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THE CROATIAN ASYLUM SYSTEM IN 2017 -NATIONAL REPORT-

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1. Introduction

The Croatian Law Centre (CLC) has been actively engaged in the Croatian asylum system since 2003 as the implementing partner of UNHCR.

The CLC systematically follows legislation and its implementation in practice in the field of asylum, on the basis of which it prepares its national reports on the asylum system. To date, five reports have been prepared (for the period 2010-2012, 2013, 2014, 2015 and 2016). These reports are available on the CLC website.¹ The report for 2017 was prepared in the autumn of 2018.

In 2017, the consequences of the mass inflow of refugees in the period from 2015-2016 were still felt, although the number of applicants for international protection was on a slight decline when compared to 2016. During 2017, there was a rise in the number of those who sought international protection and were sent back to Croatia on the basis of the Dublin Regulation and the criteria according to which the first Member State of the EU entered by the applicant for international protection was responsible for the assessment of the application. Croatia continued to meet the quota from the programme of resettlement and relocation of refugees from Italy, Greece and Turkey and their gradual integration into Croatian society. The year 2017 was marked by a stricter regime at the border between Croatia and Serbia and the statements by civil society organisations on preventing refugees from accessing the territory of the Republic of Croatia and its asylum system.

2. Public policies and legislation in the field of asylum

The Act on International and Temporary Protection (OG 70/15; hereinafter: AITP) was adopted on 2 July 2015. Through the new Act, Croatian legislation was additionally aligned with the common European asylum system. Although particular segments of the new legislation have been a step forward, there is an obvious trend to restrict the rights and prevent an abuse of the system.²

In December 2017, the Act on Amendments to the AITP was adopted (OG 127/2017).³ The amendments mostly refer to the right to accommodation of asylees and foreigners under subsidiary protection. One of the changes is that the competence for providing accommodation was transferred from the Ministry for Demography, Family, Youth and

¹ See: <http://www.hpc.hr/category/publikacije-i-izvjestaji/izvjestaji/>

² See CLC, the Croatian Asylum System in 2015, July 2016.

³ https://narodne-novine.nn.hr/clanci/sluzbeni/2017_12_127_2880.html

Social Policy to the Central State Office for Reconstruction and Housing. The amendments entered into force on 1 January 2018.

The amendments to the Foreigners Act (FA), prepared in 2016, became effective in 2017 (OG 69/2017)⁴ to remove the deficiencies observed during the implementation of the Act and to align it with the EU *acquis*, and in particular with the following: Directive 2014/67/EU of the European Parliament and the Council of 15 May 2014 on the Implementation of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amendments to EU Regulation no. 1024/2012 on administrative cooperation through the Internal Market Information System (the “IMI Regulation”); Directive 2014/36/EU of the European Parliament and Council of 26 February 2014 on the conditions for entry and stay of third-country nationals for the purpose of employment as seasonal workers; and Directive 2014/66/EU of the European Parliament and the Council of 15 May 2014 on the conditions of entry and stay of third-country nationals in the framework of an intra-corporate transfer. The amendments consisted of 123 articles, meaning that almost half of the valid provisions of the Act were amended. The question arises whether it would have been preferable to draw up a new act instead of amending the existing one.

During the previously organised public consultations on the Draft Act on Amendments to the Foreigners Act, most complaints from the interested public dealt with the provision providing for sanctions against natural persons even for an attempt to assist a foreigner during illegal crossing, transit or illegal stay in Croatia by imprisonment of up to 60 days and a fine amounting to HRK 23.000.00. In the final version of the Act, this provision is laid down in such a way that the assistance during illegal crossing of the state border or during an illegal stay for humanitarian reasons is not considered to be assistance (Article 43). However, what is regarded to be a humanitarian reason will be shown only in practice and in the interpretation of this Article. On the basis of the amended Foreigners Act in 2017, the following subsidiary legislative documents were adopted: the Ordinance on Amendments to the Ordinance on Status and Work of Aliens in the Republic of Croatia (OG 100/2017)⁵ and the Decision on the Amendments to the Decision on the

⁴ https://narodne-novine.nn.hr/clanci/sluzbeni/2017_07_69_1605.html

⁵ https://narodne-novine.nn.hr/clanci/sluzbeni/2017_10_100_2307.html

Annual Quota of Permits for the Employment of Foreigners for Calendar Year 2017 (OG 74/17).⁶

