protection, and foreign workers residing in the City of Zagreb, into society, and to contribute to the development of the entire migration policy in the Republic of Croatia.

Other relevant developments

- ❖ **Schengen access:** From 1 January 2023, Croatia joined Schengen and Eurozone. On 26 March 2023, international airports in Croatia started with the full application of the Schengen acquis. Passengers on internal flights, *i.e.*, flights within the Schengen area, are no longer subject to border control.²¹ However, on 21 October 2023, Slovenia introduced border control on the border with the Republic of Croatia, which on 22 December 2023 was extended for six months.

¹⁷ Information provided by the Ministry of Interior, 8 March 2024.

¹⁸ 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>.

¹⁹ Action plan (17/10/2023) - Communication from Croatia concerning the case of *Daraibou v. Croatia* (Application No. 84523/17), available at: <https://bit.ly/3KO1om4>.

²⁰ City of Zagreb: Action Plan of the City of Zagreb for the implementation of the Charter of Integrating Cities for 2023 and 2024, available in Croatian at: <https://bit.ly/3xmVYeN>.

²¹ Ministry of Interior: *As of today, nine international airports in Croatia will start fully applying the Schengen acquis*, available in Croatian at: <https://bit.ly/4b7IBNB>.

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 7 March 2022, the Government of the Republic of Croatia adopted the decision introducing temporary protection²² 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 the place of residence of the applicant or via an online form available at the e-platform Croatia4Ukraine.²³ 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.²⁴ 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 aforementioned 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, 'immediately before' is to be considered as starting from 1 January 2022.²⁵

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 beneficiaries are entitled to 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 this second year, in October 2023, a decision was reached at the EU level to extend the TPD for an additional third year. Consequently, the Croatian Government implemented this decision,

²² Government of the Republic of Croatia: *Decision on the Introduction of Temporary Protection in the Republic of Croatia for Displaced Persons from Ukraine*, available in Croatian at: <https://bit.ly/3VHeVIQ>.

²³ Application is available in English, Croatian and Ukrainian at the following link: <https://croatia4ukraine.mup.hr/Pages/Zahtjev>.

²⁴ Government of the Republic of Croatia: *Information on the status of temporary protection*, available at: <https://bit.ly/4c0Rf1D>.

²⁵ Information provided by the Ministry of Interior on 10 November 2022.

extending the duration of temporary protection until March 4, 2025.²⁶ According to the instructions of the Ministry, persons displaced from Ukraine who have been granted temporary protection in the Republic of Croatia should personally reach a police department or police station according to their place of residence in order to certify the extension of the validity of the identity card until 30 May 2024. The extension will be recorded in the existing identity card, and it is not necessary to submit a request for the extension of temporary protection. Persons who do not extend their identity cards until 30 May, will not lose their status of temporary protection.

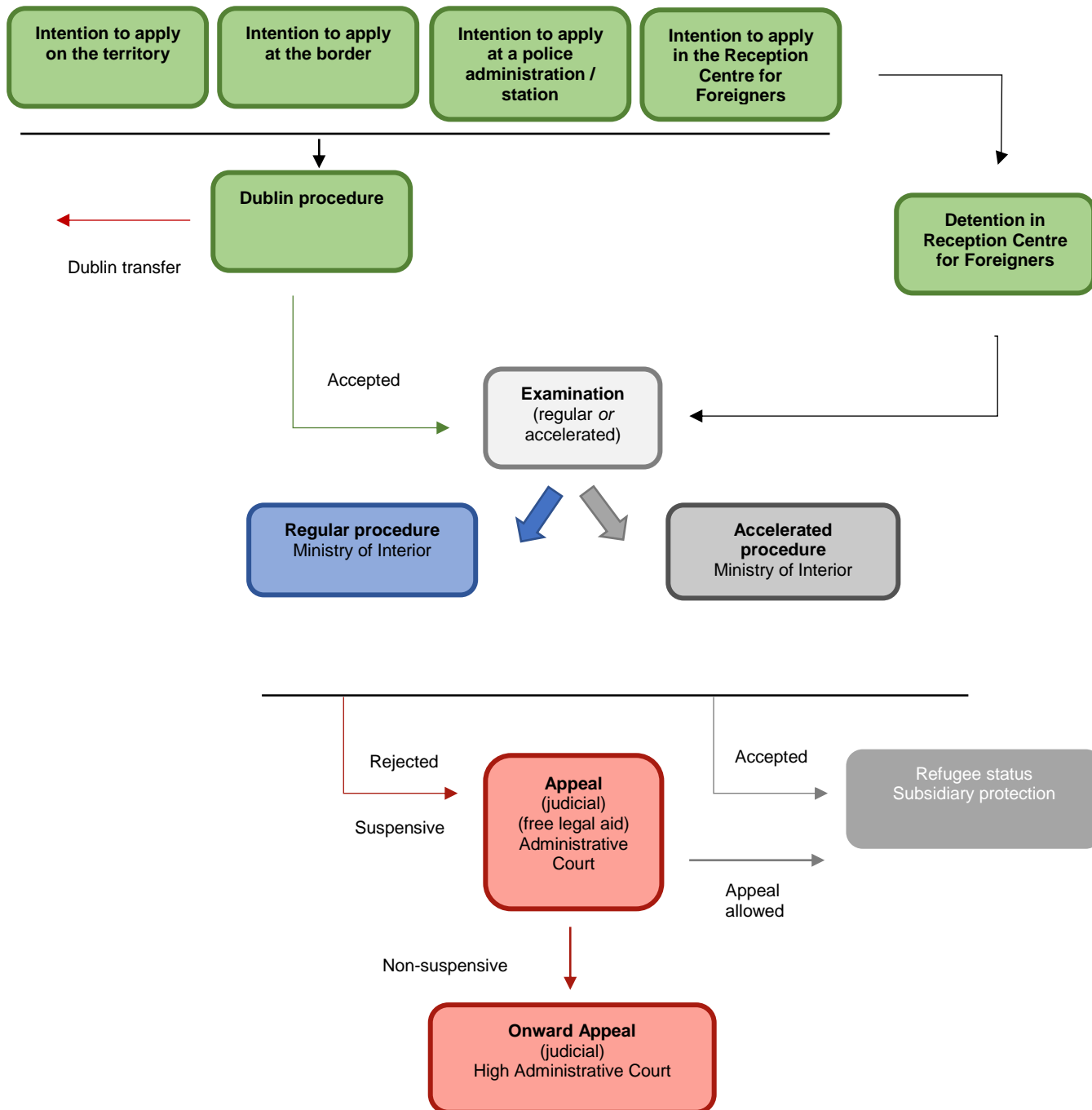
- ❖ **Access to rights:** Beneficiaries of temporary protection enjoy a wide range of rights in the Republic of Croatia, and no significant obstacles to their realization have been observed due to the fast reaction of the authorities and the early establishment of an effective reception and care system. By amending the Law on Social Welfare, beneficiaries of temporary protection gained the right to receive all social services and benefits provided 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 the Croatian language (and the lack of official language courses organized 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.

²⁶ Government of the Republic of Croatia: Decision on the Extension of Temporary Protection for Displaced Persons from Ukraine, available at: <https://bit.ly/4b0Ugh7>.

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: ²⁷ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Fast-track processing: ²⁸ | <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

According to the information provided by the Ministry of Interior, the border procedure foreseen by the Law on International and Temporary Protection (LITP) is not being applied in practice.²⁹

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 ❖ On the territory	Border Police, Ministry of Interior Police administration or Police station Reception centre for Foreigners Exceptionally Reception Centre for Applicants for International Protection	Granična policija Policajska uprava Policajska postaja Prihvatni centar za strance Prihvatilište za tražitelje međunarodnu zaštite
Registration of application	Border police Police administration or Police station Reception Centre for Foreigners Reception Centre for Applicants for International Protection, Ministry of Interior	Granična policija Policajska uprava ili policajska postaja Prihvatni centar za strance 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 ❖ Lawsuit/complaint ❖ Onward appeal	Administrative Court High Administrative Court	Upravni sud Visoki upravni sud
Subsequent application	Department for international protection procedure, Ministry of Interior	Odjel za postupak međunarodne zaštite, Ministarstvo unutarnjih poslova

²⁷ For applications likely to be well-founded or made by vulnerable applicants. See Article 31(7) recast Asylum Procedures Directive.

²⁸ Accelerating the processing of specific caseloads as part of the regular procedure.

²⁹ Information provided by the Ministry of Interior, 8 March 2024.

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

Asylum matters are 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 2023.

In 2022, employees of the Service for International Protection, attended two national workshops organized under the curriculum of the 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.³³ No detailed information is available for 2023, however according to the Ministry of Interior, the training of officials is continuously carried out through the EUAA curriculum, as well as through workshops organized, for example, by the UNHCR, the Croatian Red Cross and the Croatian Law Centre.³⁴

³⁰ This Sector further includes unites 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>.

³³ 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>.

³⁴ Information provided by the Ministry of Interior, 8 March 2024.

According to the Ombudsman's report for 2023,³⁵ due to the high number of applicants for international protection, it would be necessary to increase the number of officials who conduct procedures but also those who are in charge of the reception of applicants.

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 issue a decision on the application based on their findings following an interview with the applicant, taking into account 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 and if necessary information about the country through which s/he travelled, 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. 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 above, 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 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, police officers 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, 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 If due to justified reasons, police officers are unable to perform those tasks, the officials of the Service for the reception and accommodation of applicants for international protection in the Reception Center shall

³⁵ Ombudswoman, Report of the Ombudswoman for 2023, available in Croatian at: <https://bit.ly/4crt2kR>.³⁶
Articles 27 and 28 LITP.

³⁶ Articles 27 and 28 LITP.

³⁷ Article 29 LITP.

³⁸ Article 32(1) LITP.

³⁹ Article 33(8) LITP.

exceptionally perform such tasks.⁴⁰ Following the expression of the intention, applicants have access to reception.

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 six working days from the day he or she expressed his or her intention.⁴¹ The authority which carried out the registration shall issue a certificate of registration of the applicant in the records of the Ministry, and shall, as necessary, set a time limit in which the applicant must report to the Reception Centre for Applicants for International Protection to lodge an application.⁴²

Applicants shall be permitted to lodge an application within the shortest possible time and no later than 15 days from registration of their status in the records of the Ministry of Interior.⁴³

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,⁴⁴ and shall issue a decision within six months of a duly completed application or a duly completed and admissible subsequent application.⁴⁵ The six-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 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 asylum (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. 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 of Interior shall issue a decision in an accelerated procedure within two months from the day the application or an admissible subsequent application is lodged. There are ten grounds for applying the accelerated procedure. The deadline for lodging an law suit according to the LITP is eight days from the day the decision is delivered, but the law suit has no suspensive effect.⁴⁶

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 March 2024, these are not applied in practice.⁴⁷

Appeal

⁴⁰ Article 33(9) LITP.

⁴¹ Article 33(10) LITP.

⁴² Article 33(11) LITP.

⁴³ Article 34(2) LITP.

⁴⁴ Article 35(1) LITP.

⁴⁵ Article 40(1) LITP.

⁴⁶ Article 41(5) and 51(1)(1) LITP.

⁴⁷ Information provided by the Ministry of Interior, 8 March 2024.

Negative decisions may be challenged before the Administrative Court within 30 days in the regular procedure, and eight days in the case of Dublin decisions, suspension of procedure, dismissal of applications or subsequent inadmissibility applications or the accelerated procedure. Law suits have automatic suspensive effect in the regular procedure, Dublin cases and in cases of subsequent applications if the application is not inadmissible, but not in the accelerated procedure and in some cases of dismissal.

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 makes 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 2023, according to the information from Croatian civil society organizations since entering into the Schengen area, push backs were not reported in such numbers as in previous years. However, in the second half of 2023 and at the end of 2023, an increase in push backs numbers was once more observed.

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

According to the Ministry of Interior, there were 69,726 irregular border crossings in 2023, thus marking an increase of 37,7% compared to 2022 when 50,624 irregular border crossing cases were recorded. The main countries of origin of persons apprehended while irregularly crossing the border were Afghanistan (22,100), Türkiye (13,480), Morocco (6,248), Pakistan (5,286), Iraq (4,095) and Syria (3,922). Out of this number, 54,026 persons were found in the depths of the territory, 13,727 were apprehended near the border, 1,134 at the border crossing point and 839 were accepted by the police of another state.⁴⁸

Ombudspersons reported that out of the total number of irregular border crossings, 6,059 decisions with a deadline for voluntary departure were issued, of which 1,192 voluntary departures from the Republic of Croatia were recorded, and 7,554 expulsion decisions were issued ordering applicants' forced removal.⁴⁹

As for readmission procedures, from mid-2022, the Ministry of Interior sends requests to Bosnia and Herzegovina and Serbia for the readmission of third-country nationals, in cases where there is irrefutable evidence in accordance with the bilateral readmission agreement with Serbia and Bosnia and Herzegovina, *i.e.*, the EU-Serbia readmission agreement, which began to be applied at the beginning of 2023. According to the Government, in the **first ten months of 2023**, **11,285** requests for the readmission of migrants were sent to BiH, of which 5,933 were answered positively, while **2,279 people** were returned.

⁴⁸ Ministry of Interior: Statistical overview of the fundamental safety indicators and work results in 2023, available at: <https://bit.ly/3KOMnAD>.

⁴⁹ Ombudswoman, Report of the Ombudswoman for 2023, available at: <https://bit.ly/3z1mwTf>.

In the same period, **663** requests for the readmission of migrants were sent to Serbia, of which 400 were answered positively, while **290 persons** were returned.⁵⁰ As Croatia entered the Schengen area from January 1, 2023, a system of surveillance at internal borders was established through the so-called compensatory measures. In the first ten months of 2023, through the aforementioned measures, 24,968 migrants who were issued a return decisions or who had previously expressed their intention to seek international protection were discovered, and were then directed to follow the return decision or return to the reception centre and were in that manner prevented from entering Slovenia irregularly.⁵¹

In June 2023, the Memorandum of Understanding between Croatia and Frontex was signed and aimed at establishing a collaboration in the return's procedures of third country nationals. For the implementation of return procedures, Frontex will deploy experts in Croatia for a period of 6 months who will provide technical assistance in identification, but also operational assistance in the implementation of voluntary and forced returns and promote voluntary returns.⁵²

Pushback practices reported by national and European NGOs and other actors

Although with entering into the Schengen area, push backs were not reported in such numbers as in previous years, pushback practices persisted throughout 2023, as reported by organisations such as the Danish Refugee Council (DRC), PRAB initiative, the Border Violence Monitoring Network (BVMN),⁵³ and the Centre for Peace Studies (CPS).

The **Ombudswoman** reported that in 2023, a significant decrease in the number of complaints on pushbacks to the ombudsperson was recorded. However, the Ombudswoman also observed that CSOs continued to report on the collected testimonies of persons being pushed back. The **Ombudswoman for Children** also reported that, according to DRC, out of total of 3,323 persons that were pushed back from Croatia to BiH in 2023, 10% were children.⁵⁴

According to the **Danish Refugee Council (DRC)**, 3,323 persons were pushed back from Croatia to Bosnia and Herzegovina (BiH) in 2023. Out of the total number of pushbacks, 825 persons reported denial to access the asylum system. 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.⁵⁵ UNHCR data further indicates that 89 persons were pushed back from Croatia to Serbia in 2023.⁵⁶

The **Centre for Peace Studies (CPS)** reported, that although CPS noted a continuation of push backs, they observed more legal, though not always humane police actions that led to an increase in the number of applicants for international protection. Notwithstanding, in the second half of 2023, CPS noticed an increase in the total number of pushbacks including those related to serious violence, theft and other violations of human rights. CPS also reported that problems with readmission procedures have been observed. Testimonies of persons expelled by readmission, as well as information from non-governmental organizations operating in BiH, cause concern that readmission procedures are being applied contrary to legislation and with the intention of denying access to the asylum system.⁵⁷

⁵⁰ Government of the Republic of Croatia, *Report on the situation of illegal migration in the territory of the Republic of Croatia for the period since Croatia's entry into the Schengen area*, available at: <https://bit.ly/3z72PcY>, 5.

⁵¹ Ibid., page 6.

⁵² Ministry of Interior: *Vice President Božinović presented the Memorandum of Understanding in the field of returns between the Republic of Croatia and Frontex*, 13 July 2023, available at: <https://bit.ly/4b4GuKj>.

⁵³ See, Border Violence Monitoring Network (BVMN), *Croatia*, available at: <https://borderviolence.eu/search/croatia/>.

⁵⁴ Ombudswoman, Report of the Ombudswoman for 2023, available in Croatian at: <https://bit.ly/4crt2kR>.

⁵⁵ Danish Refugee Council (DRC), *Border Monitoring Factsheets January- December 2023*, available in English at: <https://pro.drc.ngo/resources/documents/border-monitoring-factsheet/>

⁵⁶ UNHCR, *Serbia- Snapshots 2023*, available at: <https://www.unhcr.org/rs/en/country-reports>.

⁵⁷ Information provided by the Centre for Peace studies, 30 January 2024.

The **Border Violence Monitoring Network (BVMN)** also reported about a significant increase in pushbacks and other types of violence along the Bosnian-Croatian border in the second half of 2023.⁵⁸

In 2023, the organization **Borders:none**,⁵⁹ conducted research on the respect of the rights of refugees and persons seeking international protection in terms of access to international protection after Croatia entered the Schengen area. The research was conducted as part of the project "Better system, better respect for human rights", with financial support from Iceland, Liechtenstein and Norway within the framework of EEA grants through the Active Citizenship Fund. Based on the results of the research, recommendations were drawn up and sent to the competent institutions. Their recommendations for improvement of the system are as follows: ensure the provision of accurate and complete information when handing over the certificate of registration of applicants for international protection in the presence of interpreters/cultural mediators. The same should be applied when handing over return or expulsion decision; inform foreigners in the return procedure about their rights, especially regarding the right to free legal aid together with information on whom to contact in order to exercise that right; to protect minors when seeking international protection and/or when applying measures to ensure return of minors; and to strengthen the monitoring of the actions of police officers in order to prevent irregular treatment of migrants and protect their fundamental rights and dignity, especially taking into account that among migrants there are also unaccompanied minors and other vulnerable groups.

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. The report was published at the end of 2021, raising alarming concerns vis-à-vis police violence, notably in the context of pushback operations.⁶⁰

During the year 2023, reports of injured and dead migrants were also made.⁶¹

Push-back practices reported by the media

In April 2023, the media published information that from August 2019 until February 2020, the Croatian police, more specifically the group of their officials involved in so called Corridor 2 West operation, had been exchanging a large amount of data and photos of migrants caught irregularly crossing the Croatian border via the WhatsApp application.⁶²

The Minister of the Interior stated that the police WhatsApp group, part of whose content was made public, was intended for operational communication in the fight against migrant smugglers, and that all actions against migrants were officially recorded.⁶³

In its statement,⁶⁴ the Ministry of Interior stressed that they doubt the authenticity of the messages. They stressed that Operation Corridor is multi-annual action carried out by mobile operational teams made up of police officers from different branches of the police throughout the Republic of Croatia. They emphasized that the activities undertaken as part of the action Corridor are not directed towards migrants, but towards the perpetrators of criminal acts in which migrants are victims.

⁵⁸ BVMN, *Monthly Report- October 2023*, available at: <https://bit.ly/3VK6Ahj>.

⁵⁹ Information provided by Borders:None, 29 February 2024.

⁶⁰ 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/1680a4c199>.

⁶¹ See e.g., Radio Mrežnica, *Another migrant drowned in river Kupa*, 11 November 2023, available in Croatian at: <https://bit.ly/45oiKzH>; Telegram: *On the A3, two migrants were found in a truck trailer, one dead*, 19 June 2023, available in Croatian at: <https://bit.ly/3VqbDCe>.

⁶² Telegram, *Scandal in the Ministry of Interior: leaked WhatsApp messages of police chiefs, they mention deterrence of migrants*, 6 April 2023, available at: <https://bit.ly/3XrEskf>.

⁶³ Index, *Božinović o WA porukama policijskih šefova o migrantima: To je sve službeno*, 6 April 2023, available in Croatian at: <https://bit.ly/3L6uVYF>.

⁶⁴ Ministry of the Interior, *Action Corridor is directed against smugglers, and communication via an encrypted application within the circle of authorized persons is not disputed*, 6 April 2023, available in Croatian at: <https://bit.ly/3KLgA3r>; see also Mol, *Supplement to the press release on the Corridor action*, 6 April 2023, available in Croatian at: <https://bit.ly/3xkYwKm>.

Reactions from UN bodies and European human rights bodies

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.⁶⁵ 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**).

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.⁶⁶

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 focused on the implementation of the recommendations contained in the CPT's report on the 2020 ad hoc visit to Croatia, published on 3 December 2021.⁶⁷ No new information is available on potential measures taken to address the CPT's recommendations.

In October 2023, UN Committee on the Elimination of Racial Discrimination (CERD) published its *Concluding observations on the combined ninth to fourteenth periodic reports of Croatia*. CERD states that the Committee is concerned about reports of cases of expulsions and pushbacks of migrants, and of excessive use of force by law enforcement officials resulting in injuries and bodily harm and accordingly recommends to Croatia to refrain from conducting collective expulsions and pushbacks, provide access to its territory for persons in need of international protection, respect the principle of non-refoulement and conduct investigations into cases of collective expulsions, pushbacks and excessive use of force and violence by law enforcement officials against migrants, refugees and asylum-seekers.⁶⁸

In September 2023, the Council of Europe Expert Group on Action against Violence against Women and Domestic Violence (GREVIO) published its baseline evaluation report on Croatia.⁶⁹ GREVIO carried out an evaluation visit to Croatia from 17 to 21 October 2022. GREVIO's report contains a comprehensive analysis of the implementation of the provisions of the Istanbul Convention in Croatia. It acknowledges the steps taken by Croatia to comply with the Istanbul convention and identifies areas where progress is still needed. In its report on Croatia, GREVIO made some observations and recommendations which are

⁶⁵ 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>.

⁶⁶ 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>.

⁶⁷ 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>.

⁶⁸ United Nations, Committee on the Elimination of Racial Discrimination, *Concluding observations on the combined ninth to fourteenth periodic reports of Croatia*, CERD/C/HRV/CO/9-14, 2 October 2023, available at: <https://bit.ly/3xdOIYe>, 8.

⁶⁹ GREVIO, *(Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)-CROATIA*, 26 May 2023, available at: <https://bit.ly/4bdxB10>.

related to migrant and asylum-seeking women. Amongst other, GREVIO stated that it was alerted about the denial of access to the territory and asylum as well as of violence and misconduct by border police at the borders with Serbia and Bosnia and Herzegovina of sufficient severity to amount to inhuman and degrading treatment contrary to Article 3 of the European Convention on Human Rights. Those reports included incidents involving women, pregnant women, female-headed households, families with children and unaccompanied and separated children. GREVIO urges the Croatian authorities to urgently identify and take action in all cases of border police violence against women to provide justice for past abuse and ensure such abuse is not permitted to take place with impunity in the future.

In addition, GREVIO strongly encourages the Croatian authorities to take measures to ensure that improvements are made in the identification, processing and protection of migrant and asylum-seeking women who are or may become victims of gender-based violence. This includes, amongst other, ensuring that all women arriving at the border are allowed to have their claim for international protection recognized and recorded; collecting quantitative and qualitative data on the number of women arriving at the border; providing standard operating procedures and gender-sensitive guidance on identifying, interviewing, processing and determining claims of gender-based violence to all officials likely to encounter migrant women. The existing standard operating procedures relating to prevention and protection in accommodation centers may serve as a good model: ensuring that adequate information is provided to women seeking asylum at the borders, in landing settings, hotspots and reception facilities to increase their awareness of their vulnerabilities and rights, their right to redress in case of mistreatment by border guards or others and facilitating their access to general and specialist support services; and monitoring and evaluating the impact of the training provided to border and migration officials.

Litigation on pushback practices and relevant complaints

According to the Centre for Peace Studies, a group of refugees who were victims of a particularly brutal pushback from Croatia to Bosnia and Herzegovina (BiH) which involved severe violence and sexual abuse in October 2020, filed a new complaint to the Constitutional Court in April 2023 due to an ineffective and inadequate investigation of the pushback case, *i.e.*, two years have passed since the filing of the criminal complaint, and the state attorney's office has not opened an official investigation.⁷⁰

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*,⁷¹ the ECtHR's Grand Chamber panel of five judges rejected the Croatian request for referral and the judgement became final.⁷²

⁷⁰ Centre for Peace Studies, *Refugees file a lawsuit to the Constitutional Court of Croatia: more than two years without effective investigation into a brutal pushback case which included sexual assault*, 18 April 2023, available in English at: <https://bit.ly/3VsfzCk>.

⁷¹ 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>.

⁷² 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>.

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.⁷³ The plan concerns measures that the authorities have taken to bring the violations to an end and to provide redress to 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*.⁷⁴

In 2023, Centre for Peace Studies and the Human Rights House Zagreb prepared final recommendations for the execution of the judgment of *M.H. and Others against Croatia*.⁷⁵ With this second and last submission, the organizations gave proposals for measures to execute the judgment and prevent further violations of the human rights of refugees and other migrants in Croatia. The aim of submission is to inform the Committee of Ministers that the measures proposed by the Government are not sufficient for the appropriate implementation of the judgement. Centre for Peace Studies and the Human Rights House Zagreb, stated that individual measures have been ineffective and insufficient. Regarding the general measures, they stated that structural and complex problems amounting to systematic human rights violations have continued and are still ongoing in Croatia.⁷⁶

The Ombudsperson, as a member of the Expert Council for the execution of judgments and decisions of the ECtHR, proposed improvements to the Action Plan, judging that the proposed measures are not sufficient and do not address every conclusion and recommendation of international bodies and organizations to which the judgment refers. Given that the Ombudsperson's proposals were not adopted to a satisfactory extent, the Ombudsperson, as a national institution for the protection of human rights, used the possibility to communicate its remarks and proposals directly to the Committee of Ministers of the Council of Europe, which they did in September 2023. The Ombudsperson proposed the establishment of a specialized department or designation of persons specially in charge of these issues within the State attorney's offices, to deal with criminal charges against police officers. The Ombudsperson also proposed creating special protocols for such cases. Keeping in mind the numerous negative effects that deprivation of children's freedom has on their physical and mental health and development. The Ombudsperson recommended the development of a plan to ban the placement of children in reception centres for foreigners, especially in cases of long-term deprivation of liberty, as was the case with the brothers and sisters of the deceased girl in the case *M.H and Others v. Croatia*. The Ombudsperson also proposed providing attorneys at law with unimpeded and CSOs with effective access to reception centres for foreigners; establishing a system of accountability that would enable effective investigation of push-backs and collective expulsion of migrants; providing the institution of the Ombudsperson with systematic and continuous access to data; as well as a series of measures aimed at informing migrants about their rights.⁷⁷

The case is under enhanced supervision before the Committee of Ministers.⁷⁸

In its Annual Report,⁷⁹ the Committee of Ministers reported that it “examined *M. H. and Others v. Croatia, concerning inter alia the collective expulsion of a family of asylum-seekers along the railway line at the Croatian border with Serbia and the lack of effective investigation into the death of one of the children who was hit by a train, as well as the detention of the family in prison type conditions which violated the*

⁷³ 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>.

⁷⁴ 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>.

⁷⁵ Final 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*, 28 July 2023, available at: <https://bit.ly/3XscvZq>.

⁷⁶ Human Rights House Zagreb and the Centre for Peace Studies *RULE 9.2. COMMUNICATION in accordance with the Rules of the Committee of Ministers regarding the supervision of the execution of judgments and of terms of friendly settlements in the Case of M.H. and Others v. Croatia No. 15670/18 and 43115/18*, 18 July 2023, available in English at: <https://bit.ly/3VMzAVL>.

⁷⁷ Ombudswoman, Report of the Ombudswoman for 2023, available in Croatian at: <https://bit.ly/4crt2kR>.

⁷⁸ CoE, Department for the execution of judgements of the European Court of Human Rights, *Croatia: Main issues*, available at: <https://bit.ly/4evPXNN>.

⁷⁹ Committee of Ministers, *17th Annual Report of the Committee of Ministers*, 2023, available at: <https://bit.ly/4eG1xGf>, 55.

right of minor children under Article 3. It took note of the ex officio reopening of the criminal investigations on the circumstances leading to the death of the child and asked for the examination of all available evidence and proper involvement of the applicants and their legal representative in the investigation. The Committee welcomed the establishment of the independent border monitoring mechanism, the first of its kind in all member states, and noted also the efforts to make the asylum procedure more accessible, including the translation of the asylum information in various languages. The Committee invited the authorities to provide information on the steps taken to limit the detention of children in immigration centres with prison-type elements; and noted with interest the introduction of a regular ex officio judicial review of detention orders as well as a positive trend in the application of alternative measures to immigration detention and the efforts taken by the authorities to ensure the police, including the border police act with diligence in asylum proceedings.”

In 2022, a Rohingya child submitted complaints against Croatia and Slovenia at the UN Committee on the Rights of the Child 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 the 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.⁸⁰

1.2. Border monitoring

An independent monitoring mechanism (IMM) for border monitoring was established in Croatia in the summer of 2021.⁸¹

Initially IMM 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 to 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.⁸²

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.

⁸⁰ ECCHR, *Rohingya child challenges Croatia and Slovenia over violent pushbacks*, 6 July 2022, available at: <https://bit.ly/3PDQ0wG>.

⁸¹ 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>.

⁸² 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/3JGyjbs>.

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.⁸³ The first annual IMM's report covering period June 2021 - June 2022 was published in July 2022.⁸⁴ More information on IMM's findings can be found in the previous update of the present AIDA report.⁸⁵

Centre for Peace Studies reported that, until June 2023, no monitoring activity was carried out by IMM.⁸⁶ According to the Fundamental Rights Agency, IMM did conduct several border monitoring visits in 2023 but, due to funding issues, the analysis of these visits is pending.⁸⁷ The Ombudsperson reported that during 2023, IMM has published neither an annual nor semi-annual report on its work.⁸⁸

The Ombudsperson for children is a member of IMM's Advisory Board. In this capacity, during 2023, the Ombudsperson for children made recommendations to IMM in relation to the latter's activities. Although IMM continued to carry out monitoring activities in 2023, the Advisory Board was informed about IMM's financial difficulties and challenges. As a result, not all the objectives of IMM have been achieved in full nor has IMM worked in full potential.⁸⁹

In February 2023, the IMM organized a round table entitled "Compensatory measures" in the premises of the Croatian Red Cross. In addition to compensatory measures, the role and functioning of the IMM were also discussed. The head of the Coordination Committee of the IMM pointed out that the IMM is opening up more to the professional public, the non-governmental sector, and citizens in general. He also noted that unannounced visits to the green border have been defined with the Ministry of Interior, but with respect for the security situation. In response to the comment of the non-governmental organization Are You Syrious that unannounced visits to the green border should still be announced, it was pointed out that there is nothing problematic in this, considering that the terrain along the border can be mined and is also generally difficult to access, so accompaniment of police officers is solely for security purposes.⁹⁰

In 2023, UNHCR and the Croatian Law Centre in cooperation with the Ministry of Interior organised and held two workshops on access to the international protection system and protection of vulnerable groups for the border police officials. Lectures were held on the following topics: Human rights of the persons on the move and access to the asylum system, Recognition and protection of vulnerable groups, Techniques of interviewing vulnerable groups, Responsibility of police officers regarding the prevention of irregular migration. The lecturers were law professor and representatives of the UNHCR, Croatian Red Cross, Women's Room and CLC. Altogether, 40 police officer attended the trainings.

In 2023, the Directorate for European Affairs, International Relations, and European Union Funds of the Ministry of Interior adopted a Decision on the direct allocation of financial resources for the implementation of the project "Basic Rights Course for Border Police Officers" within the Integrated Border Management Fund. The purpose of the project is to strengthen the capacity of border police officers, to perform tasks of surveillance of the external border of the EU, applying the principles of fundamental human rights as

⁸³ 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>.

⁸⁴ Independent Monitoring Mechanism: 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>.

⁸⁵ AIDA, *Country Report: Croatia, 2022 Update*, June 2023, available at: <https://bit.ly/3xp0QQG>.

⁸⁶ Information provided by the Centre for Peace studies, 30 January 2024.

⁸⁷ FRA, Croatia's border monitoring mechanism meets, available at: <https://bit.ly/3VWGFnf>.

⁸⁸ Ombudswoman, Report of the Ombudswoman for 2023, available in Croatian at: <https://bit.ly/4crt2kR>.

⁸⁹ Ombudswoman for Children: Report of the Ombudswoman for Children for 2023, available in Croatian at: <https://bit.ly/3zeXcJw>.

⁹⁰ Croatian Red Cross, *Održan okrugli stol Nezavisnog mehanizma nadzora*, 9 February 2023, available at: <https://bit.ly/3RS7jRt>.

well as measures and actions undertaken to prevent and detect irregular entry and stay of persons as well as suppression of cross-border crime.⁹¹

1.3. 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,⁹² 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.

In 2019, 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).⁹⁴

A Decision on the resettlement of third-country nationals or stateless persons who meet the conditions for approval of international protection for 2019 entered into force in February 2019.⁹⁵ 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.⁹⁶

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 six months on average.

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 2022.⁹⁷ In accordance with the aforementioned decision, Croatia will participate in the relocation of 60 third-country nationals or stateless persons who meet the conditions for granting international protection from Greece, Cyprus, Italy, Malta and Spain. Based on that decision, on 1 March 2023, Croatia accepted 10 applicants for international protection from Italy, as part of voluntary programme of solidarity with EU Member states under great migration pressure. Applicants are citizens of the Ivory Coast (three married couples, one of whom has a minor child, and three single men). The mentioned persons arrived in Croatia accompanied by IOM employees.⁹⁸ According to information provided by IOM, in 2023, IOM assisted in the relocation of migrants from Italy to Croatia by purchasing travel tickets, organizing travel, stabilizing their health condition before departure, assisting in transit and operational escort.⁹⁹

In 2020, Croatia decided to take part in the relocation of unaccompanied children from Greece.¹⁰⁰ It was expected that relocation would take place in the course of 2021. Although the Croatian government

⁹¹ Ministry of Interior, *Basic rights course for border police officers*, 17 October 2023, available at: <https://bit.ly/4c7E8M0>.

⁹² Official Gazette 78/2015, 17 July 2015, available in Croatian at: <https://bit.ly/3xkl6So>.

⁹³ SHARE, *Integration Magazine*, April 2019, available in English at: <https://bit.ly/4cmAoWE>.

⁹⁴ EMN, *Bulletin*, November 2019, available at: <https://bit.ly/3KUi6Ad>.

⁹⁵ Official Gazette 16/2019.

⁹⁶ Official Gazette 88/2022, available at: <http://bit.ly/3ILCA5g>.

⁹⁷ Official Gazette 88/2022, available at: <https://bit.ly/3KNVO3f>.

⁹⁸ Ministry of Interior: *Ten people arrived in the Republic of Croatia as part of the relocation mechanism*, 3 March 2023, available in Croatian at: <https://bit.ly/4c5DxdR>.

⁹⁹ Information provided by IOM, 29 January 2024.

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>.

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

There is no humanitarian visa foreseen under Croatian legislation for persons in need of international protection.

From January 2022, Croatian Law Centre implemented the project "Complementary pathways for Southeast Europe - COMP4SEE". The project aimed 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.¹⁰⁷

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 border crossing points during the border control, and if already in the territory of the Republic of Croatia at a police administration or at a police station, within a reasonable time after entering the country. Intention can be expressed in Reception

¹⁰¹ Telegram, 'Telegram finds out: After the terrible fire in the migrant camp, the Government is preparing to accept 12 children', 12 September 2020, available in Croatian at: <https://bit.ly/3n6F36E>.

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

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

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

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

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

¹⁰⁷ Croatian Law Centre, *Complementary pathways for Southeast Europe -COMP4SEE*, available at: <https://bit.ly/3xklINi>.

Centre for Foreigners or in in extraordinary circumstances in order to allow access to the procedure for granting international protection in the Reception Centre for Applicants for International Protection.

In 2023, in total 68,114 intentions to lodge applications for international protection were expressed, out of which 1,516 were expressed by unaccompanied children.¹⁰⁸ Out of the total number of intentions, the largest number of intentions was expressed at border police stations (35,992). The rest were expressed at police stations (31,426), the Reception Centre for Foreigners in Ježevo (106), Transit Reception Centre in Tovarnik(61) and Trilj(19) airport and maritime police stations (464), police administrations (35), the Ministry of Interior (10) and in the Reception Centre for Applicants for International Protection (1).¹⁰⁹

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](#)).