3. Institutional capacities

In 2017, the main body for the implementation of asylum policy continued to be the Ministry of the Interior (hereinafter: MoI). Issues concerning foreigners, asylum seekers and asylees lie under the competence of the Directorate for Administrative and Inspection Affairs, as part of which the Sector for Administrative Affairs, Foreigners and Citizenship was set up, and within that Sector, the Service for Foreigners and Asylum, with the following departments: the Department for Status Issues of Foreigners; the Asylum Department; the Visa Department; and the Reception Centre for Asylum Seekers. In view of the increased number of asylum seekers in 2016 and 2017, MoI announced vacancies and hired additional employees in the Asylum Department and in the Reception Centre for Asylum Seekers – 13 new people were employed in the Asylum Department and 5 of them were the new heads of the procedure and 6 were new independent administrative officers in the Reception Centre for Asylum Seekers in Zagreb.⁷

It is possible to institute an administrative action against the decision of the MoI before one of four administrative courts (in Zagreb, Split, Rijeka and Osijek), and a sole judge rules on the dispute. At the Administrative Court in Zagreb, judges can now specialise in the field of asylum and migrations.

4. Asylum in legislation and practice: access to the asylum system, establishment of the status and the rights of asylum seekers

4.1. Access to the asylum system

4.1.1. The visa regime

According to the figures from the Ministry of Foreign and European Affairs (hereinafter: MFEA)⁸, in 2017 a total of 57.593 Croatian visas were issued for transit or for intended stay in the territory of the RoC, not exceeding 90 days in any 180 period. Of the total number of the issued visas, 57.592 were issued for short stays (C) and 1 air-transit visa was also issued. Thirty-three appeals were lodged against decisions to refuse a visa, and the competent services of the MFEA rendered 28 decisions rejecting appeals on the

⁶ https://narodne-novine.nn.hr/clanci/sluzbeni/2017_07_74_1805.html

⁷ Correspondence by the Ministry of the Interior, Directorate for Administrative and Inspection Affairs of 8 February 2018, Class: NK-217-03/18-01/34, no. 511-01-204-18-2 (CLC documentation).

⁸ Correspondence from the Ministry of Foreign and European Affairs, Directorate for Consular Affairs, of 17 January 2018, Class: 216-03/18-01/44, no. 521-V-03-02/MZ-18-02 (CLC documentation).

merits, and three appeals by the parties were partially granted and the applications were returned to the first-instance body (DM/CO) for a renewed decision-making process. One appeal was dismissed and in one case appellate proceedings were suspended (because of the issuance of a visa based on a new application).

4.1.2. Access to the territory and the system of asylum

The initiative Welcome!, in cooperation with Are You Syrious? and the collective No Name Kitchen published four reports on violent and illegal unlawful returns of refugees from the RoC. The reports were published in the period from January 2017 until February 2018.⁹ They contained the collected testimonies of persons who had been returned from Croatia to Serbia only once or several times. The mentioned organisations warned of the practice of mass returns of persons from Croatia to Serbia being caught while illegally crossing the State border, either from the border or from deep territory, without the implementation of individual procedures in the presence of an interpreter provided for in the Foreigners Act. Activists warned that foreigners were systematically and continuously prevented from having access to the territory of the RoC and its asylum system. The reports also contained the following statements made by the migrants concerning the treatment by Croatian police officers: police officers overstepping their powers, various forms of verbal and physical violence, threats and mockery by police officers, forced signing of documents in Croatian or some other language which the respective person did not understand, seizing valuables and personal things, destruction of personal things and expulsions despite explicitly seeking asylum in Croatia. In the reports, attention was drawn to police officers' violent conduct toward unaccompanied children and other vulnerable groups of migrants such as families. Two reports were supplemented by photographs and medical documentations provided by the persons who were interviewed by activists.

During 2017, the Centre for Peace Studies and Are You Syrious? filed two reports to MoI for unlawful and forced return of refugees, a report to the Ombudswoman and a letter to the Croatian Parliament's Domestic Policy and National Security Committee and to the Committee on Human and National Minority Rights, as well as a criminal report to the Public Prosecution Service of the RoC (DORH), concerning the lack of the possibility to seek asylum in the territory of the RoC.