Police officers, immediately following the expression of intention, shall take the applicant's fingerprints and shall photograph the applicant, establish the applicant's identity and the manner of arrival in Croatia, the travel route from the country of origin to Croatia, and personal circumstances of importance for assessing the reception and procedural guarantees.¹¹⁰ If due to justified reasons, police officers are unable to perform those tasks, such tasks shall exceptionally be performed by the officials of the Service for the reception and accommodation of applicants for international protection in the Reception Center for Applicants for International Protection.¹¹¹ Border officers, the police station / police administration, the Reception Centre for Foreigners or the Reception Centre for Applicants for International Protection shall register the applicant in the records of the Ministry of Interior no later than three working days from the day the applicant expressed the intention to apply for international protection. If the intention was expressed before other body, the Reception Centre for Applicants for International Protection shall register the applicant in the records of the Ministry within six working days from the day when he or she expressed his or her intention.¹¹² The authority which undertook the registration shall issue a certificate of registration of the applicant in the records of the Ministry and if necessary determine the time period within which he or she must report to the Reception Centre for Applicants for International Protection¹¹³ to lodge the application.¹¹⁴

The Border Directorate reported in 2018 that, according to Standard Operational Procedures (SOP) for the police in relation to the asylum procedure, police officers are not competent for assessing the reasons why international protection is sought.¹¹⁵ In addition, in an official note which is sent to the competent organisational unit of the Ministry of Interior, 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.

¹⁰⁸ Ministry of Interior, Statistics 2023, available at: <https://bit.ly/3Xr1uYp>.

¹⁰⁹ Information provided by the Ministry of Interior. 8 March 2024.¹¹⁰ Article 33(8) LITP.

¹¹⁰ Article 33(8) LITP.

¹¹¹ Article 33(9) LITP.

¹¹² Article 33(10) LITP.

¹¹³ 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.

¹¹⁴ Article 33 (11) LITP

¹¹⁵ Information provided by the Border Directorate, 17 August 2018.

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.¹¹⁶

The certificate proves that the person is registered in the information system of the Ministry of Interior as an 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 the registration.¹¹⁷

In addition, amendments to the LITP in 2023 introduced a new obligation for applicants, who have to undergo verification and identification of their identity and the country or region of origin, including language and dialect analysis with the possibility of using software technologies, with full respect for the principles of human dignity.¹¹⁸ If it is not possible to determine the identity and country of origin, the applicant shall undergo an examination, which may include a search of objects and data carriers such as computers and other electronic and mobile devices that the applicant carries, for the purpose of establishing their identity and country of origin. That examination shall be carried out by a person of the same sex with full respect for the principles of human dignity and physical and psychological integrity. The examination shall be carried out with the written consent of the applicant with full respect for the protection of personal data, and in case of denial of consent, it shall be considered that the applicant is not cooperating with the Ministry of Interior.¹¹⁹ However, at the moment, no information is available as to when this verification and identification of the identity and the country or region of origin - including language and dialect analysis or possible further examination - is realized i.e. whether it is realized in the phase of registration or lodging the application or later during the procedure. It then remains to be seen how this will be implemented in practice and how it will reflect on the procedure.

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.¹²⁰ 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.¹²¹

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;¹²² 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 two days of the time limit set for appearing at the Reception Centre, or for lodging an application.¹²³

¹¹⁶ Article 3(2) Ordinance on the forms and data collection in the procedure for international and temporary protection.

¹¹⁷ Article 3(3)-(5) Ordinance on the forms and data collection in the procedure for international and temporary protection.

¹¹⁸ Article 52(3) (3) LITP.

¹¹⁹ Article 52(6) (8) LITP.

¹²⁰ Article 34(2) LITP.

¹²¹ Information provided by the Ministry of Interior, 10 August 2018.

¹²² Information provided by the Ministry of Interior, 13 February 2018.

¹²³ Article 39(2)(1) LITP.

The procedure for international protection is initiated by lodging the application. The application for international protection must be submitted directly to the Reception Centre for Applicants for International Protection orally on record, and exceptionally in writing.¹²⁴

In 2023, out of 68,114 expressed intentions for international protection, only 1783 applications for international protection were submitted (1685 new applications and 98 subsequent). The top 5 countries of origin were: Russian Federation (636 new and 14 subsequent applications), Afghanistan (189 new and 8 subsequent applications), Turkey (178 new and 14 subsequent applications), Syria (154 new and 8 subsequent applications) and Burundi (91 new and 15 subsequent applications).¹²⁵

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,¹²⁶ for example where he or she is detained in the Reception Centre for Foreigners (pre-removal detention centre), the Transit Reception Centre for Foreigners or in prison.

In practice this means that usually 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. Amendments of the LITP from 2023, introduced a possibility of logging the application in writing. According to the explanation during the public consultations on the Amendments to the LITP, this exception will apply to applicants for international protection with certain health problems (e.g., deaf and hearing impaired or mute person).¹²⁷

All documents, including the minutes of the first interview or application in writing, 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.

Civil servants in the Reception Centre for Applicants for International Protection provide applicants with information on the procedures, their rights and obligations, and issue the applicants' identity card.

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.¹²⁸ The card is not issued if the person applies at the border.¹²⁹

However, Croatia is still a transit country as it is estimated that the majority of applicants for international protection leave the country very soon after expressing their intention to apply for international protection.

The Government reported (for the first 10 months of 2023) that Croatia is still a transit country as 97% of persons who expressed their intention to apply for international protection or even submitted an application for international protection have left/are trying to leave Croatia using irregular paths and want to go to Western Europe. At the same time, 47% of persons who have expressed their intention to apply

¹²⁴ Article 34(1) LITP.

¹²⁵ Information provided by the Ministry of Interior. 8 March 2024.

¹²⁶ Article 34(3) LITP.

¹²⁷ Public consultation on the Proposal of the Law on amendments to the Law on international and temporary protection, available in Croatian at: <https://bit.ly/3Rwr22E>.

¹²⁸ Article 62(1) LITP.

¹²⁹ Article 62(2) LITP.

for international protection never report to the reception centers for applicants of international protection seekers in Zagreb or Kutina.¹³⁰

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? ¹³¹	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3. Backlog of pending cases at the end of 2023:	1,620
4. Average length of the first instance procedure in 2023:	Not available

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. Articles 38-40 of LITP regulate the regular procedure.

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 if reasons for the accelerated procedure have been met;
- Dismisses a subsequent application as inadmissible; or
- Suspends the procedure.

The Ministry of Interior's Department for international protection procedures has the obligation to take a decision on the application for international protection within six months from its lodging. If no decision can be issued within six months, the applicant shall be informed of it 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 six-month time limit may be exceptionally prolonged for additional nine months and another three months. It may be extended for a further nine 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.

¹³⁰ Government of the Republic of Croatia: Report on the situation of illegal migration in the territory of the Republic of Croatia for the period since Croatia's entry into the Schengen area, available at: <https://bit.ly/3z72PcY>, 4.

¹³¹ Except for exclusion cases.

However, this time limit may be extended for a further three months exclusively in order to ensure the complete consideration of the application.¹³²

The Ministry of Interior does not keep records on the duration of the first instance procedure.¹³³

If it is justifiable to be expect that no decision will be issued within the time limits referred above on account of the temporary unsafe situation in the country of origin, the Ministry shall check the situation in the country of origin at least every six months and inform the applicant and the European Commission within a reasonable time of the reasons for failure to issue a decision. In that case, a decision must be issued no later than within 21 months from the day the application is lodged.¹³⁴

1.2. Prioritised examination and fast-track processing

Applications by unaccompanied children are prioritised as specified by the LITP.¹³⁵ Additionally, applications which may be approved on the basis of the established facts (meaning that international protection will be granted) also has priority in decision-making.¹³⁶

According to the Ministry of Interior, priority in the decision-making process is given to applications of unaccompanied children. However, in 2023, all decisions which related to unaccompanied children were decisions on suspension of the procedure. In addition, a prioritised examination is conducted in the cases of vulnerable groups, accelerated procedure, subsequent applications and for applicants with restricted freedom of movement.¹³⁷

1.3. Personal interview

Indicators: Regular Procedure: Personal Interview

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

After a short initial interview conducted by the officials from the Reception Centre for Applicants for International Protection for the purpose of lodging an application, a substantive interview is conducted by the Department for international protection procedure of the Ministry of Interior. According to the LITP, when the application has been lodged, the Ministry of Interior shall, as soon as possible, interview the applicant. During the interview, the applicant is obliged to present all circumstances relevant to the application for international protection, truthfully answer all questions, and submit all available evidence to support the application and give credible and convincing explanations of all the reasons behind the application for international protection.¹³⁸

Separate interviews are conducted for adult men and women from the same family. Accompanied children are covered by the application of one of the parents, *i.e.*, legal representative,¹³⁹ so interviews are not

¹³² Article 40 LITP.

¹³³ Information provided by the Ministry of Interior, 8 March 2024.

¹³⁴ Article 40 LITP.

¹³⁵ Article 17(9) LITP.

¹³⁶ Article 38(2) LITP.

¹³⁷ Information provided by the Ministry of Interior, 8 March 2024.

¹³⁸ Article 35(2) LITP.

¹³⁹ Article 16(2) LITP.

held with children. Exceptionally, a child older than 16 years of age who is married may take part independently in the procedure for granting international protection.¹⁴⁰

Officials of the Department for the international protection procedure are trained on interviewing technics and interviewing vulnerable persons. An unaccompanied child shall attend the interview in person in the presence of the special guardian.¹⁴¹ The procedure upon the application of an unaccompanied child shall be conducted by an official of the Ministry of the Interior trained to work with children.¹⁴²

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.¹⁴³ However, there is no information to what extent is this implemented in practice. The interpreter must be reliable, impartial and must translate truthfully and accurately during the procedure.¹⁴⁴

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.¹⁴⁵

The Ministry of Interior does not keep records of conducted interviews, however they reported that in 2023, for 12 applicants for international protection whose applications for international protection were rejected in accordance with Article 39, paragraph 4. of the LITP, the decisions were made without conducting an interview.¹⁴⁶ Article 39 regulates the suspension of procedure for international protection. However, paragraph 4 of Article 39 specifies that exceptionally the Ministry of Interior may, in the case referred to in paragraph 2, points 2 and 3 of Article 39 (*i.e.*, when it is deemed that the applicant has withdrawn the application if the applicant does not respond to the summons to an interview, and does not justify such absence within 2 days of the scheduled interview (point 2) or leaves the place of residence for longer than 2 days without the consent of the Reception Center for Applicants of International Protection (point 3)), reject the applicant's application if, on the basis of the established facts and circumstances, it assesses that the conditions for granting international protection have not been met.

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.¹⁴⁷

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.

The interview can also be held using audio-visual electronic devices. A record of the interview must be drawn up in accordance with the Law on general administrative procedure. The interview and oral statements given on the record may be recorded, of which the applicant is informed in advance. Recordings or transcripts of recorded interviews and oral statements constitute, together with the record of the interview, an integral part of the applicant's file.¹⁴⁸

In 2023, one interview was held via video conference. Ministry of Interior reported that the lack of interpreters for certain language is a constant challenge that mostly depends on the changes in the demographic structure of the applicants for international protection.¹⁴⁹

¹⁴⁰ Article 16(3) LITP.

¹⁴¹ Article 17(8) LITP.

¹⁴² Article 17(6) LITP.

¹⁴³ Article 14(3) LITP.

¹⁴⁴ Article 13(2) LITP.

¹⁴⁵ Article 35(8) LITP.

¹⁴⁶ Information provided by the Ministry of Interior, 8 March 2024.

¹⁴⁷ Article 35(6) LITP.

¹⁴⁸ Article 35 (10)- (13) LITP.

¹⁴⁹ Information provided by the Ministry of Interior, 8 March 2024.

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 *i.e.*, interpreter shall be provided for the language that the applicant may reasonably be presumed to understand and in which the applicant is able to communicate.¹⁵⁰ 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).

According to the knowledge of the Croatian Law Centre, there is no specific code of conduct for interpreters in the context of the 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.¹⁵¹ 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.

In 2023, it was observed that challenges occurred regarding translation in the procedure for international protection for applicants from Burundi as their interviews were conducted in the presence of an interpreter for the French language, instead of an interpreter for their mother tongue – Kirundi or Swahili. For many applicants with only a basic knowledge of the French language, this represented a challenge, as applicants expressed their fear that they would not be able to fully explain their reasons for seeking international protection.

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".¹⁵²

According to the Ministry of Interior,¹⁵³ the lack of interpreters for certain languages is a constant challenge that mostly depends on the variable demographic structure of the applicants. Therefore, within the

¹⁵⁰ Article 14(2) LITP.

¹⁵¹ Article 13 LITP.

¹⁵² Ministry of Interior,; 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" , available in Croatian at: <https://bit.ly/3VN3LMk>.

¹⁵³ Information provided by the Ministry of Interior, 8 March 2024.

framework of the project "Interpretation and Expanding the network of interpreters in the procedure for granting international protection", necessary activities are conducted to ensure the continuous availability of interpreters for the requested languages.

The LITP prescribes that interpretation can be provided by means of electronic telecommunications or audio-visual equipment.¹⁵⁴ In 2023, one interview was conducted via video conference.¹⁵⁵

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.

However, in the Ombudsperson report for 2023, it was reported that CSOs and attorneys at law pointed out that not all statements made by the applicant are recorded in the minutes compiled during the procedure, but the content of the statement is often summarized, so it can happen that important details are lost which may result in an improperly established factual situation, *i.e.*, an improper assessment that the applicant statement is incoherent, inconsistent or incorrect.¹⁵⁶

1.4. Appeal

Indicators: Regular Procedure: Appeal

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

❖ If yes, is it	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ If yes, is it suspensive	<input checked="" type="checkbox"/> Judicial	<input type="checkbox"/> Administrative
	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Some grounds <input type="checkbox"/> No
2. Average processing time for the appeal body to make a decision: 120¹⁵⁷

1.4.1. Appeal before the Administrative Court

Decisions of the Ministry of Interior may be challenged before the Administrative Court.¹⁵⁸ According to the law, the time limit for an applicant to lodge the lawsuit to the Administrative Court in the regular procedure is 30 days after the delivery of the decision of the Ministry of Interior.¹⁵⁹

In the Croatian Law Centre's experience, there is no information specifying that applicants face obstacles in challenging 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 matters, 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.

¹⁵⁴ Article 13 (7) LITP.

¹⁵⁵ Information provided by the Ministry of Interior, 8 March 2024.

¹⁵⁶ Ombudswoman: Report of the Ombudswoman for 2023, available in Croatian at: <https://bit.ly/4crt2kR>.

¹⁵⁷ This refers only to the average processing time at the Administrative Court of Zagreb in 2023. Waiting times may vary at other Courts. Nevertheless, in 2023, 39 out of the 42 lawsuits were dealt by the Administrative Court of Zagreb.

¹⁵⁸ Article 32(2) LITP.

¹⁵⁹ Article 24(1) Law on Administrative Disputes.

In 2023, the training of Administrative court judges, financially supported by UNHCR, was held. The topic of the training was appropriate gender considerations in the procedure for international protection and strict application of gender-sensitive procedures. A total of 9 judges and judicial advisors from the Administrative courts in **Zagreb, Osijek and Rijeka** and High Administrative Court participated at the training.

In 2023, the launch of the Croatian version of the HELP/UNHCR Course on Asylum and Human Rights took place. The launch was accompanied by a seminar organised by the Council of Europe HELP Programme in cooperation with the Croatian Judicial Academy. Around 25 participants from four Administrative Courts and the High Administrative Court, as well as the representative of the Ministry of Justice and Public Administration of Croatia registered to follow course. The course presented one of the Croatian authorities' measures to implement the ECHR judgment in *M.H. and Others v. Croatia*.¹⁶⁰

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.¹⁶¹

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 the Law on Administrative Disputes, includes 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.¹⁶² 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 2023:

Second instance decisions by Administrative Courts: 2023					
Category	Zagreb	Rijeka	Osijek	Split	Total
Accepted	5	0	0	0	5
Accepted - cases referred back to the Ministry of Interior	5	0	0	0	5
Rejected	25	2	0	0	27
Suspended	2	0	0	0	2
Case referred to other Administrative court	2	0	0	0	2
Pending	0	1	0	0	1
Total	39	3	0	0	42

Source: Administrative Court of Zagreb, 12 January 2024; Administrative Court of Rijeka, 19 January 2024; Administrative Court of Osijek, 29 January 2024; Administrative Court of Split, 30 January 2024.

¹⁶⁰ Council of Europe: Launch of HELP/UNHCR Course on Asylum and Human Rights for Croatian judges, available at: <https://bit.ly/4eu1QUs>.

¹⁶¹ 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.

¹⁶² Article 33 Law on Administrative Disputes.

As indicated above, almost all lawsuits were dealt with by the Administrative Court of **Zagreb** and more than half of them were rejected in 2023.

The average processing time for asylum cases before Administrative Court in Zagreb was 181 days in 2022 and 120 days in 2023. The average processing time for asylum cases before Administrative Court in Rijeka was 42 days.

1.4.2. Onward appeal before the High Administrative Court

Applicants may lodge a further appeal against the Administrative Court decision before a High Administrative Court. According to the Law on Administrative Disputes, the High Administrative Court shall reject the appeal as unfounded and uphold the first-instance judgment (i.e., the judgment of the Administrative Court) when determined that there are no reasons for the judgment to be challenged or that the reasons do not affect the adoption of a different decision. In addition, the High Administrative Court shall annul the first-instance judgment and shall solely remedy the deficiencies and resolve the matter by issuing a judgment if it determines that the administrative court has committed a substantial violation of the rules of court procedure, has erroneously or incompletely determined the factual state or has inaccurately applied the substantive law.¹⁶³ 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.¹⁶⁴ During 2023, the High Administrative Court received 17 appeals in international protection cases:

Onward appeal statistics: 2023	
Category	Number
Appeals received	17
Appeals rejected	14
Accepted	3
Total decisions	17

Source: High Administrative Court, 21 January 2024

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 and by the Ordinance on free legal aid in the procedure of granting international protection. 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).

¹⁶³ Article 74 (1) (2) Law on Administrative Disputes.

¹⁶⁴ Article 51(3) 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.¹⁶⁵ 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 items of significant value that enable him or her to have an appropriate standard of living shall have the right to legal counselling. According to the Ordinance on free legal aid in the procedure of granting international protection, 'items of significant value' refer to the applicant's belongings and to those of members of her/his household, which includes her/his real estate and movable property.¹⁶⁶

A public call under the AMIF fund for legal aid providers was published by the Ministry of Interior in September 2021.¹⁶⁷ 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 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.¹⁶⁸ The information contained in the mobile application is also available online: <https://rhprotection.mup.hr/hr/>. No new public call was published in 2023.

In 2023, 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 to applicants for international protection, was usually provided by telephone, mobile applications (WhatsApp) and e-mail or in CLC's office.

Centre for Peace Studies (CPS)¹⁶⁹ also provided legal support to applicants for international protection by telephone, mobile and e-mail or in CPS 's office. Free legal aid was also provided by Jesuit Refugee Service (JRS)¹⁷⁰ and Borders:none.¹⁷¹

1.5.2. Legal assistance in appeals

According to the LITP, free legal aid includes assistance in the preparation of a lawsuit to the Administrative Court and representation before the Administrative Court, i.e., in the first instance administrative court disputes,¹⁷² if requested by the applicant and foreigner under Dublin transfer, under the condition that they do not have sufficient financial resources or possessions of significant value.¹⁷³

¹⁶⁵ Article 59(3)-(6) LITP.

¹⁶⁶ Article 3 (5) Ordinance on free legal aid in the procedure of granting international protection.

¹⁶⁷ Public call in Croatian available at: <https://bit.ly/3pBuqeK>.

¹⁶⁸ <https://play.google.com/store/apps/details?id=hr.mup.rhprotection>

¹⁶⁹ Information provided by Centre for Peace Studies, 30 January 2024.

¹⁷⁰ Information provided by Jesuit Refugee Service, 5 February 2024.

¹⁷¹ Information provided by Borders:none, 15 January 2024.

¹⁷² Article 60(2) LITP.

¹⁷³ Article 60(1) LITP.

Legal assistance may be provided by attorneys at law and lawyers from organisations registered for providing legal assistance.¹⁷⁴

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 NGOs, who are then notified by the competent employee of the Ministry of Interior. Further communication takes place between the attorney and the applicant. The procedure is the same for applicants accommodated in the reception centers for applicants for international procedure and in the reception centers for foreigners.¹⁷⁵

Attorneys and lawyers from NGOs organise the interpreter (among those who have contract with the Ministry of Interior) for the appointment and then inform the Ministry of Interior.

In 2023, the number of requests for free legal aid was 79. However, the Ministry of Interior does not keep records on the types of procedures (*i.e.*, regular, accelerated etc.) for which free legal aid was requested.¹⁷⁶

Civil Rights Project Sisak emphasized as questionable and problematic the absence of criteria according to which providers of free legal aid are chosen by applicants for international protection from the list of providers of legal aid. They stressed that the rule of a certain number of representations during the year per authorized provider of free legal aid should be introduced.¹⁷⁷

The Administrative Court shall decide on the right to free legal assistance, and the amount of costs of legal assistance.¹⁷⁸ According to the Ordinance on free legal aid, the Administrative Court decides on the right to free legal assistance and takes into account the evidence on the financial status of the applicant, which is obtained *ex officio* by the Ministry of Interior during the first instance procedure on the one side and by compiling the form by the applicant on the other side. In practice that means that at the beginning of the first instance procedure, the applicant has to specify, by completing a form provided to them, if they carry any valuables with them, which is rarely the case.

In previous years, it was emphasised that this system of granting the right to legal aid at the end of the procedure is unfair as the full burden and risk is shifted to the provider of free legal aid. If, for any reason, the court does not endorse free legal aid, the provider will not receive anything and has completed the work without payment. This is still considered problematic in 2020 as reported by one attorney,¹⁷⁹ however no such observations were reported between 2021 and 2023.

The High Administrative Court took the view that free legal aid under the LITP covers only the drafting of the lawsuit and the hearing, and not the preparation of any further submissions which are sometimes needed, which also means that for such legal actions attorneys are not reimbursed.¹⁸⁰

In 2023, according to information provided by attorney at law, there were no problems with payments for free legal aid. However, the court still only approves the cost of drafting the lawsuit and the presence of an attorney at the hearing. Additional submissions by attorneys, such as those following after the response to the lawsuit by the Ministry of Interior, are generally considered unnecessary by the court with the explanation that the aforementioned could have been stated in the lawsuit (which is not true, because at the time of drafting of the lawsuit, the attorney cannot know what will be the Ministry of Interior's response to the lawsuit), or the court considers that additional submissions can be presented at the hearing (which is also not true when it comes to more extensive submissions with links to new reports on the situation in the country of origin (COI), etc., because then the hearing should take an additional 1-2 hours just to

¹⁷⁴ Article 60(4) LITP.

¹⁷⁵ Information provided by the Ministry of Interior, 8 March 2024.

¹⁷⁶ Information provided by the Ministry of Interior, 8 March 2024.

¹⁷⁷ Information provided by Civil Rights Project Sisak, 15 February 2024.

¹⁷⁸ Article 60(3) LITP.

¹⁷⁹ Information provided by an attorney-at-law, 26 January 2021.

¹⁸⁰ Information provided by an attorney-at-law, 3 January 2018.

dictate it in the minutes). Therefore, although the provider of free legal aid may consider it necessary to comment on the Ministry of Interior's response to the lawsuit or want to point to new COI reports, etc., would not do so, given that the court does not deem it necessary.¹⁸¹

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.¹⁸²

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.¹⁸³ 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.¹⁸⁴

2. Dublin

2.1. General

According to the Ministry of Interior,¹⁸⁵ in 2023, Croatia received the following incoming Dublin requests according to the categories: 30,716 request for re-acceptance (take back) and 2,496 requests for acceptance of responsibility (take charge). The Ministry of Interior highlighted that due to damage to the database and administrative burden, not all data has been updated and that deviations from the presented figures are possible

The majority of incoming take charge requests came from Germany (1,050), France (575), Switzerland (249), Belgium (238), Slovenia (126), Italy (114), Austria (59) and the Netherlands (31). According to the criterion of responsibility, the majority of incoming take charge requests were based on article 13 (2,348) of Regulation 604/2013 and the rest were based on Article 11 (46), Article 12 (28), Article 17 paragraph 2 (18), article 10 (8), Article 8 (2) and Article 16(1).

The majority of incoming take back requests came from Germany (14,277), France (6,282), Slovenia (3,279), Switzerland (2,413), Belgium (1,322), Austria (1,237), Italy (919), Netherlands (525) and Denmark (112). According to the criterion of responsibility, the majority of incoming take back requests were based on Article 18 paragraph 1b (30,506).

As for outgoing requests, in 2023, Croatia submitted 173 outgoing requests under the Dublin Regulation in the following categories: 1141 requests for reacceptance (take back) and 32 requests for the acceptance of responsibility (take charge). Most of the outgoing requests were sent to Bulgaria (48) Greece (31), Germany (26), France (18) and Poland (17). According to the criterion of responsibility, the outgoing take charge requests were based on Article 11 (9), Article 12 (9), Article 17 paragraph 2 (6), Article 13(5), Article 8 (2) and Article 10 (1), while outgoing take back requests were based on Article 18 paragraph 1b (140) and Article 18 paragraph 1d (1) .

The total number of accepted outgoing take charge requests was 3 (Germany 2 and Austria 1) and the total number of accepted outgoing take back requests was 54 (majority by Bulgaria- 36)

¹⁸¹ Information provided by an attorney-at-law, 15 February 2024.

¹⁸² Information provided by an attorney-at-law, 2 January 2018.

¹⁸³ Article 60(5) LITP; Article 11(8)-(9) Ordinance on free legal aid in the procedure of granting international protection.

¹⁸⁴ Article 11(8)-(9) Ordinance on free legal aid in the procedure of granting international protection.

¹⁸⁵ Information provided by the Ministry of Interior, 8 March 2024.

In 2023, there was an increase in both incoming and outgoing transfers compared to 2022. Croatia received a total of 897 incoming transfers mainly from Germany (278), Austria (193), Switzerland (159), France (117) and Belgium (87). 12 outgoing Dublin transfers were carried out to Bulgaria (4), Germany (3), Switzerland (2), Holland (1), Poland (1) and Slovenia (1).

During 2023, Belgium requested individual guarantees from Croatia for all approved incoming requests, while Slovenia and Denmark requested individual guarantees for some approved incoming requests. During 2023, Croatia requested individual guarantees from Bulgaria and Greece for outgoing requests.¹⁸⁶

Dublin statistics: 1 January – 31 December 2023

Outgoing Dublin transfers from Croatia		Incoming Dublin transfers to Croatia	
Total	1	Total	897
Bulgaria	4	Austria	193
Germany	3	Belgium	87
Holland	1	Bulgaria	1
Poland	1	Denmark	1
Slovenia	1	Finland	8
Switzerland	2	France	117
		Luxemburg	2
		Germany	278
		Holland	10
		Norway	9
		Poland	3
		Slovakia	6
		Slovenia	9
		Sweden	14
		Switzerland	159

Source: Ministry of Interior, available at: <https://bit.ly/3Xr1uYp>.

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 2023, the most common criterion for incoming requests was Art. 18, para. 1, item b) of the Dublin Regulation, while the requests were usually accepted by the Republic of Croatia in accordance with Article 20, paragraph 5, which means that the person was previously registered as an applicant for international protection, however after expressing his intention, has left the territory of Croatia on his own while the Dublin procedure was not yet carried out. Outgoing requests were usually sent to other member states based on EURODAC HIT under Art. 18, para. 1, item b).¹⁸⁷

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

¹⁸⁶ Information provided by the Ministry of Interior, 8 March 2024.

¹⁸⁷ Information provided by the Ministry of Interior, 8 March 2024.

implementation of family reunification within the Dublin procedure.¹⁸⁸ Following that, a standard operative procedure (SOP) has been drafted to contribute to the coordination in process of family reunification of unaccompanied minors.¹⁸⁹ There is no information available as to whether it has been implemented in practice in the period from 2021 to 2023.

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.

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.¹⁹⁰

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.¹⁹¹ This can also be a reason for the Ministry of Interior to issue a decision in an accelerated procedure (see section on [Accelerated Procedure](#)).¹⁹²

According to information provided by the Ministry of Interior in 2019 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.¹⁹³ Information is available in Arabic, English, Farsi, French, Croatian, Somali, Turkish, and Urdu.¹⁹⁴ 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*.¹⁹⁵ Authorities apply the Dublin procedure before the application for international protection is lodged, i.e., from the registration of the intention to apply for international protection,¹⁹⁶ and the three-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 two months from the Eurodac “hit”.

Transfers

According to the information provided by the Ministry of Interior, the time between submitting outgoing request and effective transfer to responsible member state in practice will depend on the circumstances of each case, but as a rule is no longer than 6 months. Requests which are sent based on a Eurodac hit must be sent within 2 months. In the case of “take charge” requests, the deadline for response is 2 months, and if it is a take-back request, the deadline for response is 2 weeks. The transfer is organized within 6

¹⁸⁸ At the time of the meeting, the name of the Ministry was still the Ministry for Demography, Family, Youth and Social Policy.

¹⁸⁹ EMN, *Bulletin number 31*, August 2020, available at: <https://bit.ly/3XsnB0v>.

¹⁹⁰ Article 33(6) LITP.

¹⁹¹ Article 33(7) LITP.

¹⁹² Article 41(1)(10) LITP.

¹⁹³ Information provided by the Ministry of Interior, 28 January 2019.

¹⁹⁴ Information provided by the Ministry of Interior, 28 January 2019.

¹⁹⁵ CJEU, Judgment of the Court (Grand Chamber) in Case C-670/16, 26 July 2017, available at: <https://bit.ly/4cl8U3y>.

¹⁹⁶ Information provided by the Ministry of Interior, 10 August 2018.

months from the day of the positive response, *i.e.*, acceptance of the request, or final decision on appeal or review in case of suspension effect.

In the decision on acceptance of responsibility for an individual person, each member State states the conditions of transfer according to which accepted persons should be transferred. Transfers are announced using standardized forms, within the prescribed announcement deadlines. The most frequently used method of transfer from Croatia, as well as to Croatia, is by plane accompanied by police officers. Transfers in Croatia are carried out by land, as a rule, with Slovenia, and in some cases also with Austria, in cases of transfer of families if airline tickets for the same plane are not available.

If it is determined that Croatia is responsible, the member state that sent the request is obliged to organize the transfer. A transfer is announced for each person and the transfer date is confirmed. The border crossing where the person will arrive and the Service for the Reception and Accommodation of Applicants for International Protection are informed, for prior organization of adequate reception and accommodation. During 2023, the largest number of persons were transferred from Germany, Austria, Switzerland, France and Belgium.

All transfers of adults, including voluntary transfers, are accompanied by police officers, as Croatia Airlines requires an escort in all transfer cases to avoid possible inconvenience on the plane. According to experience so far, people agree to transfer to almost all member states, except to Greece and Bulgaria.

Unaccompanied minors travel accompanied by special guardians, and since these are voluntary transfers, the accompaniment of police officers is not required.

The costs necessary for the transfer are covered by the member state carrying out the transfer.

The Ministry of Interior reported that in 2023, no problems occurred with persons awaiting transfers to other member states and the restriction of freedom of movement was not used with the purpose of implementing Dublin transfers.

The Ministry of Interior also reported that with the entry into the Schengen area during 2023, the number of accepting responsibility for examining requests for international protection increased.

During 2023, the major challenge was the increased number of incoming requests, which resulted in an increase of transfers to Croatia. This caused a significant increase in the administrative burden on officials. Some member states organized charter flights to Croatia for the reasons of procedural economy and simplicity, which required additional commitment and efforts from the Service for International Protection, the Border Directorate and the Service for the Reception and Accommodation of Applicants for international protection.¹⁹⁷

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.

Some examples of relevant case law from different EU countries on appeals against decisions allowing Dublin transfers to Croatia can be mentioned.

Denmark: The Denmark Refugee Appeals Board confirmed two Dublin transfers to Croatia on the condition of guarantees of being provided access to the asylum procedure.¹⁹⁸ The Refugee Appeals Board upheld the Danish Immigration Service's decision to transfer an applicant to Croatia on the condition of the Immigration Service obtaining a guarantee from the Croatian authorities that the applicants' asylum case would be admissible in Croatia. With regard to the reception conditions for asylum applicants, the

¹⁹⁷ Information provided by the Ministry of Interior, 8 March 2024.

¹⁹⁸ Denmark, Refugee Appeals Board [Flygtningenævnet], Applicants v Immigration Service, Dub-Kroa/2023/1, March 2023.

board considered that there were no grounds to believe that there were general systemic flaws which would result in a risk of inhuman or degrading treatment as defined in Article 4 of the EU Charter.¹⁹⁹

Germany: The German Higher Administrative Court of Lower Saxony decided that, despite information on pushbacks in Croatia, there are no systemic deficiencies in the asylum system regarding Dublin returnees.²⁰⁰ BAMF lodged an onward appeal against a decision of the Regional Administrative Court of Hanover to cancel the Dublin transfer of several family members of Afghan nationals to Croatia on grounds that the asylum system in Croatia had systemic weaknesses due to violent pushbacks and illegal chain deportations. The Higher Administrative Court of Lower Saxony overturned the decision and held that, even though country information on the situation in Croatia showed that there were allegations of repeated pushbacks from Croatia to Serbia or Bosnia-Herzegovina, there was insufficient evidence that these violations occurred for Dublin returnees.²⁰¹

On - 8 May 2023, the Administrative Court of Braunschweig delivered its decision 2 A 269/22.²⁰² The case concerned an Iraqi couple with six children who applied for asylum in Germany. Their asylum claims were rejected because they already submitted an asylum application in Croatia. Germany submitted take-back requests which were accepted by the Croatian authorities hence Germany issued deportation orders supplemented by entry-bans.

The Court first declared that arbitrary returns have been an integral part of Croatia's interior migration management. It noted the systemic deficiencies in Croatia's asylum system as the authorities regularly push asylum applicants back across the European Union (EU) external border without individually examining their asylum applications or deport them to Serbia and Bosnia and Herzegovina as part of chain deportations or collective expulsions. Due to available evidence, the mutual trust principle has been permanently shaken by the proven systemic deficiencies in Croatia's asylum system and reception conditions. The Court emphasized that artificially separating risks to be faced by the Dublin returnees from those faced by the other asylum applicants is only justified if returnees are not threatened by them. However, trust in guarantees provided by Croatia is no longer justified, and a lack of independent knowledge by German authorities cannot be relied upon as it is the responsibility of the Member States to conduct investigations. The Court therefore ruled that there is a considerable risk that the applicants will be denied access to the asylum procedure if returned to Croatia while highlighting that there are insufficient indications that the cases of children might receive more consideration. Hence, the Court ruled that the deportation orders and entry-bans are unlawful.²⁰³

Netherlands: In the Netherlands, the District Court of the Hague seated in Amsterdam annulled a decision on a Dublin transfer to Croatia, considering that the State Secretary had not sufficiently investigated the situation for Dublin transferees, in light of reports of pushbacks and ill treatment in the Member State.²⁰⁴ Court ruled that the State Secretary had insufficiently investigated the risk of violation of Article 3 of the ECHR and had not reasoned adequately that the principle of mutual trust can be relied upon.²⁰⁵

In another case, the District Court of the Hague seated in Roermond ordered an interim measure not to implement a Dublin transfer to Croatia and stayed the proceedings, awaiting the judgment of the CJEU in a case concerning questions relevant to the current case.²⁰⁶ The Court stated that general country information and ECtHR case law showed that Croatia had carried out pushbacks on a large scale over a long period of time. The court noted that the information provided by the Croatian authorities was insufficient to determine whether the principle of mutual trust could be relied upon. The court also stated that questions on the legality of transfers to Poland referred for a preliminary ruling in the case NL22.6989

¹⁹⁹ EUAA: Quarterly Overview of Asylum Case Law, June 2023, available at: <https://bit.ly/4afU2TB>, 15.

²⁰⁰ Germany, Higher Administrative Courts (Oberverwaltungsgerichte/Verwaltungsgerichte), Federal Office for Migration and Refugees (BAMF) v Applicants, No 10 LB 18/23, 11 October 2023.

²⁰¹ EUAA: Quarterly Overview of Asylum Case Law, December 2023, available at: <https://bit.ly/3z29dC2>, 14.

²⁰² Lower Saxony Administrative Court, Verwaltungsgericht Braunschweig Urt. v. 08.05.2023, Az.: 2 A 269/22, 8 March 2023, available at: <https://bit.ly/3VvdNQV>.

²⁰³ ECRE: Germany: Court revokes Dublin decision regarding the return of an Iraqi family to Croatia due to the risk of summary return; available at: <https://bit.ly/3VudtlB>.

²⁰⁴ Netherlands, Court of The Hague [Rechtbank Den Haag], Applicant v State Secretary for Justice and Security (Staatssecretaris van Justitie en Veiligheid), NL23.7025 and NL23.7026, 6 June 2023

²⁰⁵ EUAA: Quarterly Overview of Asylum Case Law, September 2023, available at: <https://bit.ly/3RVjWVN>, 13/14.

²⁰⁶ Netherlands, Court of The Hague [Rechtbank Den Haag], Applicant v State Secretary for Justice and Security (Staatssecretaris van Justitie en Veiligheid), NL23.12018, 2 June 2023.

(15 June 2022) were relevant to this case. The court therefore decided to stay the proceedings until the questions are answered by the CJEU, and to suspend the contested transfer decision until the appeal has been decided.²⁰⁷

In another case, the Council of State ruled that the interstate principle of mutual trust can be applied to a Dublin transfer to Croatia.²⁰⁸ An Iranian national contested a decision on a Dublin transfer to Croatia, and the Court of the Hague ruled that the State Secretary wrongly relied on the principle of interstate mutual trust and mentioned the assessment made by the Council of State in the ruling of 13 April 2022. Upon an onward appeal by the State Secretary, the Council of State clarified that the interpretation of the previous ruling was important for the assessment of information submitted by the Croatian authorities and that, in its ruling from 13 April 2022, the Council of State referred the case back for further investigation. The Council of State noted that the investigations conducted by the State Secretary led to the conclusion that the principle of mutual trust can be applied with regard to Croatia and the Dublin transfer would not entail a violation of the EU Charter and the ECHR.²⁰⁹

Slovenia: In Slovenia, the Supreme Court upheld the Ministry of the Interior's appeal in the case of a Dublin transfer to Croatia,²¹⁰ concluding that there were no procedural shortcomings or systemic deficiencies in Croatia's asylum system.²¹¹ The Slovenian Supreme Court reversed the Administrative Court decision and ruled that, in accordance with the Dublin III Regulation, the applicant would be considered as an applicant for international protection upon transfer to Croatia.²¹² Due to several concerns about the applicant's access to the asylum procedure in Croatia, the Administrative Court upheld the applicant's appeal against a Dublin transfer and referred the case back to the Ministry of the Interior for re-examination. The Ministry of the Interior appealed the decision to the Supreme Court, which allowed it on the grounds that Croatia's acceptance and processing of the application for international protection in this case was not flawed, despite findings that may indicate systemic deficiencies in the asylum procedure. The court stated that despite some findings that may indicate deficiencies in the asylum procedure, however, the applicant did not adduce substantial evidence to prove systemic deficiencies and a real and personal risk of inhuman or degrading treatment.²¹³

In another case, Slovenian Supreme Court dismissed the applicant's appeal against a decision on a Dublin transfer to Croatia on the grounds that Croatia had fulfilled the requirements for readmission.²¹⁴ In an appeal against the lower court decision confirming a decision on a Dublin transfer to Croatia, the Supreme Administrative Court also confirmed the contested transfer. The Supreme Administrative Court took into account that the applicant had already been involved in the international protection procedure in Croatia as his fingerprints were in the Eurodac database. Also, the applicant was considered an asylum seeker and had been informed about the procedure in a language that he understood, and he had received an invitation for an interview. The Supreme Administrative Court concluded that it could not therefore be refuted that Croatia had fulfilled the requirements for readmission.²¹⁵

Switzerland: The Swiss Federal Administrative Court rejected an appeal against a Dublin transfer to Croatia, considering that Dublin transferees have access to the asylum procedure in Croatia.²¹⁶ Despite reports of pushbacks and several issues related to access to the asylum procedure in Croatia, the Federal Administrative Court ruled that the situation for Dublin transferees is different.²¹⁷

²⁰⁷ EUAA: Quarterly Overview of Asylum Case Law, September 2023, available at: <https://bit.ly/3RVjWVN>, 14.

²⁰⁸ Netherlands, Council of State [Afdeling Bestuursrechtspraak van de Raad van State], State Secretary for Justice and Security (Staatssecretaris van Justitie en Veiligheid) v Applicant, 202303599/1/V3, 13 September 2023.

²⁰⁹ EUAA: Quarterly Overview of Asylum Case Law, December 2023, available at: <https://bit.ly/3z29dC2>, 15.

²¹⁰ Slovenia, Supreme Court [Vrhovno sodišče], Ministry of the Interior v Applicant, VS00067263, 7 June 2023.

²¹¹ EUAA: Quarterly Overview of Asylum Case Law, September 2023, available at: <https://bit.ly/3RVjWVN>, 14.

²¹² Slovenia, Supreme Court [Vrhovno sodišče], Ministry of the Interior v Applicant, VS00069932, 6 September 2023.

²¹³ EUAA: Quarterly Overview of Asylum Case Law, December 2023, available at: <https://bit.ly/3z29dC2>, 13.

²¹⁴ Slovenia, Supreme Court [Vrhovno sodišče], Applicant v Ministry of the Interior, VS00070338, 21 September 2023.

²¹⁵ EUAA: Quarterly Overview of Asylum Case Law, December 2023, available at: <https://bit.ly/3z29dC2>, 14.

²¹⁶ Switzerland, Federal Administrative Court [Bundesverwaltungsgericht - Tribunal administratif fédéral - FAC], A. v State Secretariat for Migration (Staatssekretariat für Migration – SEM), E-1488/2020, 22 March 2023.

²¹⁷ EUAA: Quarterly Overview of Asylum Case Law, June 2023, available at: <https://bit.ly/4afU2TB>, 15.

In another case, the Swiss Federal Administrative Court confirmed a Dublin transfer to Croatia,²¹⁸ considering that asylum applicants have access to reception conditions and the asylum procedure. After Croatia accepted Switzerland's request to take charge of the applicant, the applicant appealed against this decision, invoking health issues, claiming there were systemic deficiencies in the reception system and the asylum procedure in Croatia, and that she risked facing illegal pushbacks. The Federal Administrative Court found that the applicant had not demonstrated that she suffered from health issues or that the conditions in Croatia were such that her transfer could lead to a breach of Articles 3 or 4 of the EU Charter or Article 3 of the ECHR.²¹⁹

Similarly, the Swiss Federal Administrative Court rejected an appeal against a decision on a Dublin transfer to Croatia, finding insufficient evidence of a risk for illegal expulsion or inhuman or degrading treatment.²²⁰ A Turkish national challenged a decision on a Dublin transfer to Croatia before the FAC, claiming that the Croatian authorities prevented him from applying for asylum, denied him food and water for several hours, and threatened to deport him to Bosnia and Herzegovina. The applicant submitted a Human Rights Watch report that detailed shortcomings in the asylum system and alleged abuse of asylum seekers by government officials. The FAC cited a previous judgment, *A. v State Secretariat for Migration*, in which it concluded that there was insufficient evidence to suggest that those who were transferred under the Dublin procedure would be forcibly removed from Croatia without the opportunity to apply for asylum. Moreover, the court found that there was no evidence to suggest that the applicant would be subjected to cruel or inhuman treatment. As a result, the court found no reason to annul the transfer or apply Article 17(1) of the Dublin III Regulation.²²¹

2.3. Personal interview

Indicators: Dublin: Personal Interview

Same as regular procedure

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

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

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

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

²¹⁸ Switzerland, Federal Administrative Court [Bundesverwaltungsgericht - Tribunal administratif fédéral - FAC], Applicant v State Secretariat for Migration (Staatssekretariat für Migration – SEM), E-2694/2023, 7 June 2023. EUAA: Quarterly Overview of Asylum Case Law, September 2023, available at: <https://bit.ly/3RVjWVN>, 15.

²²⁰ Switzerland, Federal Administrative Court [Bundesverwaltungsgericht - Tribunal administratif fédéral - FAC], Applicant v State Secretariat for Migration (Staatssekretariat für Migration – SEM), F-3303/2023, 16 June 2023.

²²¹ EUAA: Quarterly Overview of Asylum Case Law, September 2023, available at: <https://bit.ly/3RVjWVN>, 15.

2.4. Appeal

Indicators: Dublin: Appeal

Same as regular procedure

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

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

The decision on the transfer includes the grounds for the application of the Dublin Regulation and information on how to lodge a lawsuit against the decision. The lawsuit, for which applicants receive free legal assistance, must be lodged before the Administrative Court within eight days from the delivery of the decision.²²²

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,²²³ the procedural guarantees and the recognition rates in the responsible Member State when reviewing the Dublin decision. In 2021, as reported by one attorney, there was a 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.²²⁴

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, 2022 and 2023.²²⁵

²²² Article 43(3) LITP.

²²³ Information provided by the attorney at law, 21 January 2020.

²²⁴ Information provided by the attorney at law, 11 January 2022.

²²⁵ Information provided by the Administrative Court in Zagreb, 31 January 2022.; 23 January 2023., 12 January 2024.

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 No²²⁶
 - ❖ 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,²²⁷ 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 2017.²²⁸

In 2023, 31 outgoing requests were sent to Greece, out of which 28 were outgoing take back requests.²²⁹

More about the suspensions of transfers to Croatia can be found above under: **Transfers**

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.²³⁰

²²⁶ State funded free legal aid for applicants for international protection before the Ministry of Interior ended on 31 March 2020.

²²⁷ Article 60(2) LITP.

²²⁸ Information provided by the Ministry of Interior, 10 August 2018.

²²⁹ Information provided by the Ministry of Interior, 8 March 2024.

²³⁰ ECRE, *Balkan route reversed*, December 2016, p. 30, available at: <https://bit.ly/3mWZAyE>.

For persons whose applications would be considered as subsequent applications, the admissibility of the subsequent application must be assessed based on the facts and evidence it contains, and in connection with the facts and evidence already used in the previous procedure. The LITP states that a subsequent application by a foreigner under a 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. The subsequent application must be comprehensible and contain the relevant facts and evidence which arose after the decision on their initial application has become final, or which the applicant, for justified reasons, did not present during the previous procedure relating to establishing the fulfilment of the conditions for approval of international protection. The admissibility of the subsequent 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. When it is established that the subsequent application is inadmissible, the Ministry of the Interior shall decide on the subsequent application no later than within 15 days from the day of receiving it. The subsequent application shall be dismissed if it is established that it is inadmissible. When it is established that the subsequent application is admissible, a decision shall be issued once again on the substance of the application, and the previous decision is revoked. The Ministry of the Interior shall then issue a decision in an accelerated procedure no later than within 2 months from the day an admissible subsequent application is lodged.²³¹

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. Applicants for international protection 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.²³²

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](#)).²³³

According to MDM- BELGIQUE, in 2023, a greater number of Dublin arrivals of applicants for international protection from other EU countries to Croatia were recorded and it was observed that the transfer of persons with serious illnesses does not include the transfer of their medical documentation, which delays the continuation of treatment and continuity of care for the most vulnerable applicants for international protection who came to Croatia from other countries based on the Dublin III Regulation.²³⁴

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:²³⁵

²³¹ EUAA: Information on procedural elements and rights of applicants subject to a Dublin transfer to Croatia, available at: https://euaa.europa.eu/sites/default/files/2023-05/factsheet_dublin_transfers_hr.pdf

²³² Swiss Refugee Council, Situation of asylum seekers and beneficiaries of protection with mental health problems in Croatia, available at: <https://bit.ly/3DZ09MS>.

²³³ ECRE, *The implementation of the Dublin III Regulation in 2020*, September 2021, available at: <https://bit.ly/3xjuHYr>.

²³⁴ Information provided by MDM-BELGIQUE, 23 February 2024.

²³⁵ Article 43(1) LITP.

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

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

In case of a subsequent application,²³⁶ 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 issued 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 comprehensible and does not contain relevant facts and evidence which arose after the decision on the first application 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 2023, the Ministry of Interior dismissed 11 applications as follows: for one applicant from Iran the decision was made on the basis of Art. 43, para. 1, item 1 of the LITP (granted international protection in another EEA Member State), for one applicant from Romania on the basis of Art. 43, para. 1, item 6 of the LITP (application submitted by a national of an EU Member State), for nine applicants (Algeria-2, Burundi-3, Egypt-1, Guinea-1, Nigeria-1, Turkey-1) 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).²³⁷

3.2. Personal interview

Indicators: Admissibility Procedure: Personal Interview

Same as regular procedure

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

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

2. Are interviews conducted through video conferencing? Frequently Rarely Never

The interview is conducted by the Ministry of Interior (i.e., by decision makers from the Department for International Protection Procedure). According to the LITP, the personal interview would not be undertaken if the admissibility of a subsequent application is being assessed.²³⁸ In such cases, usually only the applicant makes the application in writing i.e., fills in the form stating the reasons for their subsequent application and explaining why those reasons were not mentioned in the previous procedure. If the person is illiterate, this can be done orally on the record.

²³⁶ Article 47 LITP.

²³⁷ Information provided by the Ministry of Interior, 8 March 2024.

²³⁸ Article 35(8)(3) LITP.

3.3. Appeal

Indicators: Admissibility Procedure: Appeal

Same as regular procedure

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

According to the LITP the deadline for appealing a dismissal decision before the Administrative Court is eight days after the delivery of the decision of the Ministry of Interior.²³⁹

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.²⁴⁰

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 representation before the Administrative Court,²⁴¹ if requested by the applicant (see section on [Regular Procedure: Legal Assistance](#)).

3.1. Suspension of returns for beneficiaries of protection in another Member State

No information is available on suspension of returns for beneficiaries of protection in another Member State.

²³⁹ Article 43(3) LITP.

²⁴⁰ Article 51(1)(2)-(3) LITP, citing Article 43(1)(1)-(2) and Article 43(2) LITP.

²⁴¹ Article 60 LITP.

4. Border procedure (border and transit zones)

4.1. General (scope, time limits)

Indicators: Border Procedure: General

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

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

At the moment, the border procedure provided under the LITP does not take place in those two centres. According to information provided by the Ministry of Interior in March 2024, the border procedure is not being applied in Croatia.²⁴²

According to the LITP, the border procedure would be applicable to foreigners who express the intention of lodging an application or make a 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 in accordance with Article 43 LITP.²⁴³

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.²⁴⁴

4.2. Personal interview

As border procedures is not conducted at the moment, no information can be provided on personal interviews.

²⁴² Information provided by the Ministry of Interior, 8 March 2024.

²⁴³ Article 42(1) LITP. Article 43 LITP establishes: "(1) The Ministry shall render a decision dismissing an application if: 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 country whose rights they still enjoy, including the guarantees arising from Article 6 of this Act, provided that the applicant will be received back into that country; 3. it is possible to apply the concept of a safe third country pursuant to Article 45 of this Act; 4. it is possible to apply the concept of a European safe third country, pursuant to Article 46 of this Act; 5. the responsibility of another member state of the European Economic Area to examine the application has been established; 6. the application was lodged by a national of a Member State of the European Union. (2) The Ministry shall render a decision to dismiss a subsequent application if it assesses that it is inadmissible pursuant to Article 47, paragraph 6 of this Act. (3) No appeal is permitted against a decision to dismiss an application or subsequent application, but it is possible to bring law suit before the Administrative Court pursuant to Article 51 of this Act within eight days of the day of service of the decision."

²⁴⁴ 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 Yes No
❖ If yes, is it suspensive Judicial Administrative
 Yes Some grounds No

The border procedure is foreseen by the LITP, but it is not applied in practice. By law, lawsuits against decisions in the border procedure have a suspensive effect,²⁴⁵ 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 five days from the day of the delivery of the decision. The Ministry shall deliver the case file no later than eight days from the day of receipt of the decision by which the Administrative Court requests the case file. The Administrative Court shall issue a judgment within eight days from the day of receipt of the case file.²⁴⁶

4.4. Legal assistance

Indicators: Border Procedure: Legal Assistance

Same as regular procedure

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

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

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

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

According to the LITP, applicants in all types of procedures shall have access to free State-funded legal aid in the preparation of a lawsuit to the Administrative Court, including representation before the Administrative Court if so requested by the applicants. However, this could be restricted, as the LITP allows the possibility to temporarily restrict access to locations where border procedure is conducted (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.²⁴⁷

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:²⁴⁸

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;

²⁴⁵ Article 51(1) LITP:

²⁴⁶ Article 42(6) LITP.

²⁴⁷ Article 42(3) LITP.

²⁴⁸ Article 41(1) LITP.

3. The applicant in bad faith has probably acted and destroyed documents that establish identity and/or nationality with the aim to provide false information about his or her identity and/or nationality;
4. The applicant has presented inconsistent, contradictory, manifestly inaccurate or unconvincing statements contrary to the verified information on the country of origin, rendering his/her application unreliable;
5. A subsequent application is admissible;
6. The applicant has already resided for a longer period of time in the Republic of Croatia and for no justifiable reason failed to express his or her intention to apply for international protection earlier;
7. The applicant expressed the intention to apply for international protection for the clear purpose of postponing or preventing the enforcement of a decision which would result in his or her expulsion from the Republic of Croatia;
8. The applicant represents a risk for the national security or public order of the Republic of Croatia;
9. It is possible to apply the concept of **Safe Country of Origin**; or
10. The applicant has refused to give fingerprints.

The Department for International Protection Procedure within the Ministry of Interior is responsible for taking decisions in accelerated procedures. The LITP has set a two-month deadline for completing the accelerated procedure, failing which the application is transferred to the regular procedure.²⁴⁹

The provisions of LITP related to accelerated procedure 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.²⁵⁰ Those provisions shall neither apply to applications of unaccompanied children, except when a subsequent application is admissible; or the applicant represents a risk to the national security or public order of the Republic of Croatia; or it is possible to apply the concept of a safe country of origin.²⁵¹

In 2023, 2 applications for international protection were processed in accelerated procedure (one national of Monte Negro, one national of Serbia) based on the concept of **safe country of origin**. During 2023, neither applications from unaccompanied minors, nor from applicants in need of special procedural guarantees were processed in the accelerated procedure.²⁵²

5.2. Personal interview

Indicators: Accelerated Procedure: Personal Interview

Same as regular procedure

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

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

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

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

²⁴⁹ Article 41(1) LITP.

²⁵⁰ Article 15(3) LITP.

²⁵¹ Article 17 (10) LITP.

²⁵² Information provided by the Ministry of Interior, 8 March 2024.

- The admissibility of a subsequent application is being assessed.²⁵³

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

5.3. Appeal

Indicators: Accelerated Procedure: Appeal

Same as regular procedure

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

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 the regular procedure. However, time limits are shorter: a lawsuit may be lodged to the Administrative Court within eight days from the delivery of the decision of the Ministry of Interior.²⁵⁴

Moreover, lawsuits against negative decisions in the accelerated procedures do *not* have suspensive effect.²⁵⁵ The applicant can apply for suspensive effect. The Ministry of Interior 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 in order to decide on the request for suspensive effect and the Court has to decide on it within eight days from the receipt of case file. 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.²⁵⁶

5.4. Legal assistance

Indicators: Accelerated Procedure: Legal Assistance

Same as regular procedure

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

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

²⁵³ Article 35(8) LITP.

²⁵⁴ Article 41(5) LITP.

²⁵⁵ Article 51(1)(1) LITP.

²⁵⁶ 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.²⁵⁷

1.1. Screening of vulnerability

The LITP has introduced special procedural and reception guarantees.²⁵⁸ It specifies that appropriate support must be provided to applicants in relation to their personal circumstances, amongst other things their age, sex, 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.

There is no further detailed guidance available in the law, nor an early identification mechanism in the form of internal guidance, according to the knowledge of Croatian Law Centre.

Early identification is conducted by the police officers in accordance with the Article 15 LITP at the moment of the expression of the intention to apply for international protection. 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.²⁵⁹

According to the Ministry of Interior, in 2023, 12,389 applicants for international protection were identified as members of vulnerable groups. Out of the total number, 10,634 were children; 1,516 unaccompanied children; 49 female and 15 male applicants were victims of gender-based violence; 1 female and 14 male applicants were exposed to torture in the country of origin; 16 applicants were exposed to psychological violence, of which 3 women and 13 men, while 10 male applicants were exposed to physical violence. The remaining number of vulnerable applicants is divided by other categories of vulnerability. According to the Ministry of Interior, due to the short stay in Reception Centres for applicants for international protection but also the fact that out of all persons who express their intention to apply for international protection, 48% of applicants never appear in Reception Centres, the identification of vulnerable groups is much more difficult.²⁶⁰ According to the report of the ombudswoman for 2023, the identification of vulnerability among applicants, in addition to the rapid daily fluctuation of applicants within the Reception Centres, was additionally made difficult as CSOs were not able to enter the Reception Centres for Applicants for international protection. Namely, before 2021 and introduction of measures related to

²⁵⁷ Article 4(1)(14) LITP.

²⁵⁸ Article 15 LITP.

²⁵⁹ ECRE, *Balkan route reversed*, December 2016, p. 26, available at: <https://bit.ly/3mWZAYE>.

²⁶⁰ Information provided by the Ministry of Interior, 8 March 2024.

COVID-19, several organizations had access to centres through signed agreements with the Ministry of Interior. Some provided psychosocial help and support to those applicants who requested it, thus contributing to the identification of indicators of vulnerability.²⁶¹

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 SOP 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 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.

In 2023, 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.²⁶² So far, the implementation of SOP has proven effective.

MDM-BELGIQUE has noticed an additional increase in cases of sexual and gender-based violence (SGBV) - with 106 recorded cases in 2023, compared to 66 cases²⁶³ in 2022.²⁶⁴

The Ombudsperson for Gender Equality²⁶⁵ reported that the Ministry of Interior keeps records of vulnerable groups of applicants seeking international protection. According to the records during 2023 in the Reception Centres for applicants for international protection in Zagreb and Kutina, a total of 49 female and 15 male applicants were identified as victims of gender-based violence. The applicants experienced several different types of violence: sexual violence was experienced by 20 male applicants and 2 female applicants for international protection, 38 female applicants and 14 male applicants for international protection were exposed to physical violence, while 41 female applicants and 9 male applicants for international protection were exposed to psychological violence. 8 female applicants were exposed to harmful traditional practices and 3 female applicants experienced socioeconomic violence. All identified persons who survived some of forms of gender based violence, as well as victims of torture, physical or psychological violence, are referred to organizations that provide psychosocial support in the Reception Centres, *i.e.*, to the Croatian Red Cross and Médecins du Monde and they are continuously provided access to psychosocial care. In addition, when needed, the latter referred applicants for treatment with psychiatrists, while for the purpose of better information, educational activities were also carried out. Applicants who are victims of violence in addition to primary health care protection, can also get specialist health care.

In September 2023, the Council of Europe Expert Group on Action against Violence against Women and Domestic Violence (GREVIO) published its baseline evaluation report on Croatia.²⁶⁶ GREVIO is

²⁶¹ Ombudswoman: Report of the Ombudswoman for 2023, available in Croatian at: <https://bit.ly/4crt2kR>.

²⁶² 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>.

²⁶³ There is a slight difference in numbers of SGBV cases compared to what was reported by ombudsperson and the Ministry of Interior

²⁶⁴ Information provided by MDM-BELGIQUE, 23 February 2024.

²⁶⁵ Ombudsperson for Gender Equality, Report of the Ombudsperson for Gender Equality for 2023, available in Croatian at: <https://bit.ly/4cnY4Kn>, 242.

²⁶⁶ GREVIO: (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)-CROATIA; available at: <https://bit.ly/4bdxB10>, 79.

concerned that gender-based violence-related claims to international protection are either not being recorded in the system or identified during the refugee status determination process.

In its report, GREVIO commended SOP but also stated that although there is a useful standardized form for reporting incidents of sexual and gender-based violence, staff in Reception Centre have a requirement to report any instance of violence irrespective of whether the woman gives her consent and women are not informed of this requirement until the end of the process. According to GREVIO, to empower women, they should be informed at the outset of the interview that there is a legal requirement on the interviewer to pass on information. This would enable the victims to make an informed decision on whether to continue with the interview. It would also be more effective if the protocol was applied to all asylum-seeking women and migrants at the borders and elsewhere, not just those in accommodation centres.²⁶⁷

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. It is available in 8 languages (Arabic, Croatian, English, Farsi, French, Kurdish, Turkish and Urdu).²⁶⁸

In addition, in accordance with the Protocol on identification, assistance and protection of victims of human trafficking, identification of victims of human trafficking is carried out by the Ministry of Interior (MoI) in cooperation with the Croatian Red Cross and civil society organizations. If the victim is a child, the MoI will cooperate in the identification procedure with the ministry responsible for social welfare affairs and civil society organizations.²⁶⁹

The Centre for Peace Studies (CPS) reported that, in 2023, they observed deficiencies in the identification of applicants for international protection as victims of human trafficking despite the existence of statements, documentation and other evidence that point to the existence of said criminal act. The CPS also reported that the system of identifying vulnerable groups within the Reception Centre for Applicants for International Protection, and especially in the Reception Centres for foreigners, is not adequate.²⁷⁰

In 2023, MDM-BELGIQUE, continued to provide multidisciplinary and linguistically adapted care to applicants for international protection - especially in the process of identifying and providing support to the most vulnerable among them (women, children, LGBT+ persons, survivors of gender-based violence, human trafficking or torture, persons with disabilities, children with developmental disabilities and their families, single parents of minor children etc.) - at the Reception Centre for Applicants for International Protection in Zagreb with occasional visits depending on needs to the Reception Centre for Applicants for International Protection Seekers in Kutina.²⁷¹

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. However, CRC reported that working with vulnerable categories of applicants was challenging in the course of 2023 due to extremely large influx of people who stayed in the Reception Centre for Applicants for International Protection for a very short time, which made difficult

²⁶⁷ GREVIO: (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)-CROATIA; available at: <https://bit.ly/4bdxB10>.

²⁶⁸ Office for Gender Equality, *The Office for Gender Equality published a leaflet for female migrants, refugees and asylum seekers*, available in Croatian at: <https://bit.ly/3FNHzte>.

²⁶⁹ Protocol on identification, assistance and protection of victims of human trafficking, available in Croatian at: <https://bit.ly/3KQbMdk>.

²⁷⁰ Information provided by Centre for Peace Studies, 30 January 2024.

²⁷¹ Information provided by MDM-BELGIQUE, 23 February 2024.

identification of vulnerabilities (e.g., persons with disabilities, pregnant women, single parents with children, etc.). However, in 2023, during the initial and individual interviews conducted by CRC, as particularly vulnerable, following groups were identified: unaccompanied children, parents with children who were temporarily separated from the rest of the family, single parents and children of single parents, people with severe psychological difficulties (acute psychotic conditions, suicide attempts, etc.), people with serious health problems (cerebral palsy, limb amputations...), pregnant women, victims of torture, victims of gender-based violence, single women and people with addiction problems.²⁷²

Are You Syrious reported that as an organization that has direct contact with children seeking international protection and children with granted international protection, a great need for more systematic, sustainable and better psychosocial support for this vulnerable population was observed. Accumulated stress that these children experience and a great risk for development mental health difficulties require greater activation of the system in terms of protection mental health.²⁷³

During 2023, a total of 379 persons to whom special guarantees applied, were accommodated outside the Reception Centres for Applicants for International Protection. That included: 1 applicant for international protection who, due to a serious illness, was accommodated in a nursing home for the elderly, 1 minor applicant who was accommodated in a social care institution due to domestic violence, 2 women who were victims of gender-based violence who were accommodated in safe houses, one of whom who was accommodated there together with her minor child and a total of 374 unaccompanied children who were accommodated in homes for children and youth. However, the majority of unaccompanied children who were accommodated in children's homes, arbitrarily left the institution very soon after placement and have never returned, nor did they report a change of residence within the territory of the Republic of Croatia. In addition, a total of 1,113 unaccompanied children were accommodated in Reception centers for applicants for international protection.²⁷⁴

Unaccompanied children

The Government adopted a Protocol on the treatment of unaccompanied children on 30 August 2018.²⁷⁵ 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 faced by 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, institutions and civil society organisations engaged in humanitarian work, i.e., 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 to stay in a foster family.²⁷⁶ According to the Ombudsperson for Children, this possibility was not used in 2020,²⁷⁷ while in 2021, 3 unaccompanied children were placed in foster

²⁷² Information provided by Croatian Red Cross, 15 January 2024

²⁷³ Information provided by Are You Syrious, 29 January 2024.

²⁷⁴ Information provided by the Ministry of Interior, 8 March 2024.

²⁷⁵ Protocol on the treatment of unaccompanied children, 30 August 2018, available in Croatian at: <https://bit.ly/2DEgBEu>.

²⁷⁶ Official Gazette 115/18, amendment Official Gazette 18/22

²⁷⁷ 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>.

families.²⁷⁸ In 2022, only one accommodation in foster family took place.²⁷⁹ According to the Ministry of Interior, there were no unaccompanied children staying with foster families in 2023.²⁸⁰

In 2023, the implementing partner of the UNICEF Office for Croatia, Centre for Psychological Counselling, Education and Research- Sirius, printed posters and leaflets promoting the foster care of unaccompanied children. The poster and leaflets are in Croatian.²⁸¹

In 2023, 1,113 unaccompanied children were accommodated in reception centres for applicants for international protection, and a total of 374 unaccompanied children were accommodated in homes for children and youth. The majority of unaccompanied children who were accommodated in homes for children and youth voluntarily left those institutions within a short period after placement, and have never returned back, nor did they report a change of place of stay in the Republic of Croatia.²⁸²

A new²⁸³ Interdepartmental Commission for the Protection of Unaccompanied Children was established by a decision of the Government of the Republic of Croatia on 5 January 2022.²⁸⁴ 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.

In 2022, the Croatian Government adopted a Decision on the appointment of a representatives of the Interdepartmental Commission for the Protection of Unaccompanied Children,²⁸⁵ in accordance with the Protocol on the Treatment of Unaccompanied Children.

According to the Ombudswoman for Children, the Commission met once at the end of 2023. At the meeting data on unaccompanied children for 2023 were presented as well as UNICEF's "Assessment of the system of managing information on the protection of unaccompanied children".²⁸⁶

According to the report of the Ombudswoman for Children, in 2023, 12,150 children requested international protection, which represented a significant increase compared to 2022. Out of the total number of children seeking international protection, 1,516 were unaccompanied. 102 of them were below the age of 13, while 281 of them were aged 14-15. However, only 19 unaccompanied minors submitted applications for international protection in 2023, compared to 104 in 2022. Regardless of the year the application was submitted, in 2023, 156 procedures for international protection in cases of unaccompanied minors were suspended (due to withdrawal of applications), while international protection was granted to 14 accompanied minors.²⁸⁷

In November 2023, the Croatian Red Cross, in cooperation with the UNHCR, organized training for special guardians for unaccompanied children in Osijek. The education aimed to improve the knowledge and skills of special guardians and to exchange experiences of good practice in the system of protection, care, and support for unaccompanied children in Croatia. In total 30 participants from the Croatian Institute for Social Work and City Red Cross Society Osijek participated in the training.²⁸⁸

²⁷⁸ 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>.

²⁷⁹ Ombudswoman for children report for 2022, available in Croatian at: <https://bit.ly/43C5ZPL>.

²⁸⁰ Information provided by the Ministry of Interior, 8 March 2024.

²⁸¹ Information provided by UNICEF, 22 January 2024

²⁸² Information provided by the Ministry of Interior, 8 March 2024.

²⁸³ The first Interdepartmental Commission for the protection of unaccompanied children was established in 2018. Government of the Republic of Croatia, *Decision on the establishment of the Interdepartmental Commission for the Protection of Unaccompanied Children*, available in Official Gazette 3/2022 in Croatian at: <https://bit.ly/4eowL4h>.

²⁸⁵ 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>.

²⁸⁶ Ombudswoman, Report of the Ombudswoman for Children for 2023, available in Croatian at: <https://bit.ly/3zeXcJw>.

²⁸⁷ Ombudswoman, Report of the Ombudswoman for Children for 2023, available in Croatian at: <https://bit.ly/3zeXcJw>.

²⁸⁸ Croatian Red Cross, Education for special guardians which are appointed for unaccompanied children, 22 November 2023, available at: <https://bit.ly/3KPtMUW>.

In the course of 2023, the problems with the inadequate accommodation of unaccompanied children continued. The UNICEF office for Croatia reported that the accommodation of unaccompanied children is still a special challenge in the social care system, given the general increase in the number of children removed from their families and the increase in requests for accommodation in social care homes, as well as the fact that this is still most often realized in social care homes for children with behavioural problems. Social care homes where unaccompanied children are accommodated reported an increase in the number of unaccompanied children in 2023. Social care homes also reported that children stay in that accommodation for a very short period of time.²⁸⁹

The UNICEF Office for Croatia also reported challenges identified through communication and cooperation with the UNICEF Office in Bosnia and Herzegovina, also confirmed by Croatian authorities, *i.e.*, by the Reception centres for applicants for international protection, social welfare institutions that accommodate unaccompanied children, as well as by the Border Directorate of the Croatian Ministry of the Interior. According to that information, unaccompanied children from third countries who find themselves on the territory of Croatia often present themselves as adults which results in their placement in the Reception Centers for applicants for international protection or the Reception Centers for Foreigners or Transit Reception Centers for foreigners in Tovarnik and Trilj. In addition to inadequate accommodation, an unaccompanied child, presenting as an adult, is not appointed a special guardian and remains unrecognized in the social welfare system. This puts unaccompanied children at risk and it is difficult to respond to their specific needs and exercise their rights. The UNICEF office for Croatia also reported that the monitoring of data on unaccompanied children in the Republic of Croatia continues to be a problem. Although the relevant ministries, primarily the Ministry of Interior and the Ministry of Labour, Pension System, Family and Social Policy, consistently maintain data on unaccompanied children through well-developed information systems, the data between State bodies are neither comparable nor harmonized.²⁹⁰

CPS also reported continued problems of inadequate accommodation provided to unaccompanied children in social care homes for children with behavioural problems.²⁹¹ In addition, CPS reported that most children who are older than 16, were placed in reception centres for applicants for international protection, which means together with adults.

In 2023, the National Action Plan (NAP) to implement the EU Council Recommendation on establishing a European Child Guarantee²⁹² was adopted.²⁹³ The aim is to enable access to services for children at greatest risk of poverty and social exclusion in Croatia, and therefore children in need are in the focus of this NAP.

The NAP is a comprehensive national document that forms the basis for the implementation of measures and activities in key areas of intervention arising from needs and development potentials related to combating child poverty and social exclusion, with an emphasis on cross-sectoral cooperation and joint action.

Six general objectives were defined in NAP: 1. Improved access to early childhood education and care; 2. Ensured access to education and support for children at risk of poverty and social exclusion; 3. Ensured access to quality meal nutrition for children at risk of poverty and social exclusion; 4. Ensured access to health services for children at risk of poverty and social exclusion; 5. Ensured access to adequate housing for children at risk of poverty and social exclusion; and 6. Improved accessibility of social services in the community to children at risk of poverty and social exclusion

Children with a migrant background (unaccompanied children, children seeking international protection, applicants for international protection, foreigners under subsidiary and temporary protection who are under the age of 18) have been identified as children in need.

²⁸⁹ Information provided by UNICEF, 22 January 2024

²⁹⁰ Ibid.

²⁹¹ Information provided by Centre for Peace Studies, 30 January 2024.

²⁹² National Action Plan to implement the EU Council Recommendation on establishing a European Child Guarantee, available in Croatian: <https://bit.ly/3VMMMtC> and in English: <https://bit.ly/3Xtolx3>.

²⁹³ Decision on the adoption of the National Action Plan for the implementation of the recommendation of the Council of the European Union on the establishment of a European Child guarantee, Official Gazette 87/2023, available in Croatian at: <https://bit.ly/4esATQH>.

Victims of sexual and gender-based violence

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 SOP 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.