⁹ The reports are accessible at <http://welcome.cms.hr/index.php/hr/2018/07/30/izvjestaji-o-nasilju-i-nezakonitim-vracanjima-izbjeglica-iz-rh/>

The Jesuit Refugee Service (JRS) also warned of the practice of not making it possible for refugees to have access to the territory and the system of asylum of the RoC.¹⁰

The Ombudswoman, in her annual report for 2017, repeated the results of her office's investigation by way of organising interviews in police stations regarding the treatment of irregular migrants, including unaccompanied children. The conclusions of this investigation clearly showed that migrants were systematically deprived of access to the system of international protection and that the treatment of those caught in deep territory of the RoC, in the period from November 2016 to February 2017, was based on the "order issued by the Illegal Migration Department of the Police Directorate of 25 November 2016 according to which all irregular migrants, caught in deep territory, nationals of African and Asian countries, who have illegally come to Croatia from Serbia and have been found in the territory of the PAZ, have to be taken to PP Tovarnik and handed over to the shift head for further proceedings. Based on the order issued by the Police Directorate of 15 February 2017, a new way of treating irregular migrants caught in deep territory has been introduced and all police administrations are ordered, upon previous notification, to take irregular migrants, regardless of the place where they are found, to the police administration at the external border. This police administration is then in charge of further proceedings and it must establish, in each concrete case, all the circumstances of their entry and stay, except in the cases where such proceedings would not be appropriate."¹¹

The end of 2017 was marked by a tragic event where a 6-years old girl from Afghanistan lost her life. On 21 November 2017, she came from Serbia to Croatia with her mother and her brothers and sisters (15, 8, 3 and 2 years of age). According to the mother's statement, after reaching the territory of the RoC, they continued walking for about an hour, when they finally came across police officers and asked for asylum. However, these police officer told the mother to go back to Serbia and return to Croatia the following month. At her insistence to be granted international protection, the police officers became very angry and started yelling at them, telling them to go back to Serbia. The mother then asked them to let them stay in Croatia overnight because her children were exhausted. They did not want to listen to her but rather forced them to continue walking. After a while, a police car arrived and they took them back to the railway track in the vicinity of the State border.

¹⁰ <http://hr.n1info.com/a171650/Vijesti/Tvrtko-Barun-Znamo-za-slucajeve-kada-je-Hrvatska-ilegalno-deportirala-trazitelje-azila.html>

¹¹ The Ombudswoman's Annual Report for 2017, <http://ombudsman.hr/hr/izvjesca-2017/izvjesce-pp-2017/send/82-izvjesca-2017/1126-izvjesce-pucke-pravobraniteljice-za-2017-godinu>

The police officer told her to keep on walking along railway tracks to return to Serbia. Shortly after that, her daughter was hit by a train and killed. On 19 December 2017, the family, through attorney Sanja Bezbradica Jelavić, brought criminal charges against the Republic of Croatia.^{12, 13}

At the beginning of 2018, the Ombudswoman serviced on the Chief State Prosecutor, for his competent acting, all the information she had obtained on the tragic event. Beside the information on the event, the Ombudswoman, in her letter, provided all details and conclusions she had made in all previous cases. They indicated suspicion that MoI failed to carry out efficient investigation into the allegations concerning the treatment of irregular migrants and that it was necessary to establish whether they contained elements of criminal offences.¹⁴

MoI rejected the allegations published in the media stating that the treatment by the Croatian border police had caused the accident and the death of the little girl.¹⁵

4.1.3 Intentions to seek protection and applications for protection

Foreigners may express the intention to file an application for international protection orally or in writing when undergoing border controls at a border crossing, in a police administration, police station, or in the Reception Centre for Foreigners (hereinafter: RCF) if they are already in the territory of the RoC. As an exception, in extraordinary circumstances, intention may be expressed at the Reception Centre for Asylum Seekers (Article 33, paragraphs 1-3 AITP). By expressing an intention, a person acquires the status of an asylum seeker and all the rights provided for by the AITP.

According to figures from MoI¹⁶, up to the end of 2017, a total of 1.887 persons expressed an intention to file an application for protection (1.583 men and 304 women). The largest number of persons who expressed an intention were in the age range from 18-34 (988 men and 119 women), mostly originating from Afghanistan (291), Pakistan (187), Turkey (120) and Syria (108). Intention was also expressed by 242 children of 13 years of age (149 boys and 93 girls), mostly originating from Afghanistan (108), Syria (67), Turkey

¹² The Ombudswoman's letter sent to the Chief State Prosecutor of the Republic of Croatia, <http://ombudsman.hr/hr/npm-novosti/cin/1263-pravobraniteljica-dostavila-dorh-u-sve-informacije-okolnostima-pogibije-madine-husseini-modulnpm>

¹³ <https://www.theguardian.com/world/2017/dec/08/they-treated-her-like-a-dog-tragedy-of-the-six-year-old-killed-at-croatian-border>

¹⁴ <http://ombudsman.hr/hr/npm-novosti/cin/1263-pravobraniteljica-dostavila-dorh-u-sve-informacije-okolnostima-pogibije-madine-husseini-modulnpm>

¹⁵ <https://www.mup.hr/novosti/5201/reagiranje-mup-a-povodom-objavljenog-clanka-the-guardiana>

¹⁶ See note 7.