From 2021, a standardized application form applies in the Reception Centres for reporting cases of sexual and gender-based violence as part of SOP.²⁹⁴

In 2022, UNHCR Croatia 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.²⁹⁵

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 eight languages (Arabic, Croatian, English, Farsi, French, Kurdish, Turkish and Urdu).²⁹⁶

Officials of the Service for the reception and accommodation of applicants for international protection systematically monitor the needs of persons who have survived some form of violence and continuously improve their skills through education (identification of vulnerable groups, gender-based violence, etc.) They also exchange experiences at meetings of the Coordination Group for sexual and gender-based violence, and if necessary cooperate with the professional staff of the Croatian Institute for Social Work and keep records on the number, type of violence and specific characteristics of persons who have survived some kind of violence.²⁹⁷

The Ombudsperson for Gender Equality reported that the Ministry of Interior keeps records of vulnerable groups of applicants seeking international protection.²⁹⁸ According to the records, during 2023, in the Reception Centres for applicants for international protection in Zagreb and Kutina, a total of 49 female and 15 male applicants were identified as victims of gender-based violence. The applicants experienced several different types of violence: sexual violence was experienced by 20 male applicants and 2 female applicants for international protection, 38 female applicants and 14 male applicants for international protection were exposed to physical violence, while 41 female applicants and 9 male applicants for international protection were exposed to psychological violence. 8 female applicants were exposed to

²⁹⁴ Ombudsperson for Gender Equality, Report of the Ombudsperson for Gender Equality for 2023, available in Croatian at: <https://bit.ly/4cnY4Kn>, 242.

²⁹⁵ 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>.

²⁹⁶ Office for Gender Equality: *The Office for Gender Equality published a leaflet for female migrants, refugees and asylum seekers*, available in Croatian at: <http://bit.ly/3FNHzte>.

²⁹⁷ Ombudsperson for Gender Equality, Report of the Ombudsperson for Gender Equality for 2023, available in Croatian at: <https://bit.ly/4cnY4Kn>, 242.

²⁹⁸ Ombudsperson for Gender Equality, Report of the Ombudsperson for Gender Equality for 2023, available in Croatian at: <https://bit.ly/4cnY4Kn>, 242.

harmful traditional practices and 3 female applicants experienced socioeconomic violence. All identified persons who survived some of the forms of gender based violence, as well as victims of torture, physical or psychological violence, are referred to organizations that provide psychosocial support in the Reception Centres *i.e.*, to the Croatian Red Cross and Médecins du Monde and they are continuously provided with access to psychosocial care. In addition, when needed they referred to treatment of psychiatrists, while for the purpose of better information, educational activities are also carried out. In addition to primary health care protection, applicants who are victims of violence are also provided with specialist health care.

Victims of trauma and mental health issues

In May 2023, MdM issued its publication entitled “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 (‘AMIF’) and Government of Croatia (Ministry of Health).²⁹⁹

In 2023, the Rehabilitation Centre for Stress and Trauma (RCT) provided psycho-social support to victims of torture. During the year, some of the RCT’s beneficiaries were victims of torture who experienced physical and psychological trauma in their countries of origin, and as a result have health and psychological problems such as heavy thoughts, periods of depression, insomnia and burnout. RCT provided them with more significant support through individual psychotherapy and support ³⁰⁰

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.³⁰¹ 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.

The LITP does not foresee the possibility to appeal against the outcome of age assessments-The Ministry of Interior stressed that in case of doubt in the opinion of the doctor, new medical examinations would be initiated. The Ministry also emphasises that in such case, the concept of benefit of the doubt shall be applied.³⁰²

In 2023, the Ministry of Interior decided to initiate the age assessment procedure for two children and two procedures of medical expertise were conducted and concluded that the applicants were adults.³⁰³

²⁹⁹ 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>.

³⁰⁰ Information provided by the Rehabilitation Centre for Stress and Trauma, 30 January 2024.

³⁰¹ Article 18 LITP.

³⁰² Information provided by the Ministry of Interior, 2 March 2017.

³⁰³ Information provided by the Ministry of Interior, 8 March 2024.

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.³⁰⁴ The notion of “adequate support” is understood by the Ministry as meaning that vulnerability should be determined and that the rights related thereto are respected,³⁰⁵ 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.

For example, in 2022, 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.³⁰⁶ While no detailed information on trainings in 2023 is available, the Ministry of Interior confirmed that officials of the Ministry of Interior who are trained to work with vulnerable groups are those who conduct the procedure for granting international protection. Continuous training of officials takes place through the EUAA curriculum and through the workshops organized by the Croatian Red Cross, UNHCR and Croatian Law Centre.³⁰⁷

In 2023, the training of Administrative court judges, financially supported by UNHCR, was held. The topic of the training was gender-based violence in the procedure of determining international protection status i.e., appropriate gender considerations in the procedure for international protection and strict appliance of gender-sensitive procedures. Beside 9 judges and judicial advisors, 2 officials of the Ministry of Interior participated at the training.

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,³⁰⁸ in particular the acts of persecution or serious harm already undergone.³⁰⁹ The Ministry of Interior may, with the consent of the applicant, organize a medical examination in order to determine the exposure to persecution or the risk of suffering serious harm in accordance with the act regulating the general administrative procedure. The costs of the medical examination shall be borne by the Ministry.³¹⁰

The personal interview and decision-making mechanism is the same for all applicants, regardless of their vulnerability.

³⁰⁴ Article 52(2) LITP.

³⁰⁵ Information provided by the Ministry of Interior, 21 July 2017.

³⁰⁶ 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>.

³⁰⁷ Information provided by the Ministry of Interior, 8 March 2024.

³⁰⁸ Article 28(2)(3) LITP.

³⁰⁹ Article 28(3) LITP.

³¹⁰ Article 28(4) LITP.

Through special procedural (and reception) guarantees, appropriate support shall be provided for applicants in relation to their personal circumstances, among other things their age, sex, sexual orientation, gender identity, disability, serious illness, mental disorder, 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 referred to in the Law on International and Temporary Protection (LITP).³¹¹ The provisions LITP related to border and accelerated procedures 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.³¹²

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;³¹³
- to an interpreter of the same sex, if possible;³¹⁴
- to be interviewed as soon as possible upon the submission of the application for international protection;³¹⁵
- in cases where the interview is omitted,³¹⁶ 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;³¹⁷
- in case of an application of an unaccompanied child, the application has priority in decision-making (see section on [Regular Procedure: Fast-Track Processing](#)).³¹⁸

2.2. Exemption from special procedures

According to the LITP, the [Accelerated Procedure](#) would not apply to applications 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.³¹⁹ According to the Ministry of Interior during 2023 applications lodged by unaccompanied children were not processed under the accelerated procedure.³²⁰

Procedures at border crossing points or in transit zones would not apply to applications lodged by an unaccompanied child.³²¹ However, as mentioned in

[Suspension of returns for beneficiaries of protection in another Member State](#)

No information is available on suspension of returns for beneficiaries of protection in another Member State.

³¹¹ Article 15(1) LITP

³¹² Article 15 (3) LITP.

³¹³ Article 35(5) LITP.

³¹⁴ Article 14(3) LITP.

³¹⁵ Article 35 LITP.

³¹⁶ Article 35(8)(2) LITP.

³¹⁷ Article 35(9) LITP.

³¹⁸ Article 17(9) LITP.

³¹⁹ Article 17(10) LITP.

³²⁰ Information provided by the Ministry of Interior, 8 March 2024.

³²¹ Article 17(11) LITP.

Border procedure (border and transit zones), no border procedure is in place in practice.

The LITP also prescribes that accelerated procedures and procedures at border crossings or in transit zones, shall not apply to applicants who are in need of special procedural guarantees, especially victims of torture, rape or another form of serious psychological, physical or sexual violence, if it is not possible to provide the appropriate support ("adequate support").³²²

³²² Article 15(3) LITP.

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

Amendments to LITP in 2023 established the possibility to submit a medical report in the procedure. Previously, only the provisions of the Law on General Administrative Procedure regulated that possibility.³²³ According to the amendments to LITP, the Ministry of Interior with the consent of the applicant for international protection may organize a medical examination in order to determine the exposure to persecution or the risk of suffering serious harm in accordance with the Law on the General Administrative Procedure, and the costs of the medical examination shall be borne by the Ministry of Interior. When the Ministry of Interior assesses that a medical examination is not necessary, the applicant must be informed in writing, or orally on the record if she/he is illiterate, that she/he can organize such an examination on their own initiative and at their own expense.³²⁴

The LITP also provide the possibility to use medical records in the age assessment procedure.³²⁵

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.³²⁶

In 2023, 12,150 children (7308 boys and 4842 girls) expressed the intention to seek international protection, among them a total of 1516 unaccompanied children, of which 1458 were boys (age group 0-13: 100; age group 14-15: 273. age group 16-17: 1085) and 58 were girls (age group 0-13: 12; age group 14-15: 8, age group 16-17: 38).³²⁷

A special guardian should be appointed for each unaccompanied child, with the exception of married unaccompanied children over the age of 16.³²⁸

4.1. Time of appointment

According to LITP, the body responsible for social welfare shall immediately appoint a special guardian to an unaccompanied child, who expressed the intention to submit an application for international protection, The special guardian must be trained to work with children and should not have a conflict of interest with the child.³²⁹

³²³ Article 58(1) Law on General Administrative Procedure.

³²⁴ Article 28(4)-(5) LITP

³²⁵ Article 18(2)-(8) LITP.

³²⁶ Article 4(1)(17) LITP.

³²⁷ Information provided by the Ministry of Interior, 8 March 2024., See also : Ministry of Interior, *Statistics 2023*, available in Croatian at: <https://bit.ly/3Xr1uYp>.

³²⁸ Article 17 (3) LITP.

³²⁹ Article 17 (1) LITP.

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 the obligation to invite a social worker from the competent regional office of Croatian Institute for Social work and an interpreter if the child does not understand Croatian, and to forward a letter to the competent regional office 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 regional office of Croatian Institute for Social work and/or a special guardian also participate.

Where the procedure of identification is conducted outside the regular working hours of the competent regional office of Croatian Institute for Social work, the expert duty officer of the regional office 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 regional office or the police officer will call the appointed guardian to take part in further procedures with the unaccompanied or separated child.

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 the child understands and in which he or she is able to communicate. The costs of interpretation shall be borne by the Ministry of Interior.³³⁰

However, to the Croatian Law Centre's knowledge, this possibility is rarely used in practice as guardians are not using this legal right.

In 2023, the Croatian Law Centre (CLC) implemented the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia" with the financial support of the UNHCR. Within the project, legal advices and/or information was provided also to unaccompanied children, although only in a few cases. In addition, it was observed that unaccompanied children were quickly leaving the institutions where they were accommodated and consequently Croatia.

4.2. Qualifications of guardians

Until now, no special qualifications were required for the appointment of guardians.

According to the Law on Social Welfare, the previous centres for social welfare ceased to operate on December 31, 2022, and as of January 1, 2023, their duties were taken over by the Croatian Institute for Social Work.³³¹

In practice, according to the information available to the Croatian Law Centre, usually employees of Croatian Institute for Social Work (CISW) are appointed as guardians. In some cases, employees of social

³³⁰ Article 17LITP.

³³¹ Law on Social Welfare, Official Gazette 18/2022, 46/2022, 119/2022, 71/2023, 156/2023.

welfare institutions where children are accommodated are also appointed as guardians as well as employees of the Croatian Red Cross.

In its report for 2023, the Ombudswoman for Children reported that duties of special guardians are very extensive which leads to challenges in practice.³³² A lot of children have no information about their guardian or how to get in contact with her/him, while often their only meeting takes place during the submission of an application for international protection. More frequent contacts are necessary so that children can receive information about family reunification, their rights, available services and enrolment in school. The considerable number of administrative procedures for each child is a significant burden on special guardians. The procedures are complex and require coordination with other services, for example when an unaccompanied child is found and accommodation has to be found for them. This often requires engagement in the night hours and in addition to their regular daily work. In addition, the work of a special guardian includes a series of activities during family reunification or the enrolment of a child in education, and sometimes determining whether persons who declare themselves as legal representatives of unaccompanied children truly enjoy that status. These obstacles lead to special guardians lacking motivation. Due to the need for guardians to possess technical professional knowledge on different areas, there is also a problem of insufficient training. Appointment of guardians and organization of their visit to children take place slowly.

The Croatian Red Cross reported that in 2023 their mobile team conducted 62 visits to institutions where unaccompanied children are accommodated to provide psychosocial support to children and provide material services (such as clothing and school supplies).³³³

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.

4.3. Capacity and performance of functions

Guardians of unaccompanied children were and still are generally appointed among the employees of the Croatian Institute for Social Work or among employees of social welfare institutions where children are accommodated.

According to the law, the best interests of children should be considered when implementing provisions of LITP.³³⁴ 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 special guardian of the unaccompanied child shall undertake, as soon as possible after the application for international protection is submitted, all necessary actions to find the family members and reunite the child with the family, if that is in the child's interest, including contacting and cooperating with relevant ministries, other state and foreign bodies and NGOs. The special guardian is obliged to respect the principle of confidentiality when collecting, processing and exchanging information about the child and family members in order not to endanger their safety.

On the other hand, the LITP prescribes that a guardian shall not be appointed when an unaccompanied child is over 16 years of age and is married,³³⁵ which can be understood that persons from the age of 16

³³² Ombudswoman for Children: *Report on the work of the Ombudsman for Children in 2023*, available in Croatian at: <https://bit.ly/3zeXcJw>.

³³³ Croatian Red Cross: Annual report on the work of the Croatian Red Cross in 2023, available in Croatian at: <https://bit.ly/3z8D4Jj>.³³⁴ Article 10 LITP.

³³⁴ Article 10 LITP.

³³⁵ Article 17(3) LITP.

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.³³⁶

E. Subsequent applications

Indicators: Subsequent Applications

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

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

The LITP provides a specific procedure for subsequent applications. A subsequent application for international protection is defined as the intention to apply for international protection expressed after an enforceable decision has been taken on the 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.³³⁷

If a person decides to submit a subsequent application,³³⁸ 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 that arose after the enforceability of the decision or that the applicant, for justified reasons, did not present during the previous procedure and which relate to establishing the conditions for granting 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 issued 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 Dublin 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.³³⁹

³³⁶ Information provided by Centre for Peace Studies, 30 January 2024.

³³⁷ Article 4(1)(13) LITP.

³³⁸ Article 47 LITP.

³³⁹ Article 35(8)(3) LITP.

Under the LITP,³⁴⁰ 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 enforceability of the decision on the subsequent application. , The LITP prescribes that the Ministry shall issue a decision to dismiss a subsequent application if it assesses that it is inadmissible,³⁴¹ and that, in such cases, lawsuit to the Administrative Court does not have automatic suspensive effect,³⁴² (which means that the decision of the Ministry is final).³⁴³ Said provision means that the right to residence is applicable only during the first instance procedure. However, there is also a possibility for the lawsuit to contain a request for suspensive effect.³⁴⁴ If the applicant presents the lawsuit 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.³⁴⁵

However, applicants who lodge a new subsequent application after a decision has already been issued on a previous subsequent application do not have the right of residence in the Republic of Croatia.³⁴⁶

If the conditions for the accelerated procedure are met and the subsequent application is admissible, then the Ministry of Interior must issue its decision within a two-months period. The deadline for the lawsuit in that case is then eight 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 a law suit. If the subsequent application is dismissed as inadmissible, the deadline is eight days from the delivery of the first instance decision and does not have suspensive effect.

In 2023, 98 persons lodged subsequent applications (Burundi-15, Russian Federation -14, Turkey-14, Iraq-13, Afghanistan-8, Syria-8, DR Congo-6, Iran-5, Cuba-3, Albania-2, Algeria-2, Eritrea-1, Ethiopia-1, India-1, Nigeria-1, Palestine-1, Somalia-1, Tunisia-1). In 2023, 9 nine subsequent applications (Algeria-2, Burundi-3, Egypt-1, Guinea-1, Nigeria-1, Turkey-1) were dismissed as inadmissible.³⁴⁷

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,³⁴⁸ 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

³⁴⁰ Article 53(3)-(4) LITP.

³⁴¹ Article 43(2) LITP.

³⁴² Article 51(1)(3) LITP.

³⁴³ Article 4(1)(21) LITP.

³⁴⁴ Article 51(2) LITP.

³⁴⁵ Article 53 LITP.

³⁴⁶ Article 53 (4) LITP.

³⁴⁷ Information provided by the Ministry of Interior, 8 March 2024.

³⁴⁸ Article 44 LITP.

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 EUAA, UNHCR, the Council of Europe and other relevant international organisations.

The Minister of Interior, with the prior consent of the Minister competent for foreign affairs, shall issue a decision to establish a list of safe countries of origin, and shall inform the European Commission. The Ministry of Interior shall regularly verify and as necessary revise the list of safe countries of origin, taking into account the abovementioned 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 citizenship 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 timely informed of the application of the concept of safe country of origin, in order to enable him/her to challenge its use 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](#)).³⁴⁹ 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.³⁵⁰ The list includes 10 countries: Albania, Bosnia and Herzegovina, North Macedonia, Kosovo, Montenegro, Serbia, Morocco, Algeria, Tunisia and Türkiye.

According to information provided by the Ministry of Interior in 2023, the concept was not used for applicants from Türkiye.

In 2023, negative decisions based on the concept of safe country of origin were issued in 2 cases, one concerned citizen of Serbia and one of Montenegro.³⁵¹

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 is protected from *refoulement*, and the possibility exists to access an effective procedure to being granted protection, pursuant to the 1951 Convention.³⁵²

Whether the conditions have been met to apply the concept of safe third country is established separately for each application. This is done by assessing whether a country meets the abovementioned conditions

³⁴⁹ Article 41(1)(9) LITP.

³⁵⁰ Official Gazette 45/2016, available in Croatian at: <http://bit.ly/2lcRePz>.

³⁵¹ Information provided by the Ministry of Interior, 8 March 2024.

³⁵² Article 45 LITP.

and by assessing whether a connection exists between that country and the applicant, on the basis of which it may reasonably be expected that he or she could request international protection there, taking into account all the facts and circumstances of his or her application.

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

The Ministry of Interior shall issue an applicant whose application is dismissed 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., a decision shall be issued 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. According to the Ministry of Interior, in 2023 the concept of safe third country has not been applied.³⁵³ The LITP also provides a definition of the concept of safe European third country.³⁵⁴ 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 it 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 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.

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.³⁵⁵ In 2023, no decision was taken based on the concept of first country of asylum.³⁵⁶

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

³⁵³ Information provided by the Ministry of Interior, 8 March 2024.

³⁵⁴ Article 46 LITP.

³⁵⁵ Article 43(1)(2) LITP.

³⁵⁶ Information provided by the Ministry of Interior, 8 March 2024.

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 in writing about the method of conducting procedure for international protection, about rights and obligations applicants are entitled to in the procedure, and about the possibility of communicating with representatives of the UNHCR and other organizations dealing with the protection of refugees' rights as well as on the possibility of receiving free legal aid.³⁵⁷ If this information cannot be provided in writing for justified reasons or if the applicant is illiterate, the information shall be provided orally in a language reasonably supposed to be understood by the applicant and in which the applicant is able to communicate.³⁵⁸ The same type of information is provided with the same modalities to applicants during all types of procedures. The only exception where this information should be given by police officers is when a third-country national or stateless person who wishes to express their intention is detained in a reception center for foreigners, at a border crossing or in the transit zone of an airport, sea port or inland water port. In that case, police officers shall provide all necessary information on the procedure for granting international protection in a language reasonably supposed to be understood by them and in which they are able to communicate.³⁵⁹

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.³⁶⁰ 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.³⁶¹ 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 an unaccompanied child. The above information is available in 8 language versions: Urdu, English, French, Arabic, Croatian, Somali, Farsi and Turkish.³⁶²

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 lawsuit/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.

A mobile application was created within the project "Legal counselling in the procedure for the approval of international protection in 2021".³⁶³ The application provides information on the main features of the procedure for granting international protection and ways of exercising the rights of applicants in practice, including basic information on Dublin procedure. The application is available at multiple languages (Croatian, Arabic, English, Farsi, Pashto and Turkish).³⁶⁴

³⁵⁷ Article 59(2) LITP.

³⁵⁸ Article 59(3) LITP.

³⁵⁹ Article 59(1) LITP.

³⁶⁰ Information provided by the Ministry of Interior, 28 January 2019.

³⁶¹ Information provided by the Ministry of Interior, 28 January 2019.

³⁶² Information provided by the Ministry of Interior, 28 January 2019.

³⁶³ Project was co-financed with the funds of the Fund for Asylum, Migration and Integration.

³⁶⁴ See: <https://rhprotection.mup.hr/hr>.

Information on the procedure from NGOs

NGOs also provide information on the 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 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.³⁶⁵ In 2023, new leaflet was under preparation by Croatian Law Centre as part of the project *Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia*, funded by UNHCR. Once finalized, the leaflet will be translated in several languages.

During 2022, the Centre for Peace Studies (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.³⁶⁶ 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 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.³⁶⁷

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.³⁶⁸

Information at the border

At some border crossing points, there is a lack of available interpreters. This prevents effective communication between foreigners (among whom some are potential applicants for international protection) and border officers. However, according to the LITP, third-country nationals or stateless persons who are detained in a reception centre for foreigners, at a border crossing or in a transit zone of an airport, sea port or inland water port and 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 international in a language reasonably supposed that they understand it and in which they are able to communicate.³⁶⁹

In practice, persons may seek international protection at police stations at the border. Border guards have received training on how to recognise indications that a person wishes to seek protection. Interpretation at the border is also problematic. Problems regarding access to the territory and, therefore, to the asylum system which started at the end of 2016 still raises concerns (see [Access to the territory and pushbacks](#)), although a very significant increase in numbers of applicants for international protection was recorded in 2022 and 2023.

³⁶⁵ 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/3E2Pxiw>; in Turkish at: <https://bit.ly/3jsn9Ku>; in Pashto at: <https://bit.ly/3rkgdn3>; in Farsi at: <https://bit.ly/3vbDOrh>; in French at: <https://bit.ly/3xhYksT>; in Urdu at: <https://bit.ly/37cZBH1>; and in Ukrainian at: <https://bit.ly/3KCbpB9>.

³⁶⁶ Centre for Peace Studies, Leaflet on free legal aid, available at: <https://bit.ly/44cOcie>.

³⁶⁷ Croatian Law Centre, 'Information leaflet for unaccompanied children in audio format, 17 July 2017, available in Croatian at <https://bit.ly/2H9BpX3>.

³⁶⁸ The video is available at: <https://bit.ly/32CTDJP>.

³⁶⁹ Article 59(1) LITP.

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 has been restricted; this continued in 2023. 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 them with relevant information.

Mdm staff is also present in the Reception Centre for Applicants for International Protection in Zagreb, and when needed in the Reception Centre for Applicants for International Protection in Kutina.

In 2023, legal aid related to international protection was provided to applicants via email, by telephone or in person (in the premises of organisations) by Borders none , Croatian Law Centre, Centre for Peace Studies, and Jesuit Refugee Service (JRS).³⁷⁰

The Rehabilitation Centre for Stress and Trauma reported that in 2023 they sent request for continuation of their work in the Reception Centre for Applicants for International Protection, but did not received any answer.³⁷¹ JRS also sent request for continuation of their work in the Reception Centre for Applicants for International Protection, but it was denied.³⁷²

³⁷⁰ Information provided by Bordersnone, 15 January 2024; by Centre for Peace Studies, 30 January 2024; and by Jesuit Refugee Service, 5 February 2024.

³⁷¹ Information provided by the Rehabilitation Centre for Stress and Trauma,30 January 2024.

³⁷² Information provided by Jesuit Refugee Service, 5 February 2024.

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
2. Are applications from specific nationalities considered manifestly unfounded?³⁷³ Yes No

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.³⁷⁴ Out of that total number, 16 were children.³⁷⁵

³⁷³ Whether under the “safe country of origin” concept or otherwise.

³⁷⁴ Ombudsperson, *Annual report 2021*, available in Croatian at: <https://bit.ly/3v5TsVi>.

³⁷⁵ 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 for international protection and runs two Reception Centres for applicants for international protection, which are situated in **Zagreb** and **Kutina**. The total reception capacity of these two centres is 900 places (600 in Zagreb and 300 in Kutina).³⁷⁶

The highest number of applicants for international protection than ever before has been recorded in Croatia in 2023, which required great efforts to adapt the reception and accommodation conditions.

The Croatian Red Cross (CRC) reported that the biggest challenge during 2023 was the huge influx of newly arrived applicants for international protection in both Reception Centres for Applicants for International Protection. This required additional efforts and the involvement of all CRC's employees in reception and accommodation activities to provide all applicants with beds, hygiene packages, bed linen packages, and clothes and shoes. Often, the influx of new applicants was over 150 in 24 hours, which resulted in their temporary accommodation on mattresses in the corridors until the beds in the rooms became available. As a result, difficulties in maintaining the cleanliness and hygiene of the corridors inside the Reception Centre for Applicants for International Protection in Zagreb occurred, since the cleaners were not able to clean all the corridors because of the mattresses and applicants sleeping on them. In Kutina, the problem was partially solved by installing containers on the football field, where applicants were accommodated when all the sleeping capacities inside the Centre were filled. Also, a large number of applicants stayed in Centres just for a few days, and some stayed for less than 24 hours.³⁷⁷

As the largest number of persons expressed their intention to seek international protection during the summer, the reception capacities during that period were insufficient. This resulted in applicant's complaints about inadequate conditions of accommodation. In accordance with the Ombudsman's mandate, three inspections of Reception Centres for Applicants for International Protection were carried out by employees of Ombudsperson's office in 2023. *i.e.*, in Zagreb in June and September, and in Kutina in October 2023. In its annual report, the Ombudsperson reported about the inadequate conditions in Reception Centres at the time of visits (for example, accommodation on mattresses in the hallway; insufficient number of toilet spaces compared to the number of people being accommodated; dirty common premises due to overcapacity, lack of staff for maintenance, cleaning and laundry, etc).³⁷⁸

During 2023, the Directorate for European Affairs, International Relations and Funds of the European Union of the Ministry of Interior made two decisions on the allocation of additional financial resources for the implementation of the project aimed at maintaining an adequate level of accommodation in Reception Centres for Applicants for International Protection.³⁷⁹

In addition, in 2023, the Ministry of Interior announced a public call for offers regarding the properties for sale or lease for accommodation of at least 50 applicants for international protection.³⁸⁰ Applicants for 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 their application, if they do not have an adequate standard of living.³⁸¹

³⁷⁶ Information provided by the Ministry of Interior, 8 March 2024.

³⁷⁷ Information provided by Croatian Red Cross, 15 January 2024.

³⁷⁸ Ombudswoman: Report of the Ombudswoman for 2023, available in Croatian at: <https://bit.ly/4crt2kR>.

³⁷⁹ Ministry of Interior, decisions available in Croatian at: <https://bit.ly/3VMQI2Y>.

³⁸⁰ Ministry of Interior: Public call, available at: <https://bit.ly/3KMPs43>.

³⁸¹ Article 7(1) Ordinance on the realisation of material reception conditions

A. Access and forms of reception conditions

1. Criteria and restrictions to access reception conditions

Indicators: Criteria and Restrictions to Reception Conditions

1. Does the law allow access to material reception conditions for 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? Yes No

According to the LITP, all 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.³⁸² 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.³⁸³

The rules of stay in the Reception Centre for Applicants for International Protection are determined by the House Rules. The applicant may stay outside the Reception Center for longer than 24 hours with the prior approval of the Reception Centre. If, based on an individual assessment the approval is denied, the Reception Center shall issue a decision. A lawsuit against the decision can be submitted to the administrative court within eight days from the date of delivery of the decision.³⁸⁴

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

According to the Ordinance on the Realisation of Material Reception Conditions, applicants are entitled to financial support from the day when they were accommodated in the Reception Centre,³⁸⁵ either if they do not have possession of great 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.³⁸⁶

The applicant is entitled to financial support if she/he has stayed in the Reception Centre Centres for Applicants for International Protection for at least 25 continuous days in the month for which the financial support is paid.³⁸⁷ 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.³⁸⁸

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 is taken when he or she lodges application for international protection.³⁸⁹ The Reception centre where the applicant is

³⁸² Article 55(4) LITP.

³⁸³ Article 7(1) Ordinance on the Realisation of Material Reception Conditions.

³⁸⁴ Article 56 (7)- (9) LITP.

³⁸⁵ Article 23(2) Ordinance on the Realisation of Material Reception Conditions.

³⁸⁶ Article 23(1) Ordinance on the Realisation of Material Reception Conditions.

³⁸⁷ Article 24(2) Ordinance on the Realisation of Material Reception Conditions.

³⁸⁸ Article 24(3) Ordinance on the Realisation of Material Reception Conditions.

³⁸⁹ Article 3(7) Ordinance on the Realisation of Material Reception Conditions.

accommodated confirms to the applicant their right to financial assistance and issues a certificate on the right to financial assistance.³⁹⁰

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.³⁹¹ In addition, applicants will be given an card of an applicant for international protection (applicant's card) which shall be issued within issued days from the day of lodging the application and it shall serve as a residence permit in the Republic of Croatia. The applicant's card is not proof of identity.³⁹²

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 only those applicants who have not secured adequate standard of living have a right to material reception conditions,³⁹³ and accommodation in the Reception Centre for Foreigners should be considered as an adequate standard of living.³⁹⁴ If the applicant, following her/his own request, does not stay in the Reception Centre for Applicants for International Protection or in an accommodation provided by the Ministry of Interior and is accommodated with a private person, she/he is considered to have an adequate standard of living.³⁹⁵

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 2023 (in original currency and in €): €20

According to the LITP, material reception conditions are: accommodation in the Reception Centre for Applicants for International Protection, food and clothing provided in kind, remuneration of the cost of public transport for the purpose of the procedure for the granting of international protection, and financial aid.³⁹⁶ The methods and conditions for the provision of material reception conditions shall be established by the Ministry of Interior, while the Reception Centre shall decide on the right to financial assistance.³⁹⁷ The amount of financial assistance should be established by the decision of the Minister of Interior.³⁹⁸

The Decision on the Amount of Financial Assistance for Applicants for International Protection prescribes that the amount of support is 20 EUR per month. Monthly financial support to applicants is low 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 and less favourable than the general welfare system for 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

³⁹⁰ Article 25 (1) (2) Ordinance on the Realisation of Material Reception Conditions.

³⁹¹ Article 7(6) Ordinance on the Realisation of Material Reception Conditions.

³⁹² Article 62(1) LITP.

³⁹³ Article 3(1) Ordinance on the Realisation of Material Reception Conditions.

³⁹⁴ Article 3(4) Ordinance on the Realisation of Material Reception Conditions.

³⁹⁵ Article 3(5) Ordinance on the Realisation of Material Reception Conditions.

³⁹⁶ Article 55(1) LITP and Article 1(2) Ordinance on the Realisation of Material Reception Conditions.

³⁹⁷ Article 55(2) LITP.

³⁹⁸ Article 55(3) LITP.

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

- (1) Does not reside in the Reception Centre for Applicants for International Protection in which accommodation has been provided to him or her;
- (2) Stays outside the Reception Centre for Applicants for International Protection contrary to the conditions referred to 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 for Applicants for International Protection.³⁹⁹

On the basis of a case-by-case assessment, the Reception Centre for Applicants for International Protection shall issue 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 to in the above-mentioned points (1) and (2) cease to exist, the Reception Centre has to issue a decision to revoke the decision entirely or partially. The lawsuit may be brought before the Administrative Court within eight days from the delivery of the decision. The Ministry of Interior has the right to request repayment of the costs of accommodation, including material damage incurred, in the cases prescribed in the above-mentioned points (3) and (4).⁴⁰⁰

According to the Ministry of Interior no decisions on reduction or withdrawal of reception conditions were issued in 2023.⁴⁰¹

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 Croatia, subject to prior approval by the Ministry of Interior. According to the Ordinance on the Realisation of Material Reception Conditions, in order to stay at some other address, the applicant must provide a notarised copy of the rental agreement or a notarised statement of the owner of the apartment stating that she/he accepts 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.⁴⁰²

For those applicants who are accommodated in the Reception Centres for Applicants for 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 Ordinance on the Realisation of Material Reception Conditions, an 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, and 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.⁴⁰³

There are only two reception centres for applicants in Croatia. Therefore, in the past, transfers of applicants were possible from one centre to the other centre due to capacity / bed management issues or

³⁹⁹ Article 55(5) LITP and Article 4(1) Ordinance on the Realisation of Material Reception Conditions.

⁴⁰⁰ Article 55(6)-(9) LITP.

⁴⁰¹ Information provided by the Ministry of Interior, 8 March 2024.

⁴⁰² Article 10(2) Ordinance on the Realisation of Material Reception Conditions.

⁴⁰³ Article 17(1) Ordinance on the Realisation of Material Reception Conditions.

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 4 alternative measures or by detention.⁴⁰⁴

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

The LITP lists 7 grounds for restricting freedom of movement (which are also grounds for detention):⁴⁰⁵

The freedom of movement of an applicant may be restricted if, on the basis of all the facts and circumstances of the specific case, it is estimated that it is needed for the purpose of:

1. establishing the facts and circumstances on which the application for international protection is based, and that cannot be established without the restriction of movement, especially if it is assessed that there is a risk of absconding;
2. establishing and verifying identity or nationality;
3. protection of the national security or public order of the Republic of Croatia;
4. in order to prevent the spread of infectious diseases in accordance with national regulations on necessary epidemiological measures;
5. to prevent endangering the life of persons and property;
6. due to multiple consecutive attempts to leave the Republic of Croatia during the procedure for international protection;
7. due to the implementation of the procedure for forced removal, if based on objective circumstances, taking into account that the applicant already had the possibility of starting the procedure for international protection, it is justifiably assumed that by seeking international protection applicant wants to delay or make difficult to execute the decision on expulsion and/or return made in accordance with the provisions of the Law on foreigners.

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

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 1. Number of reception centres: | 2 |
| 2. Total number of places in the reception system: | 900 |
| 3. Total number of places in private accommodation: | n/a ⁴⁰⁶ |
| 4. Type of accommodation most frequently used in a regular procedure: | |
| <input checked="" type="checkbox"/> Reception centre <input type="checkbox"/> Hotel or hostel <input type="checkbox"/> Emergency shelter <input type="checkbox"/> Private housing <input type="checkbox"/> Other | |
| 5. Type of accommodation most frequently used in an accelerated procedure: | |
| <input checked="" type="checkbox"/> Reception centre <input type="checkbox"/> Hotel or hostel <input type="checkbox"/> Emergency shelter <input type="checkbox"/> Private housing <input type="checkbox"/> Other | |

⁴⁰⁴ Article 54(5) LITP.

⁴⁰⁵ Article 54(2) LITP.

⁴⁰⁶ In Croatia, private accommodation is not provided by state to applicants for international protection. However, applicants are allowed to stay – at their own cost – at any address in Croatia, subject to prior approval by the Ministry of Interior.

In Croatia there are two Reception Centres for Applicants of International Protection:

Capacity and occupancy of Reception Centres for Asylum Seekers: 2023			
Centre	Location	Maximum capacity	Occupancy at the end of December, 2023
Hotel Porin	City of Zagreb	600	471
Kutina	80km from Zagreb	300	80
Total		900	551

In 2019, the renovation of the Reception Centre in **Zagreb** was finalised. The Croatian Red Cross assessed that living conditions greatly improved thanks to renovation.⁴⁰⁷ 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.⁴⁰⁸

As a result of the project, the accommodation capacity of the Reception Centre in Kutina increased by 40 places (from 100 to 140). In addition, 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.⁴⁰⁹

According to the information provided by the Ministry of Interior, in 2023, capacity of the Reception Centre in Kutina was 300. As for the statistics on the occupancy in both centres, during 2023, in Reception Centres for applicants for International Protection in Zagreb and Kutina more than 34,000 people were accommodated. At the end of December 2023, 551 applicants were accommodated in Reception Centres in Zagreb and Kutina, while 24 were accommodated in private accommodation.⁴¹⁰

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

In January 2021, the Directorate for European Affairs, International Relations and European Union Funds of the Ministry of the Interior adopted a decision on the allocation of AMIF funds for the project "Procurement of equipment for needs of Mol's Service for reception and accommodation of applicants for international protection and Service for international protection- NOP2". The purpose of the project is to equip reception centres in accordance with the best European practice to improve the quality of life of applicants as well as the working conditions for State officials.⁴¹¹ 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.⁴¹²

During 2023, the Directorate for European Affairs, International Relations and Funds of the European Union of the Ministry of Interior made two decisions on the allocation of additional financial resources (75% from national AMIF, 25% from state budget) for the implementation of the project aimed at

⁴⁰⁷ Information provided by Croatian Red Cross, 20 December 2019.