Court of Slovenia¹⁹ in connection with the interpretation of Articles 2, 12, 13, 27 and 29 of the EU Regulation no. 604/2013 (the Dublin III Regulation). Appellate proceedings before the High Administrative Court of Austria were initiated by K.J. and Z.J., nationals of Afghanistan, who had passed through the Republic of Croatia during the immigration crisis, against the decisions of the Federal Office for the Rights of Foreigners and the Right to Asylum in Austria where their applications for international protection were proclaimed inadmissible and their expulsion was ordered while their return to Croatia was found to be legal. The Supreme Court of Slovenia filed a request in the dispute between A.S., a Syrian national, and the Republic of Slovenia, in connection with the decision not to deal with his application for international protection submitted by him in Slovenia.

Taking into account all relevant facts and regulations, the European Court decided, in both cases, that “Article 13, paragraph 1 of the Regulation no. 604/2013 had be interpreted in such a way that the national of a third country – whose entry was tolerated by the bodies of the first Member State faced by the arrival of an extremely large number of nationals of third countries who wanted to cross the territory of that country in order to file an application for international protection in another Member State, without fulfilling the prerequisites for an entry that are requested in the first Member State – had to be considered as an “illegal crossing” of the border of the first Member State as referred to in the relevant provision.” In other words, the Court decided that the permission to enter and the transfer of migrants to the neighbouring states, in this case during the refugee crisis in Croatia was an irregular entry according to the Dublin III Regulation, whereby the Croatia could be considered as being competent for the examination of applications for international protection of persons who passed through the Republic of Croatia.

These judgments have not had any significant impact on the system of asylum of the Croatia, i.e. they have not resulted in a large increase in the number of applicants taken back under the Dublin III Regulation.

To the knowledge of the CLC, some applicants had lived for months in other countries and gradually became well integrated in the new communities but were returned almost overnight to Croatia where the procedure of determining their refugee status started all over again. It was not rare that there were situations where families and relatives were

252Cfalse%252Cfalse&language=hr&avg=&cid=281371

¹⁹ Case no. C-490/16, judgment of the Court (Grand Chamber) of 26 July 2017, <http://curia-europa.eu/juris/liste.jsf?num=C-490/16>

separated, which led to even greater vulnerability of persons and to a deterioration of their mental health.

During 2017, Croatia filed 123 requests for reception, and there were altogether 8 transfers (6 to Germany, 1 to Austria and 1 to Italy). The applied criteria were the following: Article 18, paragraph 1, point b) of the Dublin III Regulation (obligation to accept the applicant whose application is under examination and who made an application in another Member State or who is in the territory of another Member State without a residence document); acceptance based on Article 12 when the applicant entered the EU on the basis of a visa; acceptance based on Article 13 for illegal entry of the applicant to another Member State of the EU as the first country of entry to the EU; acceptance on the basis of Articles 8 and 9 in order to family reunification. On average, the duration of the procedure from filing the application to the actual transfer to another Member State is three months, and the average time from the moment when another Member State accepts the responsibility until the actual transfer, is two months.²⁰

Pursuant to the AITP, the movements of a foreigner in transfer may be restricted only in order to ensure the enforcement of handover to another Member State of the European Economic Area if it is assessed that a risk of flight exists. In 2017, no restrictions on freedom of movement were recorded when Dublin procedures were implemented.

According to the obtained data for 2017, MoI has eight stationed EURODAC (Live Scan) devices (three in the Reception Centre in Zagreb and one in the Reception Centre in Kutina, one in each of the two Transit Reception Centres in Tovarnik and Trilj and two in the RCF), as well as 24 mobile EURODAC devices in police administrations/stations across the Croatia. From October 2017, all fingerprints are taken via EURODAC Live Scan device. If a person cannot be taken to the police administration, or the device cannot be taken to the police station where the person is located, fingerprints are taken on paper and then scanned.²¹

4.1.5. The process of relocation and resettlement of refugees

In 2017, 62 persons were relocated to Croatia and 40 were resettled of the 1.583 persons the country was bound to accept based on the decision of the Government of the Republic of Croatia. A total of 12 persons were relocated from Italy (the nationals of Eritrea and Jemen) and 50 persons from Greece (the nationals of Syria). In November 2017, 40 Syrian refugees (seven multi-member families) were resettled from Turkey.

²⁰ See note 7.