⁴⁰⁸ Ministry of Interior, *Successful completion of the project "Renovation of the Reception Centre for Applicants for International Protection in Kutina"*, available at: <https://bit.ly/3MEvOYC>.

⁴⁰⁹ 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>.

⁴¹⁰ Information provided by the Ministry of Interior, 8 March 2024.

⁴¹¹ Ministry of Interior, Decision on the allocation of AMIF funds for the project "Procurement of equipment for needs of Mol's Service for reception and accommodation of applicants for international protection and Service for international protection- NOP2", available in Croatian: <https://bit.ly/3h1qzli>.

⁴¹² 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>.

maintaining an adequate level of accommodation in Reception Centres for Applicants for International Protection.⁴¹³

2. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

1. Are there instances of asylum seekers not having access to accommodation because of a shortage of places? Yes⁴¹⁴ No
2. What is the average length of stay of asylum seekers in the reception centres? Less than 3 days, while majority left the Reception Centre within 24 hours from the arrival⁴¹⁵
3. Are unaccompanied children ever accommodated with adults in practice? Yes No
4. Are single women and men accommodated separately? Yes No

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

In 2023, reception and accommodation of applicants for international protection was challenging due to the highest number of expressed intentions to apply for international protection that has ever been recorded in Croatia, namely 68,114 persons were registered as applicants for international protection.⁴¹⁶ However, many of them never reported to Reception Centres for Applicants for International Protection.

During 2023, in the Reception Centres for Applicants for International Protection in Zagreb and Kutina more than 34,000 people were accommodated, whereas only 551 were still accommodated there at the end of December 2023. The Ministry of Interior reported that the average length of stay in the Reception Centre in 2023 was less than 3 days, with the largest number of people leaving the Centre within 24 hours of arrival.⁴¹⁷

The Croatian Red Cross (CRC) reported that the biggest challenge during 2023 was the very significant influx of newly arrived applicants for international protection in both Reception Centres for Applicants for International Protection. This required additional efforts and the involvement of all CRC's employees in reception and accommodation activities to provide all applicants with beds, hygiene packages, bed linen packages, and clothes and shoes. Often, the influx of new applicants was over 150 in 24 hours, which resulted in the temporary accommodation on mattresses in the corridors until the beds in the rooms became available. As a result, difficulties in maintaining the cleanliness and hygiene of the corridors inside the Reception Centre for Applicants for International Protection in Zagreb occurred, since the cleaners were not able to clean all the corridors because of the mattresses and applicants sleeping on them. In Kutina, the problem was partially solved by installing containers on the football field, where applicants were accommodated when all the sleeping capacities inside the Centre were filled. Also, a large number of applicants stayed in the Centres just for a few days, and some stayed for less than 24 hours.⁴¹⁸

In October 2023, the United Nations agencies operating in Croatia (UNCT - United Nations Country Team) addressed the Ministry of the Interior regarding the increase in the number of irregular migrants, applicants for international protection, and unaccompanied children, offering cooperation with the proposal of a meeting to be informed about plans on accommodation facilities for applicants for international protection. The Ministry of Interior responded, informing the UNCT about all the activities it carries out in the field of international protection, expressing its readiness to continue cooperation with UN organizations, with an

⁴¹³ Ministry of Interior, Decisions on the allocation of additional financial resources for the implementation of the project aimed at maintaining an adequate level of accommodation in Reception Centres for Applicants for International Protection, available in Croatian at: <https://bit.ly/3VMQI2Y>.

⁴¹⁴ In 2023, due to the highest number of expressed intentions to apply for international protection ever recorded in Croatia, applicants experienced difficulties in accessing accommodation. The Ministry of Interior introduced measures to approach that challenge (containers, mattresses in hallways etc.).

⁴¹⁵ Information provided by the Ministry of Interior, 8 March 2024.

⁴¹⁶ Ministry of Interior, Statistics 2023, available at: <https://bit.ly/3Xr1uYp>.

⁴¹⁷ Information provided by the Ministry of Interior, 8 March 2024.

⁴¹⁸ Information provided by Croatian Red Cross, 15 January 2024.

emphasis on the need for further training of Ministry of Interior's officials, especially on vulnerable groups in the field of international protection. UNICEF Office for Croatia plans to expand its program activities in 2024, which will be aimed at those seeking international protection, and discussions are ongoing with the Ministry of Interior.⁴¹⁹

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. This means that civil society organizations had to interrupt their activities in the centres, with the exception of the Croatian Red Cross and MdM.⁴²⁰ The same organisation continued in 2023 and restrictions for nonessential entries to the centres remained in place until the end of 2023.

2.1. Overall living conditions

Applicants can go outside whenever they want but have to return by 11 pm. Under the House Rules, return to centre after 11pm is possible with the permission of the officials of the Reception Centre.

Applicants may stay outside the Reception Centre for Applicants for International Protection for longer than 24 hours with the prior consent of the Reception Centre. If, on the basis of individual assessment, consent is denied, the Reception Centre shall issue a decision thereon.⁴²¹

State of the 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.⁴²² 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.⁴²³ In previous years, there were sufficient showers and toilets and facilities were cleaned on a regular basis, however in 2023 challenges occurred due to high increases in the number of accommodated applicants

As reported by the Croatian Red Cross, in 2023 the biggest challenge was the huge influx of newly arrived applicants for international protection in both Reception Centres for Applicants for International Protection which in some periods resulted in their temporary accommodation on mattresses in the corridors until the beds in the rooms became available.

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.⁴²⁴

Kitchens, equipped by the Croatian Red Cross, where applicants can prepare meals by themselves, are available in the Reception Centres in **Kutina**,⁴²⁵ and in **Zagreb**.⁴²⁶ However, there is no information available whether kitchens were in function in the period from 2020 until the end of 2023.

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.

⁴¹⁹ Information provided by UNICEF Office for Croatia, 22 January 2024.

⁴²⁰ 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/3xgvIOf>.

⁴²¹ Article 56(8) LITP.

⁴²² Information provided by the Croatian Red Cross, 18 March 2019.

⁴²³ Information provided by the Croatian Red Cross, 18 March 2019.

⁴²⁴ Article 20 Ordinance on the Realisation of Material Reception Conditions.

⁴²⁵ Information provided by the Croatian Red Cross, 18 March 2019.

⁴²⁶ Information provided by the Croatian Red Cross, 20 December 2019.

2.2. Activities in the centres

The staff of the Ministry of Interior working in the reception centres was generally sufficient in previous years. However in 2023, the main challenges resulted from the highest numbers of applicants than have been ever recorded.

Access to reception centres was restricted from March 2020 until the end of 2023, with the exception of personnel of the Ministry of Interior, Croatian Red Cross and MdM. . Apart from CRC and MdM, civil society organisations were not present in the centres in the course of 2023. In 2023, 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.

In 2023, **Croatian Red Cross (CRC)** continued to carry out activities with applicants for international protection at the Reception Centre in **Zagreb** and **Kutina**.⁴²⁷ Applicants were provided with psychosocial support and social activities were organised.

More precisely, the CRC carried out the following activities in the Reception Centres:

- participation in the reception and accommodation of newly arrived applicants for international protection;
- encouragement to applicants to maintain hygiene and cleanliness;
- procurement and distribution of hygiene supplies and humanitarian aid;
- providing various types of information and assistance in solving everyday problems;
- Info corner;
- Job Center (participation of applicants in the maintenance of the Reception Centre and the environment);
- ensuring the availability of washing machines and kitchenettes for applicants;
- workshops and education of applicants on personal hygiene and space hygiene to promote hygienic habits and healthy lifestyles and health;
- education on the prevention of sexually transmitted diseases;
- assistance in accessing health services, provision of specialist health examinations as prescribed by a doctor, provision of medicines and food items as recommended by a doctor, for vulnerable groups, procurement of medical equipment and aids;
- holding of first aid courses;
- provision of psychosocial and practical support and assistance to applicants for international protection, based on the identified needs of individuals and families;
- identification of vulnerable groups and planning work adapted to their specific needs;
- organization of various social, educational and sports activities (children's workshop, creative workshop, sports activities, football, gym for men and women, IT workshop, technical workshop, Croatian language workshop, library, music room, intercultural learning workshops, education on promoting hygiene and health);
- inclusion of applicants in programs and activities in the local community and involvement of volunteers from the local community in activities with applicants, with the aim of better socialization and inclusion in community life, and prevention of conflict situations, misunderstanding, discrimination and xenophobia;
- family tracing and restoring family links.

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 CRC reported that, during 2023, due to the extremely large influx of applicants who stayed in the Reception Centres for a very short time, it was difficult to identify vulnerabilities and needs in situations that were not obvious.

⁴²⁷ Information provided by the Croatian Red Cross, 15 January 2024.

Organisations continued providing assistance and activities also outside the Reception Centres:

In 2023, AYS⁴²⁸ continued to run a so-called “free shop” where applicants for and beneficiaries of international protection (but also other persons in needs) could get clothes, shoes, hygiene items, dishes and other household items free of charge. The Free Shop is open three days a week (Monday, Wednesday, Friday), and during 2023, in total 2867 visitor arrivals were recorded while 44,003 items were distributed. According to AYS, during 2023, applicants for international protection often complained about impossibility of obtaining adequate clothes and shoes in the Reception Centre and about hygiene packages which were not enough for the whole month, but consisted of small one-time products that needed to be asked for again.

During 2023, AYS conducted 1 informal Croatian language course lasting for 4 months. The course was intended for both applicants for international protection and persons who were granted international protection and it took place in the premises of the AYS integration centre. The second language course which started in November 2023, continues in 2024. . AYS reported that their organisation received more requests for the language courses than the organization could cover. Most of the participants were applicants for international protection.

In 2023, AYS assisted in the employment of approximately 40 persons (applicants for international protection and persons granted international and temporary protection), which in practice meant drafting resumes or assistance in creating CVs, finding suitable jobs depending on education, work experience and skills of the beneficiaries and contacting potential employers. The problems observed by AYS were lack of knowledge of the language, non-payment of wages or overtime hours, failure to inform about employee rights (for example, about maternity and parental leave, the right to annual leave) and avoidance of signing the contracts by employers.

In 2023, the Rehabilitation Centre for Stress and Trauma (RCT) provided the following activities: individual psychotherapy through counselling with a solution-oriented approach; psychiatric treatment and psychotherapy; assistance in finding job vacancies and in creating and sending resumes and job applications; establishing contact and communication with employers; accompaniment of the interpreter to the job interview and psycho-social support for victims of torture. RCT reported that they requested to continue providing activities in the Reception Centre for Applicants of International Protection, however their request remained unanswered.⁴²⁹

Association Borders: None was also providing free legal aid in their premises to applicants for international protection.⁴³⁰

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

Centre for Peace Studies (CPS) employees and volunteers provided applicants for international protection with information on the system of international protection, as well as with legal support and counselling. CPS provided legal assistance to applicants for international protection in CPS premises but also online, by e-mail, and by telephone. In addition, CPS carried out other activities such as individual support to learn the Croatian language, providing information about life in Croatia, as well as psychosocial support. Based on contacts with applicants for international protection, CPS pointed out as problematic, the lack of information regarding existing services and organizations supporting applicants for international protection outside the Reception Centre for Applicants for International Protection. Many applicants expressed that they believe that more applicants would stay in Croatia if they had information about where and how they can get adequate support regarding their rights and access to basic services or where they can get involved in creative, musical and cultural activities outside the Reception Centre.⁴³¹

⁴²⁸ Information provided by Are You Syrious, 29 January 2024.

⁴²⁹ Information provided by the Rehabilitation Centre for Stress and Trauma, 30 January 2024.

⁴³⁰ Information provided by Borders: None, 15 January 2024.

⁴³¹ Information provided by Centre for Peace Studies, 30 January 2024.

In 2023, the Jesuit Refugee Service (JRS) carried out the following activities with applicants for international protection: free legal assistance; mediation in the process of employment of applicants for international protection and integration into the local labour market, providing information to applicants on key aspects of life in Croatia (including enrolment in schools, the health system and integration into the community in general); organizing intercultural meetings with the local community, which were adapted to different groups: men, youth and women; familiarization with Croatian culture through excursions to promote a better understanding of local culture and traditions among applicants for international protection. Also, in cooperation with Caritas, JRS organized a summer vacation for young applicants and women with small children.⁴³²

2.3. Duration of stay in the centres

The average length of stay in the reception centres in 2023 was less than 3 days, with the largest number of applicants leaving the Centre within 24 hours of arrival.⁴³³

In 2023, Croatia was still perceived as a transit country. The Government reported that in the first 10 months of 2023, 97% of persons who expressed their intention to apply for international protection or even submitted an application for international protection have left/are trying to leave Croatia using irregular paths and want to go to Western Europe. At the same time, 47% of persons who have expressed their intention to apply for international protection never report to the reception centers for applicants of international protection seekers in Zagreb or Kutina.⁴³⁴

In the regular procedure, applicants can be accommodated at a Reception Centre until the completion of the procedure and a final decision is taken on their 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?
❖ If yes, when do asylum seekers have access the labour market? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3 months |
| 2. Does the law allow access to employment only following a labour market test? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. Does the law only allow asylum seekers to work in specific sectors?
❖ If yes, specify which sectors: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 4. Does the law limit asylum seekers' employment to a maximum working time? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 5. Are there restrictions to accessing employment in practice? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Applicants have the right to work after the expiration of a period of three months from the day of lodging an application upon which the Ministry of Interior has not yet issued a decision if the applicant's conduct has not affected the reasons for not issuing a decision.⁴³⁵ The applicant shall exercise the right to work without the need for a residence and work permit or a work registration certificate until the decision on the application becomes enforceable.⁴³⁶

⁴³² Information provided by Jesuit Refugee Service, 5 February 2024.

⁴³³ Information provided by the Ministry of Interior, 8 March 2024.

⁴³⁴ Government of the Republic of Croatia: Report on the situation of illegal migration in the territory of the Republic of Croatia for the period since Croatia's entry into the Schengen area, available at: <https://bit.ly/3z72PcY>, 4.

⁴³⁵ Article 61(1) LITP.

⁴³⁶ Article 61(5) LITP.

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 hand, if the applicant does not meet the conditions, the Ministry shall issue a decision refusing to issue the certificate.⁴³⁷ No appeal is permissible against the decision refusing to issue the certificate, but a lawsuit may be brought before an administrative court, within eight days of the day of delivery of the decision.⁴³⁸

The applicant must inform the Reception Center for Applicants for International protection in writing about the establishment of an employment relationship and submit the employer's certificate of the concluded employment contract, within 15 days from the conclusion of the employment contract.⁴³⁹

A person whose status as an applicant has ceased must, within 15 days of the cessation of the status, return the certificate on the right to work to the Ministry of Interior for annulment.⁴⁴⁰

During 2023, 229 certificates granting the right to work were issued by the Ministry of Interior. In the period from January 1 to December 31, 2023, 141 applicants for international protection submitted work contracts to the Service for Reception and Accommodation of applicants for international protection.⁴⁴¹

In 2023, the Administrative Court in Zagreb received three lawsuits against the Ministry of Interior's decisions refusing to issue a certificate of the right to work, and one lawsuit was rejected, while the two other cases were referred in accordance with the Law on Courts.⁴⁴²

According to the Croatian Employment Service (CES), registration in the records of the CES is regulated by the Law on Labour Market. The applicant for international protection and her/his family members can register at the Employment Service if the Ministry of Interior has not made a decision on the application for international protection within the legally prescribed period. They should apply and register at the Employment Service according to their place of residence, *i.e.*, residential address.⁴⁴³ According to the data of the CES, two female and three male applicants for international protection were registered in the records of unemployed persons on 31 December 2023. In 2023, 22 applicants for international protection were receiving individual counselling at CES. In 2023, 26 applicants for international protection were employed through CES. During 2023, six applicants were included in the measures of the active employment policy with the aim of a more successful and faster integration into the labour market.⁴⁴⁴

Applicants can work on a voluntary basis in both Reception Centres.⁴⁴⁵ 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. The Croatian Red Cross runs the Job Center within which the applicants participate in the maintenance of the Reception Centre for Applicants for International Protection and its environment.

Are You Syrious (AYS) reported that, in 2023, they provided information to applicants for international protection on the right to work and provided support in job searching (e.g., writing CVs, contacting employers).⁴⁴⁶ According to AYS, the problems that appeared during 2023 include non-payment of wages or overtime hours, failure to inform applicants about employee rights and avoidance of signing contracts by employers.

⁴³⁷ Article 61(2)-(3) LITP.

⁴³⁸ Article 61(4) LITP.

⁴³⁹ Article 61(6) LITP.

⁴⁴⁰ Article 61(7) LITP.

⁴⁴¹ Information provided by the Ministry of Interior, 8 March 2024.

⁴⁴² Information provided by Administrative Court in Zagreb, 12 January 2024.

⁴⁴³ Article 14 Law on Labour Market, Official Gazette 118/2018, 32/2020, 18/2022.

⁴⁴⁴ Information provided by the Croatian Employment Service, 15 January 2024.

⁴⁴⁵ Article 19 Ordinance on the Realisation of Material Reception Conditions.

⁴⁴⁶ Information provided by AYS, 29 January 2024.

Jesuit Refugee Service,⁴⁴⁷ and Rehabilitation Centre for Stress and Trauma⁴⁴⁸ 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? Yes No
2. Are children able to access education in practice? Yes No

The right to education is a constitutional right for all children staying in Croatia. According to the LITP, child applicants are entitled to primary and secondary education under the same conditions as for Croatian nationals.⁴⁴⁹ Applicants who have begun to exercise the right to secondary education are allowed to continue secondary education even after they have turned 18.⁴⁵⁰

According to the LITP, children can access education within 30 days of lodging an application.⁴⁵¹

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, the procedure is carried out by their guardians.

According to the Ministry of Science and Education, in order to be included in the educational system, candidates are required to have the following documents: a certificate of status in the Republic of Croatia; a certificate of residence in the Republic of Croatia; an identity document (birth certificate, identity card, passport or corresponding document of the Ministry of Interior of the Republic of Croatia); and a document testifying to a previous education.⁴⁵² If they do not have a document on previous education, they need to give a statement before a public notary and present it to the services of the educational institution in order for them to organize an enrolment test and determine which class the candidate can attend.

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.⁴⁵³ 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.⁴⁵⁴ 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 2023. 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. If a child after 70 hours of preparatory classes does not meet the minimum requirements for inclusion in the regular education system, she/he should once again attend the program of preparatory classes. At the same time, in most cases, 140 hours of learning Croatian language is not enough for a child to be able to use the language independently to successfully achieve academic goals.⁴⁵⁵

⁴⁴⁷ Information provided by Jesuit Refugee Service, 5 February 2024.

⁴⁴⁸ Information provided by Rehabilitation Centre for Stress and Trauma, 30 January 2024.

⁴⁴⁹ Article 58(1) LITP.

⁴⁵⁰ Article 58(2) LITP.

⁴⁵¹ Article 58(3) LITP.

⁴⁵² 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.

⁴⁵³ Article 58(4) LITP; Article 43 Law on Education in Primary and Secondary Schools (Official Gazette 87/2008., 86/2009., 92/2010., 105/2010., 90/2011., 5/2012., 16/2012., 86/2012., 94/2013., 152/2014., 7/2017., 68/2018., 98/2019., 64/2020., 133/2020., 151/2022., 155/2023., 156/2023.)

⁴⁵⁴ Official Gazette 151/2011, available in Croatian at: <https://bit.ly/3Xs6dsO>.

⁴⁵⁵ Information provided by Are You Syrious, 29 January 2024.

The Ombudsperson for Children reported that difficulties with inclusion in the educational system were recorded in 2023. According to the 2023 report of the Ombudswoman for Children, children seeking international protection and children under international protection continued to face difficulties within the educational system. The ombudsman followed the case of a child who turned 15 during relocation to Croatia and had to re-enrol in the eighth grade. The City Office for Education, Sports and Youth of the City of Zagreb has approved regular school enrolment. The school requested the consent of the Ministry for Science, Education and Youth which rejected enrolment due to the high number of children with disabilities, with the instruction that the child attends a primary school for adult education or that another school should be found. After five schools in the area refused to enrol the child, the child was enrolled in the eighth grade through the efforts of the school to which the child was originally referred. The Ombudswoman for Children further reported problems with the inclusion in preparatory classes as well as the lack of support for language learning and writing homework. Staying in a class with other peers while waiting for the approval of classes, causes frustration in children due to their lack of knowledge of the language. They are often enrolled in lower classes, which affects socialization, and causes isolation and peer violence.⁴⁵⁶

Beyond access to schools, several organisations provide educational activities and language classes as described in detail 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 checked="" type="checkbox"/> Limited <input 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 the health care of applicants includes emergency medical assistance and the essential treatment of illnesses and of serious mental disorders in accordance with medical indication. An applicant who needs special reception and/or procedural guarantees, particularly victims of torture, rape or other serious forms of psychological, physical or sexual violence, shall be provided with appropriate health care related to their specific condition, i.e., the consequences caused by said acts.⁴⁵⁷ The costs of the health care shall be borne by the ministry responsible for health care.⁴⁵⁸

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 for international protection.⁴⁵⁹ 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

⁴⁵⁶ Ombudswoman for Children: *Report on the work of the Ombudswoman for Children in 2023*, available in Croatian: <https://bit.ly/3zeXCJw>.

⁴⁵⁷ Article 57(1)-(2) LITP.

⁴⁵⁸ Article 57 (4) LITP.

⁴⁵⁹ Official Gazette 28/2020, available in Croatian at: <https://bit.ly/3asTWel>.

as an insured person benefiting from a 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.⁴⁶⁰

Medical assistance is available in the Reception Centres for Applicants for International Protection in **Zagreb** and **Kutina**. While no newer information is available for the period from 2019 until the end of 2023, 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.⁴⁶¹ In the Health Centre, a competent ambulance (family medicine) has been designated to provide health care from the primary health care level for chronic and life-threatening illnesses. A specialist ambulance for vulnerable groups has been appointed by the Ministry of Health and Local Health Centres. This includes: paediatric ambulance, gynaecological ambulance, school medicine ambulance, neuropsychiatric ambulance at the Hospital of **Kutina**, ambulance for addiction treatment; dental ambulances and Psychiatric Hospital in **Zagreb**.

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

In 2023, MDM-BELGIQUE⁴⁶² continued to provide multidisciplinary and linguistically-adapted care to applicants for international protection – especially in the process of identifying and providing support to the most vulnerable among them (women, children, LGBT+ persons, survivors of gender-based violence, human trafficking or torture, persons with disabilities, children with developmental disabilities and their families, single parents of minor children, etc.) - at the Reception Centre for Applicants for International Protection in Zagreb with occasional visits depending on needs to the Reception Centre for Applicants for International Protection Seekers in Kutina.

A significant challenge in the implementation of activities of MDM-BELGIQUE included a break in funding after the end of the project "5P - Support in the provision of health care to applicants for international protection " financed by the AMIF and the Government of the Republic of Croatia. As a result, MDM-BELGIQUE team did not carry out their regular activities in the Reception Centres for Applicants for international protection in the period from May to the end of August 2023.

The continuation of activities at the Reception Centres was financed through the project "Health4AsylumSeekers (CRO) - Strengthening Emergency Migration Management Framework for Healthcare and Mental Health and psychosocial support of asylum seekers in Croatia" (through Rapid Response Fund, State Secretariat for Migration of the Swiss Confederation).

Apart from that period, medical team of MdM was present at the Reception Centre in **Zagreb** every working day, and in Kutina occasionally depending on needs.

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.⁴⁶³ 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".⁴⁶⁴

⁴⁶⁰ Article 9 (1) (4) Ordinance on health care standards for applicants for international protection and foreigners under temporary protection

⁴⁶¹ Information provided by the Ministry of Interior, 28 January 2019.

⁴⁶² Information provided by MDM-BELGIQUE, 23 February 2024.

⁴⁶³ Information provided by MdM, 14 February 2023.

⁴⁶⁴ 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/3IQ6Z17>; and in English at: <https://bit.ly/3C4pO6r>.

Complementary services by NGOs

MDM-BELGIQUE⁴⁶⁵ continued to provide multidisciplinary and linguistically adapted medical and mental health care to applicants for international protection during 2023.

The organization achieved the following results in 2023: through the cooperation of general practitioners and interpreters (for Arabic, Farsi, Urdu, Pashto, Russian, Spanish, and French language), MDM-BELGIQUE continued to implement the first health examination of newly arrived applicants for international protection, as well as ensuring the availability of medical consultations, interventions and distribution of prescribed medication (in cooperation with the health center Dom zdravlja Zagreb - Centar). Direct provision of services was provided every working day at the Reception Centre for Applicants for International Protection in Zagreb.

To make sure that comprehensive help and care is available, MDM-BELGIQUE social workers and interpreters also provided timely information and practical support to applicants for international protection in exercising their rights - mainly through arranging specialist examinations and diagnostic procedures in public health institutions, organizing transport schedules (including the schedule of transport for the Croatian Red Cross - as well as support in accompanying patients) and organizing the support of interpreters at agreed times.

The organization of transportation and accompaniment of applicants for international protection to public health institutions by interpreters enabled further examinations and treatment and helped to overcome language barriers between patients and health workers. The MDM-BELGIQUE medical team responded promptly in emergency cases and in cooperation with the epidemiology of the Teaching Institute for Public Health, Dr. Andrija Štampar actively worked on isolating patients and preventing the possible spread of infectious diseases in the Reception Center - especially SARS CoV-2, measles and whooping cough in 2023.

Vaccination of children applicants for international protection and/or conducting medical examinations for enrolment in preschool/school continued to take place continuously through cooperation with the Zagreb Health Centre and the Training Institute for Public Health "Dr Andrija Štampar". MDM-BELGIQUE also provided complete health care to pregnant women accommodated in the Reception Centre in cooperation with the Health Centre Zagreb (including gynaecological examinations and necessary tests) and provided them with accompaniment to the Clinical Hospital for Women's Diseases and Childbirth in Zagreb.

Given the specific conditions during the migration journey, which include poor nutrition and limited opportunities to maintain oral hygiene, a significant number of beneficiaries needed dental services. Through cooperation with the Health Centre Zagreb, MDM-BELGIQUE provided the necessary care to beneficiaries who needed dental services in order to prevent a series of urgent and complex interventions. In 2023, the MDM's medical team carried out 1,908 medical consultations with applicants for international protection, out of which 1,261 were initial medical examinations of newly arrived applicants. Out of the total medical consultations: 20,2% were organized with women and 11,4% with children. The most represented nationalities among MDM's beneficiaries were **Afghans** (41%), **Russians** (17,5%), **Burundians** (4,4%), **Syrians** (4,3%) and **Turkish** (3.6%). In addition, a total of 573 transports of 267 applicants for international protection to public health institutions for the necessary specialist and diagnostic treatment were performed (including transports for children to paediatricians/vaccinations/school medicine specialists). The most common diseases identified among applicants for international protection were skin diseases (29%), respiratory diseases (18%), osteo-muscular problems (9%) and digestive disorders (6%).

The main challenge that the organization faced during the implementation of the program in 2023 was an increase in the number of applicants for international protection as, in 2023, the number was several times higher compared to the same period in 2022.

⁴⁶⁵ Information provided by MDM-BELGIQUE, 23 February 2024.

In addition to particularly complex cases (which included postoperative care after amputation of the arm, lower leg and toes of the foot, cases of severe PTSD, suicidality, severe chronic diseases, disability in adults and children, cancer and acute conditions), such an increase with an extremely high transit dimension and fluctuation of beneficiaries resulted in an increased number of health consultations and examinations, as well as in additional administrative work of ordering diagnostic tests, specialist examinations and planning of transport schedules for health referrals.

An increased number of **Dublin transfers** of applicants for international protection from other EU countries to Croatia started again in 2022, and that continued in 2023. Back in 2018, there were a number of cases of patients returned from Austria, Germany, the Netherlands, Slovenia and Switzerland suffering from serious (e.g., cancer and Marfan syndrome) and chronic diseases (diabetes, cardiovascular diseases) and people who reported serious mental health difficulties (PTSD, psychosis, chronic depression, postpartum depression). A similar situation was recorded in 2023, and in several situations, it has been observed that the transfer of persons with serious diseases did not include the transfer of their medical records. This can significantly delay the continuation of treatment and continuity of care for the most vulnerable applicants for international protection who were transferred to Croatia.

2. Mental health

Psychological counselling and support was provided by MdM during 2023.⁴⁶⁶

Regarding mental health care and psychosocial support organized for applicants for international protection, MDM-BELGIQUE psychologists were organizing initial psychological assessments and individual psychological counselling, as well as crisis interventions if necessary. Compared to previous years, MDM-BELGIQUE has noticed an additional increase in cases of sexual and gender-based violence (SGBV) - with 106 recorded cases in 2023 compared to 66 cases in 2022. MDM-BELGIQUE provided psychological support and/or psychiatric treatment to all survivors of violence, as well as support for further referral - in cooperation with relevant service providers.

During 2023, 490 individual psychological consultations were carried out with referrals to "Sveti Ivan" Psychiatry Clinic and Psychiatric Hospital for Children and Youth and hospital treatment as needed. Regarding informative and preventive activities, MDM-BELGIQUE developed a platform for basic psychological support "Mental Health Zone" (www.mental-health-zone.com) available in eight languages - Croatian, English, French, Spanish, Arabic, Farsi, Turkish and Bajaj. The platform was designed as an interactive online tool which goal is to provide support to beneficiaries of the MDM-BELGIQUE team's services, as well as to all interested parties, in dealing with short-term and long-term reactions to crisis events and traumatic experiences and their psychological consequences. The platform contains psycho-educational content with practical advice and exercises that can help people integrate the crisis experience more healthily and strengthen natural mechanisms for dealing with stress while encouraging psychological resilience.

The platform was developed by the MDM-BELGIQUE expert team in Croatia as part of the so called *OPOPS* project, financed by the European Social Fund (ESF) and the Office for Cooperation with NGOs of the Government of the Republic of Croatia.

Info-preventive workshops related to mental health were also regularly organized inside the Reception Center for Applicants for International Protection in Zagreb.

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.⁴⁶⁷

⁴⁶⁶ Information provided by MdM, 23 February 2024.

⁴⁶⁷ Article 57(2) LITP.

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 have been subject to torture, rape or other serious forms of violence and as well as for those with special health care needs, must be adopted. The Ordinance on health care standards for applicants for international protection and foreigners under temporary protection was adopted in 2020 and entered into force in March 2020 (see [Primary health care](#) for more information).⁴⁶⁸

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.

The Standard Operational Procedure in Cases of Sexual and Gender-Based Violence in the Reception Centres for Applicants of International Protection" 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.⁴⁶⁹ The LITP provides special procedural and reception guarantees (see section on [Special Procedural Guarantees](#)).

However, until now, the Ministry of Interior still 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.⁴⁷⁰ Those with special reception needs may be placed in an appropriate institution or can be granted accommodation in accordance with regulations on social welfare, if accommodation appropriate for their needs cannot be provided in the Reception Centre.⁴⁷¹

According to the Ministry of Interior, during 2023, 12,389 applicants for international protection were identified as members of vulnerable groups. Out of that number, 10,634 were children and 1,516 unaccompanied children, while 49 women and 15 men were victims of gender-based violence and one woman and 14 men were exposed to torture in their country of origin. Also, a total of 16 applicants were exposed to psychological violence, of which three were women and 13 were men, while 10 men were exposed to physical violence, and the remaining number of applicants was divided into other categories of vulnerability. Considering that 48% of applicants who expressed the intention to apply for international protection have never appeared in Reception Centres for Applicants for International Protection, as well as due to short stays in Reception Centres, the identification of vulnerable groups is difficult.⁴⁷²

⁴⁶⁸ Official Gazette 28/2020, available in Croatian at: <https://bit.ly/2QKE3ZK>.

⁴⁶⁹ Article 4(1)(14) LITP.

⁴⁷⁰ Article 56(6) LITP; Article 6(1) Ordinance on the Realisation of Material Reception Conditions.

⁴⁷¹ Article 7(3) Ordinance on the Realisation of Material Reception Conditions.

⁴⁷² Information provided by the Ministry of Interior, 8 March 2024,

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 Institution for Social Welfare can participate in the assessment. The Institution for Social Welfare involved in the procedure for identifying applicants with special reception needs shall notify the Reception Centre of all measures and actions taken.⁴⁷³

Applicants with special health care needs shall be provided a special diet, based on the recommendations of the physician.⁴⁷⁴

There is no monitoring mechanism in place with regards to measures for addressing special needs of applicants accommodated in the centres. However, according to the Ministry of Interior, measures for vulnerable persons include accommodation in a room in a different wing of the Reception Centres more suitable to the person's needs or transfer to another facility, constant monitoring of psychological and mental health from psychologist and social workers, food deliverance to room when needed, etc.⁴⁷⁵

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 Institution for Social Welfare which is, when appropriate, included in the procedure for assessing special needs. In case 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.⁴⁷⁶

During 2023, a total of 1.113 unaccompanied children were accommodated in Reception Centers for Applicants for international protection. With regards to persons with special needs, in 2023 , 379 applicants for international protection were accommodated outside Reception centres. That included: one applicant for international protection who, due to a serious illness, was accommodated in a nursing home for the elderly, one minor applicant who was accommodated in a social care institution due to domestic violence, two women who were victims of gender-based violence and who were accommodated in safe houses, one of whom was accommodated there together with her minor child and a total of 374 unaccompanied children who were accommodated in homes for children and youth. However, majority of unaccompanied children who were accommodated in homes for children and youth left the institution within a very short time after accommodation.⁴⁷⁷

However, Centre for Peace Studies (CPS) pointed out that there is still an inadequate system for identifying vulnerable groups within Reception Centres for Applicants of International Protection and

⁴⁷³ Article 12(1)-(3) Ordinance on the Realisation of Material Reception Conditions.

⁴⁷⁴ Article 20(2) Ordinance on the Realisation of Material Reception Conditions.

⁴⁷⁵ EUAA, Information on procedural elements and rights of applicants subject to a Dublin transfer to Croatia, available at: <https://bit.ly/3VLNPKc>.

⁴⁷⁶ Information provided by the Ministry of Interior, 28 January 2019.

⁴⁷⁷ Information provided by the Ministry of Interior, 8 March 2024.

Reception Centre for Foreigners. CPS also reported the questionable level of psychological support provided to applicants in reception centres who suffer from trauma, PTSD and similar conditions in which quality, professional, individualised psychological support is needed⁴⁷⁸

1. Reception of women and children

According to the Ordinance on the realisation of material reception conditions, when accommodating applicants in the Reception Centre, the following circumstances are taken into account: gender, age, the position of vulnerable groups, applicants with special reception needs and integrity of the family.⁴⁷⁹

Separate premises are provided in the Reception Centre in **Kutina** for women and vulnerable groups. Families are kept together,⁴⁸⁰ while single women,⁴⁸¹ unaccompanied children⁴⁸² and traumatised applicants⁴⁸³ are accommodated in separate rooms.

2. Reception of unaccompanied children

With regard to unaccompanied children, the LITP prescribes that the special guardian of the unaccompanied child shall undertake, as soon as possible after the application for international protection is submitted, all necessary actions to find the family members and reunite the child with the family, if that is in the child's interest, including contacting and cooperating with relevant ministries, other state and foreign bodies and NGOs. The special guardian must respect the principle of confidentiality when collecting, processing, and exchanging information about the child and family members so as not to jeopardize their safety.⁴⁸⁴

The child shall be provided with access to recreational activities, including age-appropriate play and recreational activities and outdoor activities.⁴⁸⁵

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.⁴⁸⁶

According to UNICEF, social welfare homes where unaccompanied children are accommodated reported an increase in the number of unaccompanied children in 2023 and that children stayed in the institutions for a very short time.⁴⁸⁷

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...⁴⁸⁸ However, according to the Ombudsperson for Children due to the increased number, children are accepted in other social welfare institutions.

⁴⁷⁸ Information provided by the Centre For Peace studies, 30 January 2024.

⁴⁷⁹ Article (6) 1 Ordinance on the realisation of material reception conditions.

⁴⁸⁰ Article 11 Ordinance on the realisation of material reception conditions.

⁴⁸¹ Article 16 Ordinance on the realisation of material reception conditions.

⁴⁸² Article 15 Ordinance on the realisation of material reception conditions

⁴⁸³ Article 12 Ordinance on the realisation of material reception conditions

⁴⁸⁴ Article 10(3) – (4) LITP.

⁴⁸⁵ Article 10(5) LITP.

⁴⁸⁶ Information provided by the Centre For Peace studies, 30 January 2024; UNICEF, 22 January 2024, see also Ombudswoman for Children: *Report on the work of the Ombudswoman for Children in 2023*, available in Croatian at: <https://bit.ly/3zeXcJw>.

⁴⁸⁷ Information provided by UNICEF, 22 January 2024.

⁴⁸⁸ 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/32AD00Y>.

The Ombudswoman for Children reported a lack of accommodation capacity, for example in relation to the Centre in Zagreb where unaccompanied children are accommodated. She also reported the lack of systematic support both to unaccompanied children and to employees of those institutions.⁴⁸⁹

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 foster families.⁴⁹⁰ According to Ombudsperson for Children and the Ministry of Interior, in 2023, there were no children accommodated in foster families.⁴⁹¹

The Croatian Red Cross (CRC) reported that in 2023, CRC mobile team composed of psychologists, experts from CRC's Search Service and interpreter/cultural mediator conducted 62 visits to institutions where unaccompanied children are accommodated to provide psychosocial support to children and provide material services (such as clothing and school supplies). An initial needs assessment was conducted with children to gather information about the child and determine needs and priorities. An individual support plan was created for 100 unaccompanied children mostly from Afghanistan, Syria and Turkey. During 2023, 48 assistances were provided by CRC to special guardians and workers of institutions where children are accommodated. Special attention and individual psychosocial support was provided to 14 unaccompanied children who have lived in Croatia for a longer time and who faced the challenges of adapting to a new environment and had a hard time coping with the stress caused by multiple traumatic experiences that they survived during travel and/or in the country of origin or while waiting for the completion of the family reunification procedure or decision on international protection. Numerous individual and group activities were conducted with unaccompanied children. In addition, eight social activities to which 14 CRC volunteers participated to encourage the integration of children into Croatian society, were organized. In cooperation with UNHCR, the Ministry of Labour, Pension System, Family and Social Policy, the Ministry of Interior and the Croatian Institute for Social Work, CRC organized two trainings for special guardians of unaccompanied children. The trainings were held in Osijek and Zagreb and 45 employees of the local branches of Croatian Institute for Social Work attended the trainings. In addition, education for volunteers of the City Red Cross Society Zagreb was also held. Volunteers then became actively involved in the organization of activities with unaccompanied children and in providing individual support in mastering the language and school material, to children who were included in the education system.⁴⁹²

In 2023, there were 12,150 children applicants for international protection. Among them, 1516 were unaccompanied children, of which 1458 boys and 58 girls.⁴⁹³

However, according to the Ombudsperson for Children in 2023, only 19 unaccompanied children submitted applications for international protection. Regardless of the year when applications were submitted, in 2023, 156 procedures were suspended in cases of unaccompanied children, while international protection was granted to 14 accompanied minors.⁴⁹⁴

In 2023, 1,113 unaccompanied children were accommodated in Reception Centers for Applicants for international protection, one child applicant was placed in a social welfare institution due to domestic violence, while 374 unaccompanied children were placed in children and young people's homes.⁴⁹⁵

⁴⁸⁹ Ombudswoman for Children: *Report on the work of the Ombudswoman for Children in 2023*, available in Croatian at: <https://bit.ly/3zeXcJw>.

⁴⁹⁰ Official Gazette 115/2018, available in Croatian at: <https://bit.ly/2xP8gh5>.

⁴⁹¹ Ombudswoman for Children, *Report on the work of the Ombudswoman for Children in 2023*, available in Croatian at: <https://bit.ly/3zeXcJw>; Ministry of Interior, 8 March 2024.

⁴⁹² Croatian Red Cross: *Annual report on the work of Croatian Red Cross in 2023*, available at: <https://bit.ly/3z8D4Jj>.

⁴⁹³ Information provided by the Ministry of Interior, 8 March 2024.

⁴⁹⁴ Ombudswoman for Children, *Report on the work of the Ombudswoman for Children in 2023*, available in Croatian at: <https://bit.ly/3zeXcJw>.

⁴⁹⁵ Information provided by the Ministry of Interior, 8 March 2024.

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 knowledge of Croatian Law Centre. 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.⁴⁹⁶ When accommodating applicants in the Reception Centre, special attention shall be paid to gender, age, the situation of vulnerable groups, applicants with special reception needs, and family unity.⁴⁹⁷

In 2020, the Ordinance on health care standards for applicants for international protection and foreigners under temporary protection entered into force regulating, amongst other, the scope of health care for vulnerable groups.⁴⁹⁸ This is discussed in detail in the section on [Health Care](#).

Standard Operational Procedures 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. According to the provisions of the LITP, the Ministry of Interior has to inform the applicants in writing 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. If the information cannot be provided in writing for justified reasons or if the applicant is illiterate, the information shall be provided orally in a language reasonably supposed to be understood by the applicant and in which applicant is able to communicate.⁴⁹⁹

In practice, according to the information available to the Croatian Law Centre, this information is given in 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.⁵⁰⁰

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,

⁴⁹⁶ Article 57(2) LITP.

⁴⁹⁷ Article 56(6) LITP.

⁴⁹⁸ Official Gazette 28/2020, 13 March 2020, available in Croatia at: <https://bit.ly/2PcZGBM>.

⁴⁹⁹ Article 59(2)- (3) LITP.

⁵⁰⁰ Information provided by the Ministry of Interior, 2 March 2017.

Pension System, Family and Social Policy. The videos provide general information⁵⁰¹ as well as information on legal counselling, accommodation and daily life,⁵⁰² health care,⁵⁰³ education,⁵⁰⁴ obligation to respect the legal framework and customs of the Republic of Croatia,⁵⁰⁵ and cultural features in the local community.⁵⁰⁶ The videos were made with English subtitles and synchronized to Arabic.

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

Amendments to the LITP in 2023 introduced specific provisions on the access of third parties to the Reception Centres for Applicants for International Protection. According to LITP, applicants accommodated in the Reception Center shall be provided with an adequate space for meeting and communicating with family members and relatives, legal or other counsellors, representatives of the UNHCR, and other national, international and non-governmental organizations and bodies. Access to applicants may be temporarily restricted due to serious health or safety reasons.⁵⁰⁷

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.⁵⁰⁸

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.⁵⁰⁹

As of mid-March 2020, until the end of 2023, access to Reception centres for applicants for international protection remained restricted, with the exception of persons who ensure the normal functioning of the facilities i.e., 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.

⁵⁰¹ The video is available at: <https://bit.ly/3awCMN4>.

⁵⁰² The video is available at: <https://cutt.ly/qvKPaQo>.

⁵⁰³ The video is available at: <https://cutt.ly/6vKPjJp>.

⁵⁰⁴ The video is available at: <https://cutt.ly/YvKPcY4>.

⁵⁰⁵ The video is available at: <https://cutt.ly/YvKPQut>.

⁵⁰⁶ The video is available at: <https://cutt.ly/6vKPTPm>.

⁵⁰⁷ Article 56 (3) – (4) LITP.

⁵⁰⁸ Article 56 (2) LITP.

⁵⁰⁹ 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/45wulwH>.

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2023: ⁵¹⁰	47 ⁵¹¹
2. Number of asylum seekers in detention at the end of 2023:	4 ⁵¹²
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.

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.⁵¹³ 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 2023.

According to the data of the Ministry of Interior, the greatest pressure regarding the irregular border crossings was recorded in the area of the Karlovac Police administration. Namely, out of the total number of actions related to irregular crossings, 23,363 were recorded in the area of Karlovac Police Administration.⁵¹⁴

For the first ten months of 2023, this increase especially referred to the Police Border Station Cetingrad, which registered 9,412 procedures and Police Station Slunj with 7,444 procedures. This pressure was the result of a change in the migration route.⁵¹⁵ In addition, the highest number of expressed intentions to apply for international protection in 2023 was recorded by the Cetingrad Border Police Station (10, 879).

In October 2023, the Government of the Republic of Croatia adopted the Decision on the temporary use of containers from strategic goods stocks without compensation to the Ministry of the Interior.⁵¹⁶ The decision approves that the Ministry of Economy and Sustainable Development transfer to the Ministry of Interior, 100 office containers from strategic goods stocks free of charge for temporary use for the purposes of ensuring the implementation of the procedure for controlling irregular movements and the registration of foreigners - applicants for international protection. At the end of 2023, a temporary closed registration centre for migrants was opened in Dugi Dol, which is located in the Karlovac Police

⁵¹⁰ Including *both* applicants detained in the course of the asylum procedure and persons lodging an application from detention.

⁵¹¹ 47 applicants were detained following the decision of the Service for reception and accommodation of applicants for international protection. However, data on decisions on the restriction of freedom issued by police administrations or stations were not requested for 2023, it is therefore not possible to determine the total number of applicants for international protection whose freedom of movement was restricted with the measure of detention in 2023.

⁵¹² The number refers to the Reception Centre for Foreigners in Ježevo

⁵¹³ Information provided by the Ministry of Interior, Border Directorate, 6 February 2019.

⁵¹⁴ Ministry of Interior, Statistical overview of the fundamental safety indicators and work results in 2023, available at: <https://bit.ly/3KOMnAD>.

⁵¹⁵ Government of the Republic of Croatia: Report on the situation of illegal migration in the territory of the Republic of Croatia for the period since Croatia's entry into the Schengen area, available at: <https://bit.ly/3z72PcY>, 3.

⁵¹⁶ Government of the Republic of Croatia, Decision on the temporary use of containers from strategic goods stocks without compensation to the Ministry of the Interior, available in Croatian at: <https://bit.ly/3xxKB3H>.

Administration.⁵¹⁷ The idea for the Centre was to ease the pressure on police i.e., particular police stations.⁵¹⁸ According to the Ministry of Interior, 109 containers have been placed, of which 65 are for accommodation with eight beds each, which would mean that the accommodation capacity is 520 people.⁵¹⁹ According to unofficial information, the Centre in Dugi Dol is not intended to be a detention centre, but will serve as centre for short-term accommodation and registration.⁵²⁰

According to the Ombudswoman report, the Center for Registration of Applicants for International Protection (Center) in Dugi Dol was opened by the Ministry of Interior due to the increase in the number of applicants. The center was opened in the jurisdiction of the Police administration Karlovac, which due to its geographical location, is the most exposed to migratory movements, and the police stations in that area could not register the increased number of applicants. It is planned that all persons found by police officers in the area of Police administration Karlovac and who at the same time express their intention to seek international protection will be brought to the Center in order to be registered. In the Center, the registration of up to a maximum of 500 applicants per day is planned, and around 65 containers have been set up for accommodation during the procedure. It is planned that after the registration process, the applicants will be transported by bus to the Reception Centres for Applicants for International Protection in Kutina and Zagreb. The Centre started operating on November 19, 2023, and on 5 January 2024, 211 applicants were registered there.⁵²¹

During 2023, 106 persons expressed their intention to apply for international protection in the Reception Center for Foreigners, 61 in the Transit Reception Center for Foreigners Tovarnik, and 19 persons in the Transit Reception Center Trilj.⁵²²

In 2023, the Service for Reception and Accommodation of Applicants for International Protection issued 47 decisions on restriction of the freedom of movement, through the measure of detention in the Reception Centre for Foreigners. During 2023, no decision was issued on the restriction of movement that would determine an alternative measure.⁵²³

Regarding the profile of the applicants whose movement was restricted by detention in the Reception Centre for Foreigners, in the above 47 cases, 42 were adult male persons and one child accompanied with parents and 4 adult women. During 2023, there were no unaccompanied children seeking international protection detained in the three mentioned detention centres, however, one person with special reception needs was detained in the Reception Centre for foreigners.

Out of 43 males in the Reception Centre for Foreigners there were nationals of Turkey (15), Russian Federation (10), Burundi (6), India (5), Algeria (2), Pakistan (2), Afghanistan (1), Cuba (1) and Morocco (1). Out of 4 women, there were 2 nationals of Turkey and one national of India and Palestine. With regards to age, one male child applicant was in the age group 0-13, 34 adult male applicants were in the age group 18-34 and eight in the age group 35-64. Three women were in the age group 18-34 and one was in the age group 35-64.⁵²⁴

As for the legal basis for detention in the Reception Centre for Foreigners, for six applicants, freedom of movement was restricted on the basis of Art. 54, para. 2, item 2 of the Law on International and Temporary Protection (LITP) (establishing and verifying identity or nationality), for 11 on the basis of Art. 54, para. 2,

⁵¹⁷ Lika Club, *The migrant camp near Slunj is open! But its capacities are not nearly used*, 19 December 2023, available in Croatian at: <https://bit.ly/3VMTxeY>.

⁵¹⁸ Radio Slobodna Evropa, *Migrants' pressure is increasing, Croatia is building registration centers*, 8 September 2023, available in Croatian at: <https://bit.ly/3zb4v5i>.

⁵¹⁹ Ministry of Interior, *Deputy Prime Minister visited police officers working on the protection of the state border and suppressing irregular migration in the area of the Karlovac Police Administration*, 27 February 2024, available in Croatian at: <https://bit.ly/45vY4FV>.

⁵²⁰ Dnevnik, *Police on the new reception center for migrants: "More adequate working conditions would be available"*, 6 September 2023, available in Croatian at: <https://bit.ly/3KMRTDO>.

⁵²¹ Ombudswoman: Report of the Ombudswoman for 2023, available in Croatian at: <https://bit.ly/4crt2kR>.

⁵²² Information provided by the Ministry of Interior, 8 March 2024.

⁵²³ Information provided by the Ministry of Interior, 8 March 2024.

⁵²⁴ Information provided by the Ministry of Interior, 8 March 2024.

item 3 of the LITP (protection of the national security or public order of the Republic of Croatia), 14 on the basis of Art. 54, para. 2, item 4 of the LITP (prevention of the spread of infectious diseases in accordance with national regulations on necessary epidemiological measures) and 16 on the basis of Art. 54, para. 2, item 7 of the LITP (due to the implementation of the procedure for forced removal, if based on objective circumstances, taking into account that the applicant already had the possibility of starting the procedure for international protection, it is justifiably assumed that by seeking international protection, the applicant wants to delay or make difficult to execute the decision on expulsion and/or return made in accordance with the provisions of the Law on foreigners).⁵²⁵

Data on decisions on the restriction of freedom issued by police administrations or stations were not requested for 2023, so it was not possible to determine the total number of applicants for international protection whose right to freedom of movement was restricted in 2023. The Ministry of Interior reported that they do not keep records on the average duration of the restrictions on the freedom of movement at the Reception Centres for Foreigners. Measures for the restriction of freedom of movement are imposed as long as reasons listed in Article 54 paragraph 2 of the LITP exist, and so for up to 3 months. Exceptionally, for justified reasons, measures may be extended for a maximum of three additional months.⁵²⁶ The UN Subcommittee on Prevention of Torture (SPT) visited Croatia for the first time from 2 to 8 July 2023 to assess the treatment of people deprived of their liberty and the safeguards in place to protect them from torture and ill-treatment. The SPT visited various places of deprivation of liberty, including, police stations and migration centres.⁵²⁷

B. Legal framework of detention

1. Grounds for detention

Indicators: Grounds for Detention

- | | | | |
|-------------------------------------------------------------------------|-----------------------------------------|--------------------------------------------|--------------------------------|
| 1. In practice, are most detained asylum seekers held: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |
| ❖ on the territory: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| ❖ at the border: | | | |
| 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.⁵²⁸ 2023 amendments to the LITP introduced new grounds for applying restrictions on the movement of applicants, thus making the law stricter in this respect. Detention may be ordered for seven reasons,⁵²⁹ 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. establishing the facts and circumstances on which the application for international protection is based, and that cannot be established without the restriction of movement, especially if it is assessed that there is a risk of absconding;
2. establishing and verifying identity or nationality;
3. protection of the national security or public order of the Republic of Croatia;
4. in order to prevent the spread of infectious diseases in accordance with national regulations on necessary epidemiological measures;

⁵²⁵ Information provided by the Ministry of Interior, 8 March 2024.

⁵²⁶ Information provided by the Ministry of Interior, 8 March 2024.

⁵²⁷ UN Human Rights, Office of the High Commissioner. Croatia's detention facilities in spotlight as UN torture prevention body concludes visit, available at: <https://bit.ly/3VvHa5v>.

⁵²⁸ Article 54(5) LITP.

⁵²⁹ Article 54(2) LITP.

5. to prevent endangering the life of persons and property;
6. due to multiple consecutive attempts to leave the Republic of Croatia during the procedure for international protection;
7. due to the implementation of the procedure for forced removal, if based on objective circumstances, taking into account that the applicant already had the possibility of starting the procedure for international protection, it is justifiably assumed that by seeking international protection applicant wants to delay or make difficult to execute the decision on expulsion and/or return made in accordance with the provisions of the Law on foreigners.

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”. However, 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.

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:⁵³⁰

- Previous attempts to arbitrarily leave Republic of Croatia;
- 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 2023, 47 applicants for international protection were detained in the Reception Centre for Foreigners. For six applicants, freedom of movement was restricted on the basis of Art. 54, para. 2, item 2 of the Law on International and Temporary Protection (LITP) (establishing and verifying identity or nationality), 11 applicants were detained 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), 14 on the basis of Art. 54, para. 2, item 4 of the LITP (prevention of the spread of infectious diseases in accordance with national regulations on necessary epidemiological measures) and 16 on the basis of Art. 54, para. 2, item 7 of the LITP (due to the implementation of the procedure for forced removal, if based on objective circumstances, taking into account that the applicant already had the possibility of starting the procedure for international protection, it is justifiably assumed that by seeking international protection applicant wants to delay or make difficult to execute the decision on expulsion and/or return made in accordance with the provisions of the Law on foreigners).⁵³¹

In practice, however, detention is rarely used during the Dublin procedure. According to the Ministry of Interior, detention was used in two cases during the Dublin procedure in the course of 2018.⁵³² In 2021, this option was used in only one case, and the person was detained in the Reception Centre for Foreigners.⁵³³ No public information on detention during the Dublin procedure is available for 2022. According to the Ministry of Interior, in 2023, detention was not used during the Dublin procedure.⁵³⁴ 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.⁵³⁵ However, one attorney at law reported that decisions on the restriction of freedom of

⁵³⁰ Article 54(4) LITP.

⁵³¹ Information provided by the Ministry of Interior, 8 March 2024.

⁵³² Information provided by the Ministry of Interior, 28 January 2019. See also, 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>.

⁵³³ 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>

⁵³⁴ Information provided by the Ministry of Interior, 8 March 2024.

⁵³⁵ Article 54(6) LITP.

movement do not contain a thorough and reasoned individual assessment, but mostly state the chronology of the case. Other, milder measures are not analysed in particular, but it is only stated that the restriction is appropriate considering the purpose that could not be achieved with other alternative measures.⁵³⁶ Another attorney at law reported that decisions usually contain individual assessment, although rarely the explanation why alternative measures were not used.⁵³⁷

According to information provided by the Ministry of Interior in 2017, 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 the 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.⁵³⁸

In practice in the course of 2023 applicants were usually detained when they requested international protection after having been issued with a deportation order.

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 that are expressed in the Transit Reception Centres in **Trilj** and **Tovarnik** are received by local police stations based on their territorial jurisdiction.⁵³⁹

In 2023, persons detained in the Reception Centre for Foreigners contacted directly by phone the Centre for Peace Studies (CPS) on several occasions, and declared not being able to access the asylum system. CPS also reported that as of November 2022, they began to receive inquiries that indicated that a large number of Chechens, of which a large number were applicants for international protection in Croatia that were previously accommodated in the Reception Centre for Applicants for International Protection in Zagreb (Porin), were detained in the Reception Centre for Foreigners for unknown reasons and were at risk of deportation. According to the CPS, even though the LITP stipulates that restrictions on freedom of movement can be imposed for a maximum duration of 6 months, in some of the mentioned cases the maximum duration has been exceeded. In one case, the Administrative Court reviewed the classified data of the Security and Intelligence Agency and found that the file did not contain evidence nor any indications for the exclusion of asylum, and ordered the release of a person from detention.⁵⁴⁰

⁵³⁶ Information provided by attorney at law, 15 February 2024.

⁵³⁷ Information provided by attorney at law, 30 January 2024.

⁵³⁸ Information provided by the Ministry of Interior, 2 March 2017.

⁵³⁹ Information provided by the Ministry of Interior, Border Directorate, 17 August 2018.

⁵⁴⁰ Information provided by Centre for Peace Studies, 30 January 2024.

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 issue decisions on a particular alternative measure and its duration.⁵⁴¹

Article 54(6) LITP explicitly states that detention is only permissible where less coercive alternatives cannot be applied i.e., when it was established by individual assessment, that other measures could not achieve the purpose of the restriction of freedom of movement.

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 for International Protection;
- (2) Prohibition of movement outside a specific area;
- (3) Appearance in person at the Reception Centre for Applicants for International Protection at a specific time;
- (4) Handing over travel documents or tickets for deposit at the Reception Centre for Applicants for International Protection;

In 2023, alternative measures were not applied.⁵⁴²

According to the Ministry of Interior, in practice, by individual assessment of the specific case, applicant will be restricted by less coercive measures first, and only if necessary by the measure of detention. Depending on the individual assessment of the specific case, taking into consideration all relevant facts regarding the explicit reason for restriction of the freedom of movement that is stated in the LITP, a written administrative decision with less coercive measure is issued. If this does not accomplish the purpose of restriction, then a new written decision with more coercive measures will be issued.⁵⁴³

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 i.e. if, by individual assessment, it is established that such a form of accommodation is suitable for his or her personal circumstances and needs, and especially for his or her health.⁵⁴⁴ Moreover, it provides for detention of unaccompanied children, although separately from adults and for as short a period as possible if, through individual assessment, it is established that this form of accommodation is

⁵⁴¹ Article 54(11) LITP.

⁵⁴² Information provided by the Ministry of Interior, 8 March 2024.

⁵⁴³ EUAA: Information on procedural elements and rights of applicants subject to a Dublin transfer to Croatia, available at: <https://bit.ly/3VLNPKc>, 10.

⁵⁴⁴ Article 54(7) LITP.

necessary.⁵⁴⁵ During 2023, one child accompanied by parents, and one person with special reception needs were accommodated in the Reception Centre for Foreigners.⁵⁴⁶

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 of three months, which may be extended by another three months. Where detention is applied in a Dublin procedure, however, it cannot exceed six 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 -six weeks shall be counted from the time the decision on dismissal becomes final.⁵⁴⁷

The Ministry of Interior reported that they do not keep records on the average duration of the restrictions on the freedom of movement at the Reception Centres for Foreigners. Measures for the restriction of freedom of movement are imposed as long as there are reasons listed in Article 54 paragraph 2 of the Law on International and Temporary Protection, for up to 3 months. Exceptionally, for justified reasons, measures may be extended for a maximum of three additional months.⁵⁴⁸

C. Detention conditions

1. Place of detention

Indicators: Place of Detention

- | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------|
| 1. Does the law allow for asylum seekers to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

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

Applicants for international protection are detained in the same premises as irregular migrants.⁵⁴⁹

There is a pre-removal detention centre (“Reception Centre for Foreigners”) in **Ježevo**, 30km from **Zagreb**, which has a total capacity of 95 places, according to the information provided by the Ministry of Interior in 2018.⁵⁵⁰ The centre has capacity to accommodate 68 men, 12 women and 15 vulnerable persons. The special wing for vulnerable groups in Ježevo was finalised at the end of 2015 in order to detain women, families and unaccompanied children.

According to the CPT report, the separate two-storey residential unit for vulnerable groups in the Reception centre for Foreigners in Ježevo consisted of five three-bedded rooms (each measuring 10 m²) and four four-bedded family rooms (each measuring approximately 16 m²) all of which have an adjoining sanitary annex equipped with a toilet, washbasin, and shower. The unit also possessed a spacious

⁵⁴⁵ Article 54(8) LITP.

⁵⁴⁶ Information provided by the Ministry of Interior, 8 March 2024.

⁵⁴⁷ Article 54(10) LITP.

⁵⁴⁸ Information provided by the Ministry of Interior, 8 March 2024.

⁵⁴⁹ Article 54(5)-(6) LITP.

⁵⁵⁰ Information provided by the Border Directorate, 30 January 2018.

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.⁵⁵¹

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.⁵⁵² Each centre can accommodate 62 migrants, and include a separate wing for vulnerable groups with 12 places.⁵⁵³

The activities performed by these centres are defined by the Decree on Internal Organisation of the Ministry of Interior,⁵⁵⁴ and it is envisaged that the Transit Reception Centres will serve for the detention of foreigners apprehended for irregular crossing of the EU's external border until their transfer to **Ježevo** or until removal under a readmission agreement. This would mean that they are primarily intended for shorter accommodation of foreigners.

1.2. Airport transit zones and police stations

According to the information for 2018 provided by the Border Directorate of the Ministry of Interior,⁵⁵⁵ 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 also use for detention purposes.

The total number of persons whose entry was refused at the airports in 2023 was 424. The total number of refusal of entry in 2023 was 10,599, which also includes land (10,159), sea (16) and rivers (0).⁵⁵⁶

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.⁵⁵⁷ 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 Croatia to publish it, as it is common practice for CPT reports to be made public, with exceptions being very rare.⁵⁵⁸ The CPT report on the visit to Croatia was finally published in December 2021.⁵⁵⁹

⁵⁵¹ 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>

⁵⁵² ECRE, *Balkan route reversed*, December 2016, p. 17, available at: <https://bit.ly/3mWZAyE>.

⁵⁵³ Information provided by the Border Directorate, 6 February 2019.

⁵⁵⁴ Article 100f, 409 and 674, the Decree on Internal Organisation of the Ministry of Interior.

⁵⁵⁵ Information provided by the Border Directorate, 6 February 2019.

⁵⁵⁶ Ministry of Interior, *Statistical overview of basic safety indicators and work results in 2023*, available in Croatian at: <https://bit.ly/3KOMnAD>.

⁵⁵⁷ 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/3d1r9ok>.

⁵⁵⁸ Ombudswoman; Report of the Ombudswoman for 2020, available in Croatian at: <https://bit.ly/3aaQXar>.

⁵⁵⁹ 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>.

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities

1. Do detainees have access to health care in practice? Yes No
❖ If yes, is it limited to emergency health care? Yes 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**.⁵⁶⁰ No new data is available since then.

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 and was amended in 2023.⁵⁶¹

In 2020, the Ombudswoman initiated an investigation 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 contact persons they may turn to for legal advice and / or legal representation. The Ombudswoman recommended that information on free legal aid be 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.⁵⁶²

Amendments to the Ordinance on accommodation in the Reception Centre for Foreigners and the method of calculating the costs of forced removal (i.e., Detention Ordinance) from 2023, stipulate that during reception in the Centre, it will be checked whether the foreigner was informed of the right to free legal aid and whether s/he wishes to exercise that right. This should be done in a language s/he understands or for which can reasonably be assumed that the foreigner understands it. If a person is not adequately informed about the right to free legal aid, the foreigner will be informed about this right at the Centre.⁵⁶³

During 2023, according to the Croatian Red Cross, persons in detention often reported language barriers which sometimes made it difficult for them to communicate and to understand their own rights and obligations. CRC mostly provides interpreters for its visits, most often for Turkish, Kurdish, Farsi, Arabic, French and Russian, which greatly facilitates the provision of psychosocial support.⁵⁶⁴

2.1. Overall conditions

Conditions in the detention centre are satisfactory. According to the Ombudsman's report for 2022,⁵⁶⁵ all three reception centres for foreigners (transit-reception centres in Tovarnik and Trilj and Ježevo 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 AMIF.⁵⁶⁶

⁵⁶⁰ Information provided by the Ministry of Interior, Border Directorate, 6 February 2019.

⁵⁶¹ Official Gazette 145/2021, 155/2022, 137/2023

⁵⁶² Ombudswoman, Report of the Ombudswoman for 2020, available in Croatian at: <https://bit.ly/3aaQXar>.

⁵⁶³ Article 8(4) Ordinance on accommodation in the Reception Centre for Foreigners and the method of calculating the costs of forced removal

⁵⁶⁴ Information provided by Croatian Red Cross, 15 January 2024.

⁵⁶⁵ Ombudswoman, Report of the Ombudswoman for 2022, available in Croatian at: <https://bit.ly/3MNkaLf>.

⁵⁶⁶ Ministry of Interior: *Project "Improvement of accommodation and working conditions in the Transit Reception Centre for foreigners Trilj"*; available at: <https://bit.ly/46cW8SH>.

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 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.

In 2023, following two decisions taken in 2018 and 2020, two decisions were made on the allocation of financial resources for the implementation of the project aimed for maintaining an adequate level of accommodation in the Reception Centre for foreigners within the framework of the AMIF.⁵⁶⁷

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 2022.⁵⁶⁸ The Ordinance was amended at the end of 2022 and in 2023.

According to the Ordinance, each room must guarantee 4m² per person and have access to daylight.⁵⁶⁹ 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, except in the case of family. Family members, if they are not accommodated in the same room of the Centre, will be provided with daily meetings and socializing.⁵⁷⁰ Detainees are provided with clothes,⁵⁷¹ 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.⁵⁷²

There used to be a so-called library within the centre so detainees had access to books in various 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.⁵⁷³

If a person is in possession of any cash, it will be temporarily seized.⁵⁷⁴ While staying in the Centre, people may however use the seized cash for necessary payments; the exchange of foreign currencies is done once a week. Any detainee cannot be in possession of an amount of money superior to EUR 53.09.⁵⁷⁵

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

⁵⁶⁷ Ministry of Interior, Decisions on the allocation of financial resources for the implementation of the project aimed for maintaining an adequate level of accommodation in the Reception Centre for foreigners, available at: <https://bit.ly/4cqJt0u>.

⁵⁶⁸ Official Gazette 145/2021, 155/2022

⁵⁶⁹ Article 9 Detention Centre Ordinance.

⁵⁷⁰ *Ibid.*

⁵⁷¹ Article 11 Detention Centre Ordinance.

⁵⁷² Article 11 Detention Centre Ordinance.

⁵⁷³ Article 8 (3) Detention Centre Ordinance.

⁵⁷⁴ Article 21 (1) Detention Centre Ordinance

⁵⁷⁵ Article 21 Detention Centre Ordinance.

centre.⁵⁷⁶ 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.⁵⁷⁷

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).⁵⁷⁸ 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).⁵⁷⁹ 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 contact with religious communities.⁵⁸⁰

With the support of the EU financial instrument “Asylum, Migration and Integration Fund” (AMIF), a new kitchen, laundry and a heating system were installed in the course of 2019 as well as a football field.⁵⁸¹ At the end of 2020, the Ministry of Interior’s Decision was taken 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 framework of AMIF.⁵⁸² In 2023, two decisions were made on the allocation of additional financial resources for the implementation of the project aimed for maintaining an adequate level of accommodation in the Reception Centre for foreigners within the framework of the AMIF.⁵⁸³

In October 2020, information was published according to which the Reception centre for Foreigners in **Ježevo** implements the project: "Improvement of accommodation conditions and working conditions in the Reception Center for Foreigners in **Ježevo**". The aim of the project is to ensure adequate accommodation conditions for third-country nationals in accordance with EU standards, improve the infrastructure and to raise the level of quality of services as well as working conditions for employees in the Centre.⁵⁸⁴ 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 Ježevo - II. phase" was adopted.⁵⁸⁵ 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.⁵⁸⁶

⁵⁷⁶ Article 27 (5) - (6) Detention Centre Ordinance.

⁵⁷⁷ Article 28 (2) Detention Centre Ordinance.

⁵⁷⁸ Article 16 (2) – (5) Detention Centre Ordinance.

⁵⁷⁹ Article 15 (1) Detention Centre Ordinance.

⁵⁸⁰ Article 17 Detention Centre Ordinance.

⁵⁸¹ 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>.

⁵⁸² Ministry of Interior, 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>.

⁵⁸³ Ministry of Interior, Decisions on the allocation of financial resources for the implementation of the project aimed for maintaining an adequate level of accommodation in the Reception Centre for foreigners, available at: <https://bit.ly/4cqJt0u>.

⁵⁸⁴ Ministry of Interior: Project "Improvement of accommodation conditions and working conditions in the Reception Center for Foreigners in Ježevo“, 23 October 2020, available in Croatian at: <https://bit.ly/3emgjiW>.⁵⁸⁵ Ministry of Interior, Decision the allocation of financial resources for the implementation of the project "Improvement of living and working conditions in the Reception Centre for Foreigners in Ježevo - II. phase", available at: <https://bit.ly/3KzJKRi>.

⁵⁸⁵ Ministry of Interior, Decision the allocation of financial resources for the implementation of the project "Improvement of living and working conditions in the Reception Centre for Foreigners in Ježevo - II. phase", available at: <https://bit.ly/3KzJKRi>.

⁵⁸⁶ Ministry of Interior, 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 in

According to Croatian Red Cross employees who were present regularly in the reception centres for foreigners in the course of 2023, an increase in the number of persons detained in centers was observed, but the length of stay was also shortened, in most cases to a few days. Most of the beneficiaries were returned to the countries they came from through the readmission procedure in case they did not want to apply for international protection in Croatia, and if they did, no information has been received as to whether that was possible.⁵⁸⁷

The ECtHR issued its judgement in the case of *Daraibou v. Croatia*, concerning detention conditions in the premises of the Border Police station of **Bajakovo**. The case concerned a fire that broke out in the basement room of Border Police station **Bajakovo**, where applicant and three other migrants were detained as irregular migrants pending their expulsion back to Serbia next day. According to the Government, the applicant and other detainees set fire to their mattresses, bedsheets and clothes, probably using a cigarette lighter. The fire was intense and spread uncontrollably. A number of police officers rushed into the basement area to rescue the detainees. One of the detainees died at the scene of incident, while two others later succumbed to their injuries. The applicant had suffered severe injuries. The applicant complained under the substantive and procedural limbs 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 its judgement,⁵⁸⁸ the ECtHR ruled, unanimously, that two violations of Article 2 (right to life/investigation) of the ECHR occurred. The Court 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 earlier identification could have prevented similar errors in the future.⁵⁸⁹

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 working hours of the Centre's doctor's office, officials will take measures to provide assistance and all measures to eliminate the danger to the foreigner's life or health. Special medical care is provided to pregnant women and women giving birth.⁵⁹⁰

Upon admission to the centre, the foreigner is obliged to undergo a general medical examination.⁵⁹¹ 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.⁵⁹²

The health and medical care of persons who are accommodated at the Reception Centre in **Ježevo** is conducted by a general practitioner. 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 are conducted in cooperation with the Croatian Red Cross.

Croatian at: <https://bit.ly/3MI0197>; Decision on allocation of additional financial resources, available in Croatian at: <https://bit.ly/43i8eI7>.

⁵⁸⁷ Information provided by Croatian Red Cross, 15 January 2024.

⁵⁸⁸ ECtHR, *Daraibou v. Croatia*, Judgment, available at: <http://bit.ly/3THBvbb>.

⁵⁸⁹ 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>.

⁵⁹⁰ Article 13 Detention Centre Ordinance.

⁵⁹¹ Article 12 (2) Detention Centre Ordinance.

⁵⁹² Article 7 Detention Centre Ordinance.

According to the knowledge of Croatian Law Centre, there is no special mechanism in the detention centre to identify persons with special reception needs. A special facility exists for vulnerable groups within the Centre. This facility is an integral part of the Reception Centre for Foreigners, which is an organisational unit of the Border Police Directorate. 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.

In 2022, the Croatian Red Cross (CRC) made a leaflet on the topic of mental health and psychosocial support for detained persons. The leaflet explains what reactions people in detention can have and what they can do to make it easier for themselves.⁵⁹³

In 2023, CRC continued to provide psychosocial support. According to CRC, persons detained reported to CRC mental health difficulties caused by their stay in the center, but also by previous traumatic experiences on their way to Croatia.⁵⁹⁴

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.⁵⁹⁵

Detainees are allowed to receive visits at least twice a week.⁵⁹⁶ 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.

Detainees 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 such organisations shall be allowed access to the centre in accordance with the rules on visits,⁵⁹⁷ meaning that visits must be announced two days in advance and may last up to maximum one hour. If the attorney is not authorized by a foreigner, s/he is considered a visitor. Although the Amendments to the Detention Ordinance from 2023 prescribed an exception to the rule that the visit must be announced to the Centre in writing at least two days in advance, i.e., attorney or legal representative in urgent and justified cases can access to the Centre following a prior telephone announcement at least two hours before arrival, following the rule that

⁵⁹³ Information provided by the Croatian Red Cross, 18 January 2023.

⁵⁹⁴ Information provided by Croatian Red Cross, 15 January 2024.

⁵⁹⁵ Article 18 Detention Centre Ordinance.

⁵⁹⁶ Article 19 Detention Centre Ordinance.

⁵⁹⁷ Article 25 (5)-(6) Detention Centre Ordinance, citing Article 19.

attorney will be considered as a visitor until authorisation, access remains problematic in terms of short deadlines.

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.⁵⁹⁸ No such information was received in relation to 2020. In 2021, one lawyer reported that problems persisted in that regard.⁵⁹⁹

According to the Ombudsman's report for 2022,⁶⁰⁰ difficulties in accessing legal aid providers were observed in all three centres, as also reported to the Ombudsman by the Croatian Bar Association.

In 2023, no problems related to the access to detention facilities were reported by attorneys.⁶⁰¹ However one attorney reported that in 2023, on two occasions, in detention cases based on national security reasons, there were problems with the privacy of conversations at the Reception Centre for Foreigners in Ježevo (RC Ježevo). RC Ježevo determined in which room the meeting with the attorney would take place, and on two occasions police officer of RC Ježevo was present in the room during the meeting. At the insistence of the attorney that no physical protection is needed and that the police officer was free to leave the room, the attorney was told that this was the instruction and that police officer must be in the room until told otherwise by a superior. The attorney called the phone number provided by the police officer, and was told that this is obligatory, not for physical protection, but for the protection of property, since there is a valuable fingerprint scanner in the room.⁶⁰²

3.2. Access of NGOs and UNHCR to detention facilities

During 2023, the Croatian Red Cross did not face issues to access transit reception centres and reception centres for foreigners. The Croatian Red Cross (CRC) regularly conducts a weekly and monthly program of psychosocial support and restoration of family ties with citizens of third countries whose freedom of movement is restricted by accommodation in reception centres for foreigners. The program is implemented based on the Agreement with the Ministry of Interior. In addition, according to the needs of the beneficiaries, CRC provides them with humanitarian aid in the form of hygiene items, materials for social workshops, books and social games. In 2023, an increase in the number of persons placed in centers was observed, but the length of stay, as reported by CRC, was also shortened in most cases to a few days. Most of the beneficiaries are returned to the countries they came from through the readmission process in case they do not want to apply for international protection in Croatia, and if they do, no information has been received by CRC that it is not possible for them to do so. In 2023, over 1,000 psychosocial support services were provided by CRC to beneficiaries accommodated in reception centres for foreigners in Ježevo, Trilj and Tovarnik,⁶⁰³

The UNICEF Office for Croatia reported that in June 2023, together with the UNHCR, they visited the Transit Reception Centre for foreigners in Trilj and gained insight into the trends and spatial conditions of the Centre, including premises intended for accommodation of families with children. At the time of the visit, no families were staying in the Reception Centre.⁶⁰⁴

JRS Croatia reported that as part of the OAK project, which is part of the JRS Europe program, in 2023, they focused on the monitoring of detention systems, especially in the reception centers in Tovarnik and Ježevo. The goal of the project is to provide insight into the conditions and practices within these centers and to encourage improvement and dialogue about the detention system. Activities included meetings

⁵⁹⁸ Information provided by attorneys at law, 3 December 2019.

⁵⁹⁹ Information provided by attorneys at law, 29 December 2021.

⁶⁰⁰ Ombudswoman, Report of the Ombudswoman for 2022, available in Croatian at: <https://bit.ly/3MNkaLf>.

⁶⁰¹ Information provided by attorneys at law, 30 January 2024, 15 February 2024.

⁶⁰² Information provided by an attorney-at-law, 15 February 2024.

⁶⁰³ Information provided by Croatian Red Cross, 15 January 2024.

⁶⁰⁴ Information provided by UNICEF, 22 January 2024.

with relevant institutions, development of monitoring tools and visits to centres to collect data. During that time, JRS Croatia collected data from the Ministry of Interior and other key participants in the asylum and migration system. Also, the access to Ježevo and Tovarnik enabled JRS to have a direct insight into the accommodation conditions of applicants for international protection in detention.⁶⁰⁵

In practice, NGOs have been facing obstacles to access 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 2018.⁶⁰⁶ CRP Sisak, reported similar problems vis-à-vis the Reception Centre for Foreigners in Ježevo in 2022.⁶⁰⁷ However, no such problems were reported by CRC Sisak in 2023 as they have not had clients who were detained in Ježevo. In addition, they stressed a very good cooperation with the Reception Centre for Foreigners.⁶⁰⁸

UNHCR has access to the Centres but each of its visit should be announced in advance.

D. Procedural safeguards

1. Judicial review of the detention order

Indicators: Judicial Review of Detention

1. Is there an automatic review of the lawfulness of detention? Yes No
2. If yes, at what interval is the detention order reviewed?

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

In practice, the interpreter is present at the delivery of the decision and reads decision to them.⁶⁰⁹

Foreigners⁶¹⁰ accommodated in detention centers with whom the CRC came into contact during 2023, stated difficulties due to not understanding the reasons that led to their deprivation of liberty.

Applicants may lodge a lawsuit to the Administrative Court against a detention decision within eight days after its delivery. The authority that has issued the decision, i.e., the Ministry of Interior, the police administration or the police station, shall submit the case file to the Administrative Court no later than within eight days following the day of receipt of the decision by which the Administrative Court requests the case file. The Administrative Court shall issue a decision after a personal interview within 15 days from the day of receipt of the case file.

However, there are no legal consequences for not respecting the 15-day time limit prescribed by the relevant legislation. The complaint does not suspend the decision.

The 2023 amendments to the LITP also introduced the review of the decisions on restriction of freedom of movement. According to the amendments, restriction of movement, at reasonable time intervals, shall be reviewed *ex officio* by the competent Administrative Court or at the request of the applicant, especially when the restriction of movement lasts longer than a month and in the event of a change or the occurrence of new circumstances that may affect the lawfulness of the restriction of movement of the applicant. If the competent Administrative Court determines that the decision on the restriction of freedom of movement

⁶⁰⁵ Information provided by JRS Croatia, 5 February 2024.

⁶⁰⁶ Information provided by the Centre for Peace Studies, 22 January 2021, also confirmed on 18 January 2023.

⁶⁰⁷ Information provided by Civil Rights Project Sisak, 9 January 2022.

⁶⁰⁸ Information provided by Civil Rights Project Sisak, 15 February 2023.

⁶⁰⁹ Information provided by attorneys-at-law, 3 December 2019.

⁶¹⁰ During its visits Croatian Red Cross was in contact with applicants for international protection, but also with irregular migrants.

is unlawful, the Ministry of Interior shall act according to the pronounced judgment and release the applicant immediately.⁶¹¹

According to the Administrative Court in **Zagreb**, the court information system for managing and work on court cases does not recognise the difference between cases in which freedom of movement was restricted by other alternative measures or by detention in the Reception Centre for Foreigners.⁶¹² Thus it is not possible to report the number of cases in which the court had to decide on detention in the Reception Centre for Foreigners.

In 2023, Administrative Court of Zagreb decided in 51 cases of restriction of movement of applicants for international protection. Most lawsuits against restriction of the freedom of movement brought before the Administrative Court of Zagreb were rejected in 2023. Out of the 51 lawsuits, more than half (34) were rejected, 13 were accepted, 3 were accepted and referred back and 1 was suspended.⁶¹³ The Administrative Court in Rijeka had 1 case of restriction of movement, however no information on the outcome was provided.⁶¹⁴ Other Administrative Courts did not deal with lawsuits against restrictions to the freedom of movement in the course of 2023.

In 2023, the High Administrative Court received 3 onward appeals in cases of detention in the Reception Centre for Foreigners and 2 were rejected while one was pending.⁶¹⁵

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 secure an 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.⁶¹⁶ At the beginning of 2024, one attorney at law reported that decisions on the restriction of freedom of movement do not contain a thorough and reasoned individual assessment, but mostly state the chronology of the case. Other, milder measures are not analysed in particular, but it is only stated that the restriction is appropriate considering the purpose that could not be achieved with other alternative measures.⁶¹⁷ Another attorney at law reported that decisions usually contain individual assessment, although rarely the explanation why alternative measures were not used.⁶¹⁸

⁶¹¹ Article 54(13)-(14) LITP.

⁶¹² Information provided by the Administrative Court in Zagreb, 18 February 2021.

⁶¹³ Information provided by the Administrative Court in Zagreb, 12 January 2024.

⁶¹⁴ Information provided by the Administrative Court in Zagreb, 19 January 2024.

⁶¹⁵ Information provided by the High Administrative Court, 22 January 2024.

⁶¹⁶ Information provided by attorneys at law, 3 December 2019, 6 December 2019, 16 December 2019, 21 January 2020.

⁶¹⁷ Information provided by attorney at law, 15 February 2024.

⁶¹⁸ Information provided by attorney at law, 30 January 2024.

E. Differential treatment of specific nationalities in detention

There is no information suggesting that specific nationalities are more susceptible to detention or systematically detained, nor that specific nationalities stay longer in detention in practice.

However, Centre for Peace Studies reported that in November 2022, they began to receive inquiries indicating that a large number of Chechens, of whom a large number were applicants for international protection and who were previously accommodated in the Reception Centre for Applicants for International Protection, were detained in the Reception Centre for Foreigners for unknown reasons and that were at risk of deportation.⁶¹⁹

⁶¹⁹ Information provided by Centre for Peace Studies, 30 January 2024.

Content of International Protection

Croatia currently does not have a valid migration policy, the most important national strategic document for migration management. In the period up to 2015, Croatia adopted two migration policies, one for the period 2007-2008, and the subsequent one for the period 2013-2015. According to the available information, a new migration policy is being prepared, but it was drafted primarily by the Croatian Ministry of Interior, without significant involvement of independent professionals, and completely without the involvement of civil society organisations.

The previous Action plan for the integration of beneficiaries of international protection, which covered the period from 2017-2019 expired at the end of 2019. By the end of 2023, the new Action Plan was still not adopted. According to the Ombudsman's report for 2023, the new National Program for the Integration of Persons Under International Protection until 2025 (previously called the Action Plan for the integration of beneficiaries of international protection), which is under preparation since 2019, is at an advanced stage of its development and the ombudsperson recommended its urgent adoption.⁶²⁰

At the session held on 30 March 2023, the Government of the Republic of Croatia adopted the Decision on the Adoption of the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination for the period until 2027,⁶²¹ the Action Plan for the Protection and Promotion of Human Rights for 2023,⁶²² and the Action Plan for Combating discrimination for the year 2023.⁶²³ The purpose of the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination is to ensure, through multi-year planning, the coordinated action of State administration bodies in the field of human rights protection and combating discrimination, to supplement existing sectoral policies and raise the level of knowledge and awareness of equality so that all citizens can realize their rights guaranteed by the Constitution of the Republic of Croatia and international treaties for the protection of human rights and the prevention of discrimination.⁶²⁴

The UN Committee on the Elimination of Racial Discrimination, in its *Concluding observations on the combined ninth to fourteenth periodic reports of Croatia*, recommended Croatia, amongst other, to take measures, including developing and implementing a policy framework, to enhance the full participation and integration of migrants, applicants for international protection and refugees into society, including by providing language training, vocational training and employment opportunities.⁶²⁵

In terms of other strategic documents, at its session on 14 March 2024, the Croatian Parliament adopted a Strategy for demographic revitalization of the Republic of Croatia until 2033.⁶²⁶ The Strategy emphasizes that in order to achieve demographic sustainability, it is necessary to conceive a comprehensive population policy that unifies the measures of numerous public policies. This policy will be enforced also through a migration policy that will contribute to balanced migration movements in accordance with the needs of the labour market and society. By realizing the vision of the Strategy, by 2033 in the Republic of Croatia, a system of attracting human resources will be created, including the effective integration of immigrants into Croatian society, and quality conditions for work and life in the new environment will be ensured. Emigration rates will be decreased, and return migration (of recent emigrants and the diaspora) and immigration of foreign citizens will be more active, following the economic and regional needs of the State. The following strategic guidelines are listed in the area of population mobility:

⁶²⁰ Ombudswoman, Report of the Ombudswoman for 2023, available in Croatian at: <https://bit.ly/4crt2kR>.

⁶²¹ Government of the Republic of Croatia, National plan for the Protection and Promotion of Human Rights and Combating Discrimination available at: <https://bit.ly/3Vup18r>.

⁶²² Government of the Republic of Croatia, Action Plan for the Protection and Promotion of Human Rights for 2023 available at: <https://bit.ly/3Xu34IZ>.

⁶²³ Government of the Republic of Croatia: Action Plan for Combating discrimination for the year 2023 available at: <https://bit.ly/4cpGu8H>.

⁶²⁴ Office for Human Rights and the Rights of National Minorities: National Plan for the Protection and Promotion of Human Rights and Combating Discrimination, available at: <https://bit.ly/3Vup18r>.

⁶²⁵ United Nations, Committee on the Elimination of Racial Discrimination; Concluding observations on the combined ninth to fourteenth periodic reports of Croatia, available at: <https://bit.ly/4b83B6D>.

⁶²⁶ Strategy for demographic revitalization of the Republic of Croatia until 2033, Official Gazette 36/2024, available at: <https://bit.ly/4coaRwn>.

to adopt a comprehensive migration policy, to establish an Office that will coordinate and supervise the implementation of measures and the effects of migration and integration policy, to improve the system of collecting migration statistics (population register), to enable successful integration and inclusion in society of all categories of migrants, to encourage local governments to develop integration programs in the local community, to sensitize the public about migrants in order to prevent discrimination, racism and xenophobia and to develop policies adapted to the specific needs of local communities and their inhabitants.

In accordance with the LITP, the Office for Human Rights and the Rights of National Minorities (OHRRNM) of the Government of the Republic of Croatia coordinates the work of all Ministries, non-governmental organizations and other bodies that participate in the process of inclusion in society of asylees or foreigners under subsidiary protection within the framework of the Permanent Commission for the Implementation of the Integration of Foreigners into Croatian Society and the associated Working Group that prepares proposals of national strategic documents in this area.⁶²⁷ The Permanent Commission for Integration was established in 2013, and it has been expanded several times since then. The tasks of the Permanent Commission for Integration include, among other things, monitoring and coordination of the implementation of regulations, programs, strategies and plans in the field of integration of asylees or foreigners under subsidiary protection.

At the session held on 19 December 2022, the Permanent Commission unanimously adopted the Protocol on Procedures for the Integration of Persons Granted International Protection.⁶²⁸ The Protocol 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.⁶²⁹

At the local level, the first Action Plan of the City of Zagreb for the Integration of Applicants for and Beneficiaries of International Protection for 2022⁶³⁰ 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.⁶³¹ Measures and activities included social protection, health care, language learning and education, work and employment, strengthening local capacities and intercity and international cooperation. In May 2023, the City Assembly of the City of Zagreb adopted new Action Plan of the City of Zagreb for the implementation of the Charter of Integrating Cities for 2023 and 2024.⁶³² The general objective of the Action Plan is to encourage and implement the integration of applicants for international protection, persons granted international or temporary protection, and foreign workers residing in the City of Zagreb, into society, and to contribute to the development of the entire migration policy in the Republic of Croatia. The specific objectives of the Action Plan are elaborated through 7 thematic areas: 1. Information and exercise of rights; 2. Social and health care; 3. Language learning and education; 4. Intercultural learning; 5. Preparation for job search and employment; 6. Strengthening of local integration capacities; and 7. Intercity and international cooperation.

In November 2023, the City of Zagreb and UNHCR organized a round table to discuss modalities for a 'one-stop shop' for refugees, which is expected to be launched under the City of Zagreb's local integration action plan in 2024, with UNHCR support.⁶³³ The purpose of the round table was to bring together all

⁶²⁷ Article 76 (5) LITP.

⁶²⁸ 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/3N614Uj>.

⁶²⁹ 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 in Croatian at: <http://bit.ly/3z1cWww>.

⁶³⁰ Text of the Action Plan is available in Croatian at: <https://bit.ly/3Zbg9o0>.

⁶³¹ See more at: <http://bit.ly/40cXQjw>.

⁶³² Action Plan of the City of Zagreb for the implementation of the Charter of Integrating Cities for 2023 and 2024, available in Croatian at: <https://bit.ly/3xmVYeN>.

⁶³³ UNHCR, CROATIA FACT SHEET, February 2024, available in English at: <https://bit.ly/3XwXCFI>.

relevant stakeholders working with refugees and migrants, to map the services provided by local authorities and civil society organizations, and to enable a discussion on the future work of One Stop Shop. The One Stop Shop should start working in 2024 as a unique place where refugees under international and temporary protection, applicants for international protection and migrants in Zagreb could access information and be referred to relevant State bodies and mechanisms at the local and national level, and receive information about services that are provided in Zagreb by international organizations and civil society organizations.⁶³⁴

In October and November 2023, UNHCR presented its Municipal Toolkit⁶³⁵ to over 30 local stakeholders in eastern and southern Croatia, promoting this tool for the effective inclusion of refugees at the local level.⁶³⁶

In 2022, the integration.zagreb.hr website, was created. The website contains information on the rights and services provided by the City of Zagreb for applicants for international protection, persons granted international protection and persons under temporary protection. 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.⁶³⁷

In 2021, the Ministry of Interior published frequently asked questions and answers in regard to the status granted under international protection in several language.⁶³⁸

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 seven languages (Croatian, English, French, Ukrainian, Arabic, Urdu and Farsi).⁶³⁹ 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.⁶⁴⁰

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.⁶⁴¹

In October 2023, a decision was made on the allocation of financial resources for the implementation of the project "SINERGY - Ensuring a synergistic approach to the integration of the third country nationals" within the AMIF. The purpose of the project is to strengthen multilevel cooperation in the implementation of international and domestic standards of integration of citizens of third countries in Croatia, with an emphasis on persons who have been granted international protection.⁶⁴²

⁶³⁴ UNHCR, The City of Zagreb and UNHCR held a round table on the establishment and operation of the One Stop Shop for refugees and migrants in Zagreb, 14 November 2023, available at: <https://bit.ly/4ewi1R9>.

⁶³⁵ UNHCR, Effective Inclusion of Refugees: participatory approaches for practitioners at the local level, A toolkit by UNHCR and Migration Policy Group, available at: <https://bit.ly/4eqB0fM>.

⁶³⁶ UNHCR: CROATIA FACT SHEET, February 2024, available in English at: <https://bit.ly/3XwXCFI>.

⁶³⁷ EMN, EMN Quarterly n. 39, April - June 2022, available at: <https://bit.ly/3RzfrzX>.⁶³⁸ Ministry of Interior: Frequently asked questions, available in Croatian at: <https://bit.ly/3jrnayt>.

⁶³⁸ Ministry of Interior: Frequently asked questions, available in Croatian at: <https://bit.ly/3jrnayt>.

⁶³⁹ Office for Human Rights and the Rights of National Minorities, *An updated edition of the Integration Guide has been published*, 21 January 2019, available in Croatian at: <https://bit.ly/2Xi52wX>.

⁶⁴⁰ Office for Human Rights and the Rights of National Minorities: *An updated edition of the publication Guide for Integration published*, available in Croatian at: <http://bit.ly/3K46LxT>.

⁶⁴¹ Office for Human Rights and the Rights of National Minorities: *Brochure Rights of the persons granted international and temporary protection issued*, available in Croatian at: <http://bit.ly/3IGIJQn>.

⁶⁴² Ministry of Interior: Decision was made on the allocation of financial resources for the implementation of the project "SINERGY - Ensuring a synergistic approach to the integration of the third country nationals", available at: <https://bit.ly/4bahuS3>.

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. It is available in 8 languages (Arabic, Croatian, English, Farsi, French, Kurdish, Turkish and Urdu).⁶⁴³

In 2021, the Ministry of Interior created the application “Resettle in Croatia”.⁶⁴⁴ 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 were granted international protection upon arrival. The application was developed as part of the project “Establishment of a resettlement mechanism” co-financed by AMIF. 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 Croatia. The application further offers all persons who have been granted asylum or subsidiary protection in Croatia useful information on all important aspects of life in 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.⁶⁴⁵

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.⁶⁴⁶

In 2022, the association RODA (Parents in Action), with the support of UNICEF, created a [website](#)⁶⁴⁷ where basic information is provided to families on the move and families with children staying in Croatia. For now, the information is available in Croatian and Ukrainian, and the plan is to adapt and translate the texts into English, Arabic, Farsi and French.⁶⁴⁸

As reported in previous years, beneficiaries of international protection still face challenges exercising their rights, as detailed in this Chapter. The MIPEX 2020 ranking listed Croatia among the countries categorised as *Equality on paper - Slightly unfavourable*.⁶⁴⁹

As in previous years, lack of Croatian language courses was reported in 2023. 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.⁶⁵⁰ According to the Ministry of Interior, in the course of 2023, no information was received on Croatian language courses and as a result, not a single person granted international protection was sent to attend the Croatian language course.⁶⁵¹

⁶⁴³ Office for Gender Equality, *The Office for Gender Equality published a leaflet for female migrants, refugees and asylum seekers*, available in Croatian at: <https://bit.ly/3FNHzte>.

⁶⁴⁴ EMN HR, *Resettle in Croatia*, 4 October 2021, available at: <https://bit.ly/3hRLEQt>.

⁶⁴⁵ Application (Re)Settle in Croatia is available via Google Play: <https://bit.ly/3hHzBp4>; and Apple App Store: <https://apple.co/3Mvkihh>.

⁶⁴⁶ UNHCR, Help, Website available at: <https://bit.ly/3sPxNNF>; see also videos available at: <https://bit.ly/3nki3RI>.

⁶⁴⁷ See: <https://www.parentingincroatia.eu/>.

⁶⁴⁸ Information provided by RODA, 6 December 2022.

⁶⁴⁹ 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>.

⁶⁵⁰ 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/3lzqxqtk>.

⁶⁵¹ Information provided by the Ministry of Interior, 8 March 2024.

The main problems with regards to integration identified by the Ombudspersons are the non-implementation of Croatian language courses, difficulties in exercising the right to health care, delays in preparatory classes for children, and difficulties accessing education.⁶⁵²

At the local level, the city of Zagreb organized a certified Croatian language course during 2023.

The Centre for Peace studies (CPS) reported that in 2023, 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, access to the healthcare system, delays in preparatory classes for children, challenges accessing higher education and exercising rights of the students, and 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 customized procedures for recognition of qualifications when they do not have documents. Within the framework of the project "Thinking of integration process as a two-way inclusion, 2incING" CPS encouraged the establishment of the Steering Committee. The Steering Committee was established by two CPS's employees and eight members who have different legal statuses in Croatia (refugees, foreign students, foreign workers). As part of the work of the Committee, the implementation of integration measures was analysed from the perspective of the people to whom the integration measures apply, and the result of the aforementioned analyses is the Shadow Report on the Implementation of Integration Measures in Croatia.⁶⁵³ The Shadow Report consists of 8 short reports in which the implementation of integration measures is put in the context of personally lived experiences or testimonies of refugees and migrants, and in accordance with the methodology contained in the Shadow Report Toolkit created by the European Council on Refugees and Exiles. In the Report difficulties in access to higher education and student rights, employment, health care etc. were pointed out. Each report is followed by a list of recommendations aimed at public bodies, which were prepared with the help of CPS's employees.⁶⁵⁴

Are You Syrious? (AYS) reported problems with access to preparatory classes for children and higher education, as well as challenges within the health system.⁶⁵⁵

From 1 January 2023, the Croatian Red Cross and its local branches have started an implementation of a two-year project "Integrated and holistic support to migrants and refugees." The first of a series of trainings took place on the topic of acceptance of diversity and collaborative learning as a method of integrating foreign-language students into schools. The project is financed by the Swiss Red Cross.⁶⁵⁶

JRS reported difficulties in finding accommodation for beneficiaries of international protection. Despite the assistance of JRS employees, responses from landlords were often negative, due to language barriers or previous bad experiences with foreigners. Because of that, many persons granted international protection were accommodated in inadequate or overpriced accommodation.⁶⁵⁷

The [Web platform for integration](#) is maintained by the NGO Mi.⁶⁵⁸

To overcome those challenges, beneficiaries are assisted by various NGOs:

The **Croatian Red Cross (CRC)** continued to provide support through counselling services and the provision of information to beneficiaries of international protection in the integration process through 2023. The emphasis was more on solving challenges in integration at a higher level through continuous coordination meetings with governmental and non-governmental organizations. CRC is a member of the Coordination of the City of Zagreb for the integration of persons granted international protection and a member of the Commission for the allocation of education grants to secondary school students and

⁶⁵² Ombudswoman, Report of the Ombudswoman for 2023, available in Croatian at: <https://bit.ly/4crt2kR>; Ombudswoman for Children, Report of the Ombudswoman for Children for 2023, available in Croatian at <https://bit.ly/3zeXcJw>.

⁶⁵³ Centre for Peace Studies: Shadow report on the implementation of integration measures in Croatia; available in English at: <https://bit.ly/3VMOqeH>.

⁶⁵⁴ Information provided by Centre for Peace Studies, 30 January 2024.

⁶⁵⁵ Information provided by Are You Syrious, 29 January 2024.

⁶⁵⁶ EMN Quarterly, N.42 January -March 2023, available at: <https://bit.ly/3XtANCp>.

⁶⁵⁷ Information provided by JRS, 5 February 2024.

⁶⁵⁸ The website is available at: <https://www.irh.hr/>.

students under the international and temporary protection of the City of Zagreb. Within the framework of the project financed by the UNHCR, education on the subject of integration was carried out for employees who provide support at the local level. Education was organized in Makarska, Poreč and Valpovo.⁶⁵⁹

In the course of 2023, **Rehabilitation Centre for Stress and Trauma (RCT)**, carried out activities with beneficiaries of international protection. During 2023, RCT assisted persons granted international protection in the following situations: interpretation and escort to health and social care institutions and to the Employment Office; assistance in re-registering in the records of social and health care institutions after people have been returned from Western European countries; assistance in exercising the right to one-time assistance, child allowance and co-financing of utilities; assistance in finding an apartment or communicating with a landlord; assistance in finding job vacancies, creating and sending resumes and job applications, as well as making contact and communicating with employers; providing interpreters for job interviews; assistance in finding a general practitioner and interpreting at specialist examinations; assistance in getting familiar with the rights, obligations and customs in Croatia; assistance in mastering the Croatian and English languages; individual psychotherapies through counselling with a solution-oriented approach; psychiatric treatments and psychotherapy and psycho-social support for victims of torture. Activities were mainly carried out in the city of Zagreb, and in a reduced volume in Karlovac and Sisak.⁶⁶⁰

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 2020.⁶⁶¹ The project was implemented in partnership with the Islamic Community in Croatia and with the support of the Ministry of Interior. The aim of the project was to increase the success of integration in the three years for 200 people in Croatia who have been granted international protection.⁶⁶² CCD assisted 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 consisted in preparing individual integration plans and assistance with access to services.⁶⁶³ In March 2023, CCD held a training for public officials on education and health in the city of Zadar. The aim of this training was to present the scope of rights and obligations of beneficiaries of international protection and also to point out the challenges of exercising these rights in practice. The training was attended by 15 health workers and 17 workers from the educational sector. The final conference of the project "New Neighbours - inclusion of persons who have been granted international protection in Croatian society", was held on 20 March 2023. Through this project, as an implementing partner of the Ministry of Interior, the CCD supported and advised 152 beneficiaries of international protection in achieving their short-term and long-term goals in integration in the early stages of their adaptation in Croatia. Along with support, they organised and conducted 28 public events of various social, educational, cultural, religious and sports activities, as well as sensitisation activities for the general public and local communities where beneficiaries live.⁶⁶⁴ The project ended in March 2023.

A year later, in March 2024, a new public call was announced for the financing of a project in the area of support provision for the inclusion of beneficiaries of international protection in Croatian society.⁶⁶⁵

In 2023, **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

⁶⁵⁹ Croatian Red Cross: *Annual report on the work of Croatian Red Cross in 2023*, available in Croatian at: <https://bit.ly/3z8D4Jj>.

⁶⁶⁰ Information provided by the Rehabilitation Centre for Stress and Trauma, 30 January 2024.

⁶⁶¹ EMN, Bulletin number 31, August 2020, available at: <https://bit.ly/3Xppds9>.

⁶⁶² Centre for Culture of Dialogue: The Project of the Center for Culture of Dialogue "New Neighbours" presented to the public, 18 June 2020, available in Croatian at: <https://bit.ly/3aCWE0U>.

⁶⁶³ UNHCR: Living in Croatia, available at: <https://bit.ly/3vldp92>.

⁶⁶⁴ EMN Quarterly, N.42 January -March 2023, available at: <https://bit.ly/3XtANCp>.

⁶⁶⁵ Ministry of Interior: Public call for the financing of a project in the area of providing support for the inclusion of beneficiaries of international protection in Croatian society, available at: <https://bit.ly/3z7M5Cf>.

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 Croatian language, mastering school materials, cooperating with schools and mediating in the communication between parents and schools. 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 one informal initial Croatian language course for applicants for international protection and beneficiaries of international protection. Due to increase in unemployment among persons under international protection, in cooperation with the Solidarna foundation and the association Wir Packen's An, AYS continued its 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 in the first two months of 2023. Throughout January and February of 2023, they helped 10 households (27 persons out of which 12 minors). As of March of 2023, this form of assistance was no longer available.⁶⁶⁶

In 2023, 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 addition, during 2023, CLC continued with the implementation of the project "Complementary pathways for Southeast Europe - COMP4SEE" financed by AMIF and co-financed by the Office for Cooperation with NGOs of the Government of the Republic of Croatia. The Project aims to contribute to development of complementary pathways by creating new models of private sponsorships and offering recommendations for the improvement of national family reunification systems. One of the activities within COMP4SEE project was the family reunification assistance program. The assistance program, in addition to the legal aid component, also included other aspects of support, primarily assistance with the translation of documents and financial support for certain aspects of the procedure (for example, payment of consular fees or travel expenses).

The **Centre for Peace Studies** (CPS) provided different types of support to persons granted international protection such as individual support in learning 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.⁶⁶⁷

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,⁶⁶⁸ and to foreigner under subsidiary protection for a period of 3 years.⁶⁶⁹

Both categories have the right to residence in the Republic of Croatia from the day of the delivery of the decision granting international protection, which is demonstrated by their residence permit. The right to residence in Croatia shall be established by the decision granting international protection.⁶⁷⁰ The application for issuing a residence permit should be submitted to the competent police administration or

⁶⁶⁶ Information provided by Are You Syrious, 29 January 2024.

⁶⁶⁷ Information provided by the Centre for Peace Studies, 30 January 2024.

⁶⁶⁸ Article 75(2) LITP.

⁶⁶⁹ Article 75(3) LITP.

⁶⁷⁰ Article 65(1)-(2) LITP.

police station, according to their place of permanent residence.⁶⁷¹ The application for the residence permit shall be lodged by an asylee and a foreigner under subsidiary protection who is older than 16, and in the case of an asylee and a foreigner under subsidiary protection under 16 years of age, it shall be lodged by a legal representative or a special guardian under the same conditions as those for Croatian nationals.⁶⁷² The residence permit should be issued within 30 days from submission of the application.⁶⁷³

An asylee and a foreigner under subsidiary protection are obliged to inform the Ministry of Interior, if he/she moves out of the Republic of Croatia or resides abroad continuously for more than 90 days in a period of 180 days, within 15 days from the date of occurrence of the above-mentioned circumstances.⁶⁷⁴ If a beneficiary of international protection does not inform the Ministry of Interior within the prescribed deadline, he/she will be fined between 130 and 260 euros.⁶⁷⁵ According to the Ministry of Interior, 411 residence permits were issued to asylees and 79 to foreigners under subsidiary protection in 2018.⁶⁷⁶ 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,⁶⁷⁷ 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).⁶⁷⁸

According to the Ministry of Interior, 192 residence permits were issued to asylees and 16 to foreigners under subsidiary protection in 2023.⁶⁷⁹

2. Civil registration

According to the Law on State Registries, 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 Registries.⁶⁸⁰ The registration of a birth of a child into the Birth Register is made on the basis of the oral or written applications to the registrar of the area of origin to which the place where the child was born belongs. If a child is born in a health institution, it is required that a health institution reports it. 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 at 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.⁶⁸¹ 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.

⁶⁷¹ Article 75(1) LITP; Article 10(1) Ordinance on the Forms and Data Collections in the Procedure for International and Temporary Protection.

⁶⁷² Article 75(4) LITP.

⁶⁷³ Article 12(1) Ordinance on the Forms and Data Collections in the Procedure for International and Temporary Protection.

⁶⁷⁴ Article 64(4)(5) LITP.

⁶⁷⁵ Article 94a (3) LITP.

⁶⁷⁶ Information provided by the Ministry of Interior, 28 January 2019.

⁶⁷⁷ 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>.

⁶⁷⁸ 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>.

⁶⁷⁹ Information provided by the Ministry of Interior, 8 March 2024.

⁶⁸⁰ Official Gazette 96/1993, 76/2013, 98/2019, 133/2022.

⁶⁸¹ Official Gazette 103/15, 98/2019, 47/2020, 49/2023, 156/2023.

For the validity of marriage, it may not have been 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 the marriage is in accordance with the well-being of that person.. In addition, a person incapable of discernment may not enter into marriage. A person deprived of business capacity in making statements related to personal conditions can enter into marriage with their guardian's approval. If the guardian refuses to give permission for marriage, a person deprived of business capacity in making statements related to personal circumstances may submit a proposal to the court for the approval of marriage in accordance with relevant provision of the Family Law.

Marriage cannot be concluded between blood relatives in the direct line, and in the collateral line, sister and brother, half-sister and half-brother, a child with a sister or half-sister, or a brother or half-brother of their parent, children of sisters and brothers and half-sisters and half-brothers. This provision also applies to relationships created by adoption.

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 under material and criminal liability 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' statements 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 to 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 2023:	24
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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 an 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 country 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.⁶⁸²

The five years' residence period required for the approval of long-term residence for asylees 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.⁶⁸³

A beneficiary of international protection 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.⁶⁸⁴

Long term residence shall be granted to a third-country national who, along with the above conditions:⁶⁸⁵

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.⁶⁸⁶

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.⁶⁸⁷

In 2018, eight long term residence status were granted to asylees and seven 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 2018.⁶⁸⁸ However, no information is available for 2019 and 2020.

⁶⁸² Article 150 (1) (4) Law on Foreigners

⁶⁸³ Article 151(3) Law on Foreigners.

⁶⁸⁴ Article 152(1)(3) Law on Foreigners.

⁶⁸⁵ Article 153 (1) Law on Foreigners.

⁶⁸⁶ Article 153 (2) Law on Foreigners.

⁶⁸⁷ Article 169 (1) Law on Foreigners.

⁶⁸⁸ Information provided by the Ministry of Interior, 28 January 2019.

In 2021, four long-term residence permits were approved (three to asylees, one to a beneficiary of subsidiary protection).⁶⁸⁹ In 2023, long term residents were granted to 21 asylees and 3 foreigners under subsidiary protection.⁶⁹⁰

4. Naturalisation

Indicators: Naturalisation

1. What is the waiting period for obtaining citizenship?	8 years
2. Number of citizenship grants to beneficiaries in 2023:	2

Requirements for the acquisition and termination of Croatian citizenship are regulated by the Law on Croatian Citizenship.⁶⁹¹

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.⁶⁹²

A foreign citizen who submits an application for Croatian citizenship shall acquire it by naturalisation if s/he:⁶⁹³

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;⁶⁹⁴
3. Before submitting the application, s/he has lived at registered places of residence for a period of eight years constantly on the territory of the Republic of Croatia and has been granted a 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.⁶⁹⁵ A decision to reject 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.

⁶⁸⁹ 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/3NBvVpC>.

⁶⁹⁰ Information provided by the Ministry of Interior, 8 March 2024.

⁶⁹¹ Official Gazette 53/1991, 70/1991, 28/1992, 113/1993, 4/1994, 130/2011, 110/2015, 102/2019, 138/2021.

⁶⁹² Article 24 (3)(4) Law on Croatian Citizenship.

⁶⁹³ Article 8(1)(5) Law on Croatian Citizenship.

⁶⁹⁴ 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.

⁶⁹⁵ Article 77(1)(2) LITP.

In 2023, 2 asylees, citizens of Iran, acquired Croatian citizenship. In total 7 asylees were acquired Croatian citizenship (1 citizen of Afghanistan, 2 citizens of Iran, 1 citizen of Sudan, 1 citizen of Ukraine and 2 citizens of Uzbekistan).⁶⁹⁶

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 the LITP. **Asylum** shall be ceased if:⁶⁹⁷

1. The refugee ("asylee") voluntarily accepts the protection of her/his country of citizenship;
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 citizenship 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.⁶⁹⁸

The Ministry of Interior carries out, *ex officio*, the procedure of examining the existence of the above-mentioned presumptions.⁶⁹⁹

After establishing that the circumstances related to the cessation of asylum referred to in point 4. above as well as circumstances related to the cessation of subsidiary protection are of a significant and permanent manner, the Ministry of Interior shall accordingly inform in writing the asylee or beneficiary of subsidiary protection and shall allow him or her to make an oral statement for the record.⁷⁰⁰

The Ministry of Interior shall issue a decision to revoke the decision approving international protection and a claim may be brought before the Administrative Court within eight days of the day of delivery of the decision.⁷⁰¹

International protection shall cease by force of law when the asylee or the foreigner under subsidiary protection acquires Croatian nationality or on the death of the asylee or the foreigner under subsidiary protection.⁷⁰²

Persons whose decision granting international protection was revoked have the right to free legal aid, meaning that a legal representative can be paid from the State budget to submit a lawsuit and represent the beneficiary before the Administrative Court.⁷⁰³

⁶⁹⁶ Information provided by the Ministry of Interior, 8 March 2024.

⁶⁹⁷ Article 49(1) LITP.

⁶⁹⁸ Article 49(2) LITP.

⁶⁹⁹ Article 49(3) LITP.

⁷⁰⁰ Article 49(4) LITP.

⁷⁰¹ Article 49(5)-(6) LITP.

⁷⁰² Article 49(7) LITP.

⁷⁰³ Article 72 LITP.

According to the Ministry of Interior, there were no cases of cessation of international protection in 2015, 2016, 2017 or 2018.⁷⁰⁴ 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.⁷⁰⁵ According to the Ministry of Interior, there were no cases of cessation of international protection in 2023.⁷⁰⁶

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:⁷⁰⁷

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.

The Ministry of Interior carries out, *ex officio*, the procedure of examining the existence of the above-mentioned presumptions.⁷⁰⁸

After establishing that circumstances have arisen relating to the revocation of international protection, the Ministry of Interior shall inform in writing the asylee or beneficiary of subsidiary protection of the reasons for revocation and shall allow him or her to make an oral statement about those circumstances for the record.⁷⁰⁹

The Ministry of Interior issues a decision to revoke the decision granting international protection. A lawsuit may be brought before the Administrative Court against that decision within eight days from the day the decision is delivered.⁷¹⁰

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.

⁷⁰⁴ Information provided by the Ministry of Interior, 2 March 2017; 13 February 2018, 28 January 2019.

⁷⁰⁵ 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>.

⁷⁰⁶ Information provided by the Ministry of Interior, 8 March 2024

⁷⁰⁷ Article 50 LITP.

⁷⁰⁸ Article 50(2) LITP.

⁷⁰⁹ Article 50(3) LITP.

⁷¹⁰ Article 50(4) – (5) LITP.

In 2018, the Ministry of Interior revoked international protection for three persons (two refugees and one beneficiary 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 ground that they 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.⁷¹¹

According to the Ministry of Interior, two asylum status (applications from 2016 and 2017) and three subsidiary protections (applications from 2009) were annulled in 2020.⁷¹²

In 2021, international protection was annulled for four persons.⁷¹³ According to the Ministry of Interior, there were no cases of annulment of international protection in 2023.⁷¹⁴

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 by the LITP,⁷¹⁵ as well as by the Law on Foreigners. At the moment, no requirements in relation to waiting periods before a family member of a beneficiary of international protection can apply for family reunification are prescribed nor is a maximum time limit for applying for family reunification prescribed by the legislation. A minimum income requirement is also not prescribed.

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 to family reunification.⁷¹⁶

The Croatian Law Centre (CLC), 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.⁷¹⁷

In practice, family reunification procedures remain lengthy and highly bureaucratized and beneficiaries of international protection and their family members experience difficulties in managing the procedure without additional support.

⁷¹¹ Information provided by the Ministry of Interior, 28 January 2019.

⁷¹² Ministry of Interior, *Statistical overview of basic safety indicators and work results in 2020*, available in Croatian at: <https://bit.ly/2QsZP4H>, p. 163.

⁷¹³ 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://www.hpc.hr/wp-content/uploads/2023/06/The-Croatian-Asylum-System-2021.pdf>

⁷¹⁴ Information provided by the Ministry of Interior, 8 March 2024

⁷¹⁵ Article 66 LITP.

⁷¹⁶ Article 66(5) LITP.

⁷¹⁷ 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>.

In January 2022, CLC started the implementation of the two years' AMIF funded project "Complementary pathways for Southeast Europe - COMP4SEE". The project aimed 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. During 2023, within COMP4SEE project, CLC assisted beneficiaries of international protection and their family members via so called family reunification assistance program (assistance program). The assistance program, in addition to the legal aid component, also included other aspects of support, primarily assistance with the translation of documents and financial support for certain aspects of the procedure (e.g., payment of consular fees or travel expenses). The experiences gained from the implementation of the assistance program indicate major challenges within the system. On the one hand, the clients, and on the other, the embassies' employees who receive the applications, are not informed about the specifics of the family reunification procedure in the case of refugee families. In addition, the following challenges were mapped: collection of the necessary documents in the family reunification procedure, as well as related difficulties in legalization of documents; difficulties in accessing embassies or external service providers for the purpose of submitting a visa application, high costs of the procedure (translation and legalization of documents, and fees), duration of the procedure, costs of travel to the embassy/external service providers during the procedure and/or to the Croatia.

During 2023, IOM helped the organization Centre for Cultural Dialogue, which assisted clients in family reunification procedures by supporting the preparation of travels (collection of travel documents, organization of medical examination) and by operational escort during travels.⁷¹⁸

1.1. Eligible family members

According to the LITP both refugees ("asylees") and beneficiaries of subsidiary protection have the right to family reunification⁷¹⁹ with the following family members:⁷²⁰

- 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 child;
- 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.

However, according to the Law on Foreigners,⁷²¹ another relative can also be considered a family member of a third-country national who has been granted asylum or subsidiary protection if there are special personal or serious humanitarian reasons for family reunification in Croatia. In order to prove the existence of serious personal or humanitarian reasons for family reunification, relevant documentation must be submitted, to prove family connection between the third country national and the beneficiary of international protection in Croatia, and the proof of existence of serious personal or humanitarian reasons (excerpt from the registry of births, medical and other documentation).⁷²²

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 issue a decision.⁷²³ In practice that means that children will be granted

⁷¹⁸ Information provided by IOM, 29 January 2024.

⁷¹⁹ Article 66(1) LITP.

⁷²⁰ Article 4(1) point 18 LITP.

⁷²¹ Article 64 (2) Law on Foreigners.

⁷²² Article 9 (3)(2) Ordinance on the residence of third-country nationals in the

⁷²³ Article 66 (2) LITP.

asylum or subsidiary protection depending on the status of their parent. However, this is not an automatic process as children should be first granted temporary stay followed by a long term visa to enter Croatia. Once child arrives in Croatia, the parent who has been granted protection submits an application for approval of international protection for the child. The application must be submitted in writing at the Reception Centre for Applicants for International Protection and must contain a signed application of the parent requesting approval of international protection for the minor child in the Republic of Croatia, proof of acquired status (decision granting asylum or subsidiary protection) and the child's birth certificate or other document showing the relationship with the requested child and full and accurate personal data, including personal name, date of birth and citizenship, and place and country of birth.⁷²⁴

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.⁷²⁵

1.2. Family reunification procedure

The family reunification procedure consists of two stages. First, an application for 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 provides 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 via secure postal mail (for example DHL).

The deadline from the Law on General Administrative Procedure is applicable in the procedure for granting temporary stay, which means that the deadline to make a decision and deliver it to the applicant is 30 days from the date of submission of the complete application. In cases of conducting an examination procedure, the deadline is 60 days from the date of submission of the complete application.⁷²⁶ However, the deadline does not start to run when the application and documentation are received by competent embassy. Decision making on application for temporary stay for the purpose of family reunification is the competence of the police department or police station according to the place of residence or intended residence of the citizen of a third country. Therefore, the above-mentioned deadlines begin to run from the day the complete application is received in the competent police administration or police station.⁷²⁷ Once temporary stay for the purpose of family reunification is granted, the person has to apply for a long-term visa to enter Croatia. The family member, if over 12 years of age, 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 admissible 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.⁷²⁸

In practice, the whole procedure lasts approximately at minimum six to nine months, and in some cases even a year or more from the date of submission of an application for temporary stay up until the family member come to Croatia.

⁷²⁴ Ministry of Interior: Frequently asked questions-International Protection, available in English at: <https://bit.ly/3KOLbNy>.

⁷²⁵ Article 66(6) LITP.

⁷²⁶ Article 101 Law on General Administrative Procedure.

⁷²⁷ EMN, Ad-Hoc Query on 2023.26 Family reunification for beneficiaries of international protection, available in English at: <https://bit.ly/3L9as5v>.

⁷²⁸ Article 37(6) Law on Foreigners.

All family members of asylees and foreigners under subsidiary protection shall regularise 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 an application for temporary stay.

Family members of asylees and foreigners under subsidiary protection who regularise their stay pursuant to the provisions of the Law on Foreigners have to fulfil the following requirements:

- justify the purpose of temporary stay,
- hold a valid foreign travel document,
- when applying for temporary stay for the first time, provide a document proving that s/he has not been convicted of criminal offences by a final ruling, which has been issued by their 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, however this proof does not need to be submitted for a third-country national until he/she is 14 years of age,
- 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 (Schengen Information System) for the purpose of forbidding his entry,
- does not pose threat to public policy, national security or public health.⁷²⁹

However, they do not have to provide proof of health insurance and proof of means of subsistence in order to be granted a temporary stay for the purpose of family reunification.⁷³⁰ 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.⁷³¹

A temporary stay permit shall be issued with a 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.⁷³² However, in practice, the validity of one year of temporary stay is running from the day of granting, meaning that a few months of one year validity can pass before a person actually arrives in Croatia.

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.⁷³³

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 being assessed, while 43 requests were approved. The largest number of requests were submitted by nationals of Syria, Iraq and Iran.⁷³⁴

In 2023, a total of 80 applications for temporary stay based on family reunification with beneficiaries of international protection were submitted, and by the end of 2023, 14 requests were pending, while 66

⁷²⁹ Article 59(1) Law on Foreigners.

⁷³⁰ Article 66 (1) Law on Foreigners.

⁷³¹ Article 66 (2) Law on Foreigners.

⁷³² Article 61 (1),(2), (5) Law on Foreigners.

⁷³³ 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>.

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>.

requests were approved. The largest number of applications were submitted by nationals of Syria (54), Iran (6), Turkey (3) and Iraq (3).⁷³⁵

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 acquires the legal status of his or her representative who has been granted international protection,⁷³⁶ which means that children will be granted asylum or subsidiary protection depending on the status of the family member that they reunite with. 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 been granted international protection comes to Croatia, the parent who has been granted protection submits an application for international protection for the child.⁷³⁷

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 Croatia shall be entitled to the same rights as beneficiaries of international protection.⁷³⁸

C. Movement and mobility

1. Freedom of movement

Beneficiaries of international protection have freedom of movement within the State and are not assigned 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.⁷³⁹ 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,⁷⁴⁰ while foreigners under subsidiary protection are issued special passport for foreigners, valid for 2 years.⁷⁴¹

Recognised **refugees (asylees)** 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.⁷⁴² Such a special travel document for foreigners is valid for a 2-year period.⁷⁴³

⁷³⁵ Information provided by the Ministry of Interior, 8 March 2024.

⁷³⁶ Article 66 (2) of the LITP: 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.

⁷³⁷ Ministry of Interior, Most frequently asked questions - international protection, available at: <https://bit.ly/3N9uhvi>.

⁷³⁸ Article 66(4) LITP.

⁷³⁹ Article 73 LITP.

⁷⁴⁰ Article 75(5) LITP.

⁷⁴¹ Article 75(6) LITP; Article 6(3) Law on Foreigners.

⁷⁴² Article 8(1) Law on Foreigners

⁷⁴³ Article 65(8) Ordinance on stay of third country nationals in the Republic of Croatia.

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 inform the Ministry of Interior, if they move out of the Republic of Croatia or reside abroad continuously for more than 90 days in a period of 180 days, within 15 days from the date of occurrence of the mentioned circumstances.⁷⁴⁴ An asylee or a foreigner under subsidiary protection who moves away from the Republic of Croatia or stays abroad continuously for more than 90 days in a 180-day period, without informing the Ministry within 15 days of the occurrence of the aforementioned circumstances shall be fined in the amount of EUR 130.00 to EUR 260.00.⁷⁴⁵

In 2023, a total of 83 travel documents were issued in accordance with Convention relating to the Status of Refugees.⁷⁴⁶

D. Housing

Indicators: Housing

- | | |
|---------------------------------------------------------------------------------|---------------|
| 1. For how long are beneficiaries entitled to stay in reception centres? | 60 or 30 days |
| 2. Number of beneficiaries staying in reception centres as of 31 December 2023: | Not available |

The amendments to the LITP, which were adopted in 2023 introduced novelties with regards to accommodation of beneficiaries of international protection.

Although in practice, even before amendments of LITP, beneficiaries used to stay in the Reception Centre for Applicants for International Protection for some time while appropriate subsidized accommodation was not found, that was not regulated by LITP. According to amendments to the LITP beneficiaries of international protection now have the right to accommodation in the Reception Centre for Applicants for International Protection for a maximum of 60 days until they are provided with accommodation in an adequate housing unit if, within eight days from the day of registration of their permanent residence, they submit an application for accommodation to the competent regional office of the Croatian Institute for Social Work (hereinafter: competent regional office). The competent regional office shall allow the application for *restitutio in integrum* to beneficiaries of international protection who, due to justified reasons, miss the deadline for submitting an application for accommodation to the competent regional office, if, within eight days from the end of the cause that made them miss the deadline, they submit an application for *restitutio in integrum*, together with the application for accommodation. After the expiry of three months from the day the deadline was missed, *restitutio in integrum* cannot be requested. If an asylee or a foreigner under subsidiary protection, while accommodated in the Reception Center, is absent from the center for more than eight days without notifying the Ministry of Interior beforehand, s/he shall lose the right to accommodation in the Reception Center. If an asylee or a foreigner under subsidiary protection, while accommodated in a Reception Center, is absent from the center for more than eight days and has previously notified the Ministry of Interior thereof, the allocated room in the Reception Center shall be kept for a maximum of 15 days from the date of notification to the Reception Center. An asylee or foreigner under subsidiary protection who has financial resources or property with which is able to maintain himself/herself has the right to accommodation in the Reception Center for a maximum of 30 days from the day of the delivery of the decision on granting international protection.⁷⁴⁷

Asylees and foreigners under subsidiary protection have the right to accommodation if they do not possess the financial means or property to support themselves, for a maximum of two years from the date of delivery of the decision granting international protection. The procedure for recognizing the right to accommodation is initiated by the submission of a request to the competent regional office, *i.e.*, the regional office in the place of permanent residence of the asylee and foreigner under subsidiary protection.

⁷⁴⁴ Article 64(4) point 5. LITP.

⁷⁴⁵ Article 94a(3) LITP.

⁷⁴⁶ Information provided by the Ministry of Interior, 8 March 2024.

⁷⁴⁷ Article 67b LITP.

If the regional office establishes that the asylee or foreigner under subsidiary protection has financial resources or property with which they could participate in the payment of accommodation costs, it shall decide that the person must participate in the payment of accommodation costs by making payment into the account of the ministry responsible for housing affairs. If the regional office, in a procedure within its competence, establishes, after the decision recognizing the right to accommodation becomes enforceable, that the asylee or foreigner under subsidiary protection has the financial resources or property with which they could participate in the payment of accommodation costs, it shall issue a new decision recognizing the right to accommodation of the asylee or foreigner under subsidiary protection and establish the obligation to participate in the payment of accommodation costs. An asylee and a foreigner under subsidiary protection, after the cessation and revocation of international protection and the re-approval of international protection, shall have the right to accommodation in proportion to the unused period of the total duration of accommodation.

The right to accommodation of an asylee and foreigner under subsidiary protection shall cease in the following cases:

- upon the expiry of the two years' time limit;
- upon personal request;
- if he or she refuses the accommodation provided without justified reason;
- if he or she do not stay at the registered address continuously for more than 30 days without a justified reason;
- if it is determined that s/he does not meet the conditions for recognition of the right to housing;
- if it is determined that s/he does not take care of the provided accommodation with the due care;
- 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 competent regional office, after establishing in the prescribed procedure the conditions referred to in items 2 to 7 above, shall set aside the decision and shall issue a new decision establishing the termination of the right to accommodation.

An appeal may be lodged against the decision recognising the right to housing, the decision recognising the right to housing and participation in the payment of accommodation costs and the decision establishing the termination of the right to accommodation, 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 issue 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.

Enforceable decisions shall be delivered to the ministry responsible for housing and to the Ministry of Interior.

If the following circumstances no longer exist (person has financial resources or property with which they could participate in the payment of accommodation costs; if a person do not stay at the registered address continuously for more than 30 days without a justified reason; if it is determined that person does not meet the conditions for recognition of the right to housing), as well as in the case where the right to accommodation ceased due to a personal request, the asylee and the foreigner under subsidiary protection may re-apply for housing.

Exceptionally, at the request of the beneficiary of international protection and with the prior consent of the ministry responsible for housing affairs, an asylee and a foreigner under subsidiary protection may be permitted to temporarily use a housing unit that is owned by the Republic of Croatia after the expiration of two years for the maximum period of two more years.⁷⁴⁸

Pursuant to the decision recognising the right to accommodation, the ministry responsible for 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 ministry as per lease agreements concluded with third parties.

⁷⁴⁸ Article 67 LITP.

The ministry responsible for 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 granting 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 ministry responsible for housing.

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.⁷⁴⁹

The Ordinance on participation of asylees, foreigners under subsidiary protection and foreigners under temporary protection in the payment of accommodation costs prescribes that when it is determined that the beneficiary under international protection, possess property, in the period while he / she is provided with subsidised accommodation, the beneficiary should participate in the payment of accommodation costs.

Centre for Peace Studies (CPS) reported that two years of subsidized accommodation for beneficiaries of international protection would be enough if the other integration measures would work, such as high-quality and easily accessible and comprehensive language courses, easier recognition of existing qualifications, opportunities for retraining and additional training, and easier job search. CPS also reported that in 2023 some beneficiaries were exposed to discrimination and are faced with prejudice when trying to rent an apartment after two years of subsidized housing..⁷⁵⁰

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.⁷⁵¹ Both asylees and foreigners under subsidiary protection have access to the labour market, without distinction.

The main obstacle to access the labour market remain the language barrier and the lack of language courses, which is a precondition for successful integration. However, in practice many beneficiaries are working.

In order to achieve a successful 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 and who wished to attend Croatian language courses, history and culture, or who required the translation of diplomas or certificates for continuation of education or inclusion into the labour market, or who wished to continue primary or secondary education. The project activities were free of charge for beneficiaries and funded by the AMIF.⁷⁵² However, in September 2022, the Ministry of Interior took the decision to terminate the

⁷⁴⁹ Articles 67a LITP

⁷⁵⁰ Information provided by the Centre for Peace Studies, 30 January 2024.

⁷⁵¹ Article 68(1) LITP.

⁷⁵² 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, 3 February 2021, available at: <https://bit.ly/3jrADX3>.

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.⁷⁵³

Centre for Peace Studies (CPS),⁷⁵⁴ the Rehabilitation Centre for Stress and Trauma (RCT),⁷⁵⁵ Jesuit Refugee Service (JRS)⁷⁵⁶ and Are You Syrious⁷⁵⁷ also reported persisting problems with Croatian language courses. Regarding employment, CPS pointed out the challenges in the recognition of qualifications and nostrification of diplomas when people have documents proving their level of education, as well as the absence of adapted procedures for recognizing qualifications when they do not possess documents. CPS also reported there are insufficiently available re-training programs that are closely related to the lack of knowledge of the Croatian language. In 2023, CPS mapped several cases of discrimination in the workplace or when looking for employment directed at refugee women who wear the hijab. In addition, CPS highlighted the potential increase in violations of the labour rights of refugee workers, given that CPS received an increased number of inquiries about various violations of workers' rights such as rights to vacation, payment of full salary and related issues.⁷⁵⁸

Many other NGOs such as JRS, CPS, 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 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.⁷⁵⁹

The Croatian Law Centre, in cooperation with UNHCR and CES, prepared leaflet on the right to work for applicants for international protection, persons granted international protection and foreigners under temporary protection.⁷⁶⁰

The Croatian Employment Service (CES) is responsible for the implementation of measures in the field of employment of foreigners, with particular emphasis on asylees and foreigners under subsidiary protection. According to the Law on the Labour Market, asylee and foreigner under subsidiary protection 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.⁷⁶¹

When applying for inclusion in the registry 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.⁷⁶²

To access the assistance provided by CES, a person should register with the CES by e-mail or by visiting its regional offices. In order to register with CES, a person need an identity card issued by the Ministry of Interior, proving their immigration status in Croatia, a personal identification number ('OIB,' in Croatian), and if available, a proof of any education or training a person may have completed (not mandatory).⁷⁶³

⁷⁵³ 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>.

⁷⁵⁴ Information provided by Centre for Peace Studies, 30 January 2024.

⁷⁵⁵ Information provided by the Rehabilitation Centre for Stress and Trauma, 30 January 2024.

⁷⁵⁶ Information provided by JRS, 5 February 2024.

⁷⁵⁷ Information provided by Are you Syrious, 29 January 2024,

⁷⁵⁸ Information provided by Centre for Peace Studies, 30 January 2024.

⁷⁵⁹ JRS, 'Refuge Integration Centre "SOL" opened', 2018, available at: <https://bit.ly/3chtSBs>.

⁷⁶⁰ Leaflet was created as part of the project 'Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia' funded by UNHCR, with contributions from non-governmental organizations: the Croatian Red Cross, the Jesuit Refugee Service, and Association SVOJA available at: <https://bit.ly/3RyR84W>.

⁷⁶¹ Article 14 Law on the Labour Market.

⁷⁶² 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>.

⁷⁶³ Croatian Law Centre: brochure „The right to work – applicants for international protection, persons granted international protection and foreigners under temporary protection, available in English at: <https://bit.ly/4ctotXh>.

According to CES, 44 asylees (of which 22 women), 7 foreigners under subsidiary protection (of which 4 women), 5 members of families of persons that were granted international protection (of which 4 women), 5 applicants for international protection (of which 2 women) and 476 persons under temporary protection (of which 396 women) were inscribed in their registry as unemployed on 31 December 2023.⁷⁶⁴ According to the data of the CES from January 1 until December 2023, 74 asylees, 10 persons under subsidiary protection, 6 members of families of persons under international protection, 22 applicants for international protection and 848 persons under temporary protection were provided individual counselling at CES.

Through the CSE's mediation during 2023, 88 people were employed (49 asylees, 9 foreigners under subsidiary protection, 4 members of families of persons under international protection and 26 applicants for international protection), 25 of which were women.

In addition, 1 member of family of person under international protection, 1 person under subsidiary protection, 6 applicants for international protection and 89 foreigners under temporary protection were included in active employment policy measures. Most of the persons registered were from **Ukraine** (478), **Syria** (21), **Afghanistan** (11), and **Russia** (7).

Similarly to previous years, 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, was highlighted as a major obstacles to the integration of beneficiaries of protection.⁷⁶⁵

2. Access to education

According to the LITP, beneficiaries of international protection have the right to elementary, secondary and higher education under the same conditions as Croatian citizens, pursuant to separate regulations.⁷⁶⁶

Asylees and foreigners under subsidiary protection shall exercise the right to adult education pursuant to the regulations on adult education as well as the right to recognition of foreign qualifications, both 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 of their prior learning shall be conducted. 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 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. In the same period, documentation (diplomas and certificates) were translated for 15 asylees and foreigners under subsidiary protection. Five persons under international protection were enrolled at the following universities: Faculty of Law, Faculty of Political Sciences, Faculty of Mining and

⁷⁶⁴ Information provided by the Croatian Employment Service, 15 January 2024.

⁷⁶⁵ Ombudsperson for Gender Equality, Report of the Ombudsperson for Gender Equality for 2023, available in Croatian at: <https://bit.ly/4cnY4Kn>, 247.

⁷⁶⁶ Article 70 LITP.

Geology, Faculty of Architecture and Faculty of Civil Engineering, while only one refugee student is the beneficiary of a stipend.⁷⁶⁷

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.⁷⁶⁸

At the local level, during 2023, the City of Zagreb organized a certified Croatian language course, which was initially aimed at persons granted international or temporary protection, and was then expanded to foreign workers. The city of Zagreb announced the organization of a Croatian language course to be conducted by foreign language schools and CSOs, and similar initiatives were announced by the cities of Split and Varaždin.⁷⁶⁹

Centre for Peace Studies (CPS) 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 the 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.⁷⁷⁰

For students who have insufficient knowledge of the Croatian language, the school is obliged to organise preparatory classes, but according to AYS, practice has shown that the process of organising preparatory classes is extremely long and children often wait several months before such classes are approved. Also, some children have to go to another school for preparatory classes, and as a result, they are not attending part of their classes at their own school. AYS also reported that children are, due to non-standardized tests, often enrolled in lower classes than their peers and are often victims of violence and social isolation.⁷⁷¹

According to the Children Ombudswoman's report for 2023, there are differences in the start of implementation of preparatory classes for the Croatian language for children under international protection which sometimes takes months, compared to the preparatory classes that are organized for children displaced from Ukraine, which are organized much faster.

The Ombudswomen for Children, also underlined that sometimes children have preparatory classes in another schools, therefore losing part of the classes in their schools. She further stressed that 140 hours of Croatian language classes are not sufficient for a child to independently participate in education, In addition, there are still no textbooks that are adapted to children from other speaking areas.⁷⁷²

In 2022, the new Law on Recognition and Evaluation of Foreign Educational Qualifications entered into force.⁷⁷³ 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.

⁷⁶⁷ 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>.

⁷⁶⁸ 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>.

⁷⁶⁹ Ombudswoman, Report of the Ombudswoman for 2023, available in Croatian at: <https://bit.ly/4crt2kR>.

⁷⁷⁰ Information provided by Centre for Peace Studies, 30 January 2024.

⁷⁷¹ Information provided by Are You Syrious, 29 January 2024.

⁷⁷² Ombudswoman for Children: *Report on the work of the Ombudswoman for Children in 2023*, available in Croatian: <https://bit.ly/3zeXcJw>.

⁷⁷³ Law on Recognition and Evaluation of Foreign Educational Qualifications, Official Gazette 69/2022, available in Croatian at: <https://bit.ly/3OPwl79>.

At the end of June 2023, the Ordinance on conditions and methods of exercising the right of students in regular status to subsidized housing entered into force.⁷⁷⁴ Although the Ombudswoman proposed that students who are granted international protection should be included in the category of students who exercise the direct right to subsidized housing, such a proposal was not accepted. However, the Ordinance prescribes that an additional 750 points will be given to students under international protection, due to their specific situation.⁷⁷⁵

In October 2023, the Ordinance on the conditions and method of exercising the right to a State scholarship based on socio-economic status entered into force.⁷⁷⁶

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 proving previous education. If it is not possible to enclose a document on previous education, it is necessary to give a statement before a 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.

AYS reported that in the course of 2023, they continued to provide educational support to children granted international protection, i.e., 43 volunteers provided 1,647 hours of educational support to 42 children from 23 families.⁷⁷⁷ The support programme included support in language learning, mastering school materials, building independence in academic context, expanding the social network, cooperation with schools and mediation in communication between parents and the school. Volunteers had the obligation to spend a minimum of 2 hours a week working with children.

CPS also reported that in practice, obstacles in the access of beneficiaries granted international protection to higher education continued in 2023.⁷⁷⁸ Although, they have the right to higher education equally as 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 and have Croatian citizenship. In addition, as refugee students are enrolled in colleges in the quota for foreigners - they do not have access to all the majors, because not all faculties provide all majors for foreigners as well. There is also the problem of non-recognition of foreign educational qualifications in cases where beneficiaries have documents to prove their previous education as well as very high prices for beneficiaries of international protection who have to take different subjects which are not provided free of charge to them. In addition, problems arise in the exercise of most of the rights enjoyed by full-time students.

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.⁷⁷⁹ In February 2022, a new Law on Social Welfare entered into force.⁷⁸⁰

The Law on Social Welfare provides that asylees, foreigners under subsidiary protection, and foreigners under temporary protection as well as members of their family who legally reside in 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.

⁷⁷⁴ Ordinance on conditions and methods of exercising the right of students in regular status to subsidized housing, Official Gazette 68/2023, available in Croatian at: <https://bit.ly/3RySVHc>.

⁷⁷⁵ Ombudswoman, Report of the Ombudswoman 2023, available in Croatian at: <https://bit.ly/4crt2kR>.

⁷⁷⁶ Ordinance on the conditions and method of exercising the right to a state scholarship based on socio-economic status, Official Gazette 114/2023, available in Croatian at: <https://bit.ly/3xlkixM>.

⁷⁷⁷ Information provided by Are you Syrious, 29 January 2024.

⁷⁷⁸ Information provided by Centre for Peace Studies, 30 January 2024.

⁷⁷⁹ Article 73 LITP.

⁷⁸⁰ Official Gazette 18/2022, 46/2022, 119/2022, 71/2023, 156/2023.

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 is also provided in materials (i.e., videos and a brochure) prepared by the Croatian Law Centre.⁷⁸¹

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).⁷⁸²

Following the Amendments to the Decision of Social Welfare in 2019,⁷⁸³ the social rights provided by the City of **Zagreb** were extend to families of asylees and foreigners under subsidiary protection.⁷⁸⁴

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.⁷⁸⁵ 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.⁷⁸⁶

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.⁷⁸⁷ 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 Compulsory Health Insurance and Health Care for Foreigners in the Republic of Croatia prescribes that asylees, foreigners under subsidiary protection, foreigners under temporary protection and their family members have the right to health care⁷⁸⁸ to the same extent as health insured persons under mandatory health insurance.⁷⁸⁹

According to the Law on Compulsory Health Insurance and Health Care for Foreigners in the Republic of Croatia, the right to health care is provided on the basis of a valid document issued by the Ministry of

⁷⁸¹ 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>.

⁷⁸² 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>.

⁷⁸³ Amendments available in Croatian at: <https://bit.ly/2UQoMXa>.

⁷⁸⁴ City of Zagreb, *Social welfare decision*, 4 April 2019, available at: <https://bit.ly/2URy7hj>.

⁷⁸⁵ The manual is available at: <https://bit.ly/3pNh13c>.

⁷⁸⁶ 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>.

⁷⁸⁷ Article 69(1)-(2) LITP.

⁷⁸⁸ Article 17 Law on Compulsory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

⁷⁸⁹ Article 21(1) Law on Compulsory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

Interior.⁷⁹⁰ The competent police administration or police station is obliged to notify the ministry competent for health that asylum, subsidiary protection or temporary protection was granted to foreigner, at the latest within eight days from the date of execution of the decision granting protection.⁷⁹¹

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 beneficiaries, 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 an identity number of the insured person nor are they in the Central Health Information System. When a beneficiary of international protection gets a job and starts paying health insurance contributions, s/he becomes insured. However, unlike Croatian citizens, their family members cannot acquire the right to compulsory health insurance through their insured relative, 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.⁷⁹² However in practice, healthcare professionals are not sufficiently familiar with the rights of beneficiaries of 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.⁷⁹³ According to these instructions, the pharmacy delivers an invoice addressed to the Ministry of Health and 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.

The Ombudswoman's report for 2023 emphasized that although the LITP states that persons under international protection have the right to health care in accordance with the Law on Compulsory Health Insurance and Health Care for Foreigners, there are difficulties in the implementation of these laws. Most notably, the patient registration systems in hospitals do not provide for the entry of the category of person under international protection, except possibly under the general rubric "notes". In addition, beneficiaries of international protection are not issued insurance cards or the identity number of the insured person, they are not registered in the central system of insured persons (the so-called CEZIH), and health institutions are not familiar with the procedures for issuing referrals and prescriptions for persons under international protection. Hospitals and doctors do not have relevant and clear information on how to efficiently and quickly provide them with health care services. Beneficiaries of international protection cannot contract supplementary health insurance, unless they are employed or have a long-term residence. The Ombudswoman also reported about the problem of translation during visits to the doctor, which has not been systematically solved. CSOs pointed to several discriminatory behaviours of doctors and health workers who did not want to examine and treat refugees.⁷⁹⁴

Problems in the health system were reported by Are You Syrious, the Centre for Peace Studies and the Rehabilitation Centre for Stress and Trauma.

⁷⁹⁰ Article 21(2) Law on Compulsory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

⁷⁹¹ Article 21(3) Law on Compulsory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

⁷⁹² 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>.

⁷⁹³ Ministry of Health: Letter from the Ministry of Health to Croatian Health Insurance Fund, 15 July 2020, available at: <https://bit.ly/3tD9kh1>.

⁷⁹⁴ Ombudswoman, Report of the Ombudswoman for 2023, available in Croatian at: <https://bit.ly/4crt2kR>.

In course of 2023, AYS⁷⁹⁵ provided information on the scope of the right to health care to beneficiaries of international protection, but also assisted them with enrolment procedures or when persons undertook medical examinations. AYS highlighted that the non-recognition of the right to health care for beneficiaries of international protection remains a shortcoming.

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. Due to observed shortcomings, CPS has initiated the Network for Improving the Access to Healthcare Services, made up of representatives of civil society organizations, public bodies at the local and state level, and experts in the field of integration. The aim is to jointly review perceived problems in access to healthcare services, exchange information and experiences in the field of healthcare, look at potential solutions and develop examples of good practices that would improve certain aspects of access to health services. The activities are part of the project "Accessing services, Sharing Approaches and Practices-ASAP" co-financed by AMIF and the Office for NGOs of the Government of the Republic of Croatia. Through joint discussions in the Network, the need for interpretation support when accessing the health system and various health examinations was detected. A pilot practice aimed at creating a network of interpreters who provide interpretation support to persons under international and temporary protection was developed. CPS published a Guide for citizens of third countries on access to healthcare in Croatia.⁷⁹⁶ The guide contains information about the basic terms that people face when accessing the health system and when communicating with doctors and other health service providers in Croatia. The guide also contains instructions on how to find a primary care doctor and other useful instructions for accessing healthcare in Croatia. In addition to the Guide, CPS has created video materials on the e-Citizens Portal,⁷⁹⁷ and Finding General Practitioners and Gynaecologists for foreigners in the Republic of Croatia.⁷⁹⁸ The guide and video materials are available in Croatian, English, French, Arabic and Ukrainian.⁷⁹⁹

⁷⁹⁵ Information provided by Are you Syrious, 29 January 2024.

⁷⁹⁶ Centre for Peace Studies: Guide for citizens of third countries on access to healthcare in Croatia, available at: <https://bit.ly/4cqVq6G>.

⁷⁹⁷ e-Citizens is a central point for all public sector information and services in Croatia.

⁷⁹⁸ Video materials available at: <https://bit.ly/3xsDABh>.

⁷⁹⁹ Information provided by Centre for Peace Studies, 30 January 2024.

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, 33/2023	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) https://bit.ly/43iu0Mc (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, 33/2023	http://bit.ly/1hlaq3Q (HR) https://bit.ly/2pPntru (HR) https://bit.ly/43iu0Mc (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, 33/2023	http://bit.ly/1hlaq3Q (HR) https://bit.ly/2pPntru (HR) https://bit.ly/43iu0Mc (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, 33/2023	http://bit.ly/1hlaq3Q (HR) https://bit.ly/2pPntru (HR) https://bit.ly/43iu0Mc (HR)