²¹ *Ibid.*

4.2. *Restriction on freedom of movement*

According to MoI,²² in 2017, freedom of movement following placement in the RCF, Transit Reception Centre in Tovarnik and Transit Reception Centre in Trilj was restricted for 134 applicants (121 men and 13 women), for the following reasons referred to Article 54 of the AITP: on the basis of individual assessment that the purpose of restricting freedom of movement cannot be met by other measures (72 persons); prevention of the abuse of the procedure, if, on the basis of objective criteria, which include the possibility of access to the procedure of granting international protection, there is a well-founded suspicion that an intention was expressed during the procedure for expulsion to prevent the procedure from continuing (50 persons); protection of security and public order of the Republic of Croatia (9 persons); the establishment of facts and circumstances on which the application for international protection is based and which cannot be established without restriction of movement, especially if it is assessed that a risk of flight exists (3 persons). According to the countries of origin, freedom of movement was restricted for nationals of Turkey (41), Afghanistan (20), Iran (9), Algeria (8), Bangladesh (8) and Pakistan (8). On average, measures restricting freedom of movement are imposed for the duration of one month.

In 2017, in the RCF, one child of an applicant for international protection and 6 unaccompanied minors were accommodated. In addition, there was one case of a victim of human trafficking also accommodated in the RCF. The accommodation decision was abolished when it was discovered that the person was a victim of human trafficking.

According to the data of the Border Police Directorate²³, in 2017, a total of 645 persons (522 men and 55 women) were accommodated in the RCF. Of that number, there were 68 children (48 boys and 20 girls) and there were also five unaccompanied children. According to citizenship, the largest number of persons were the nationals of Kosovo (174), Turkey (174), Albania (65) and Afghanistan (42). On average, accommodation lasted for 20 days, for children 13 days and for unaccompanied children 44 days.

In 2017, in the Transit Reception Centre in Tovarnik, a total of 76 persons were accommodated (52 men and 24 women). Of that number, there were 27 children (13 boys and 14 girls). According to citizenship, there were persons from Afghanistan (41), from

²² *Ibid.*

²³ Correspondence by the Ministry of the Interior, Border Police Directorate, of 25 January 2018, Class: 212-04/18-01/18, reg.no. 511-01-63-18-1 (CLC documentation).

Syria (22), from Iran (9), from Pakistan (2), from Cuba (1) and from Iraq (1). On average, accommodation lasted for 24 hours.

In the Transit Reception Centre in Trilj, a total of 64 persons (60 men and 4 women) were accommodated, and of that number, there were six children (4 boys and 2 girls). The largest number of persons were from Turkey (16), Libya (15), Morocco (7) and Algeria (7). On average, accommodation lasted for 12 days.

In 2017, no alternative measure provided for in Article 54, paragraph 5, points 1-4 of the AITP was pronounced because of the fact that the Reception Centre for Asylum Seekers is an open door facility where it is not possible to control movements of applicants for international protection.

4.3. Status determination procedure

In 2017, MoI resolved 1.232 applications (see Table 1).

Table 1: Statistical data on the resolution of applications for asylum (data from February 2018)

Applications resolved in the first instance procedure	Asylum	183
	Subsidiary	28
	Suspended	876 ²⁴
	Dismissed	36
	Rejected on the merits	109
	Total	1.232

Source: correspondence by MoI, 12/2/2018 (CLC documentation)

In 2017, in administrative proceedings, MoI granted asylum to 183 persons and subsidiary protection to 28 persons. According to the countries of origin, asylum was granted to citizens of Afghanistan (5), Egypt (2), Eritrea (11), Iraq (31), Iran (6), Yemen (4), Palestine (1), Syria (119), Somalia (1) and Turkey (3). Subsidiary protection was granted to citizens of Afghanistan (2), Iraq (1) and Syria (25). Most of these people were men (see Table 2).

Table 2: Statistical data on protection granted by MoI by gender and age

Type of protection	Gender	Age	2017
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²⁴ Some applicants for international protection left the Reception Centre before the submission of the application for international protection.

Asylum	M	0-13 14-17 18-34 35-64	33 4 80 15
	M total		132
	F	0-13 14-17 18-34 35-64	22 2 17 10
	F total		51
	Total asylum		183
Subsidiary protection	M	0-13 14-17 18-34 35-64	5 3 5 5
	M total		18
	F	0-13 14-17 18-34 35-64	2 4 3 1
	F total		10
	Total subsidiary protection		28
Grand total		211	

Source: correspondence by MoI, 12/2/2018 (CLC documentation)

Pursuant to Article 31, paragraph 8 of Directive 2013/32/EC, MoI ruled in expedite proceedings in 47 cases. In 2017, under the concept of safe third country, not a single decision was rendered.

Regarding the decisions of administrative courts in administrative actions instituted against the decisions of MoI, most were instituted before the Administrative Court in Zagreb, which received 226 cases (160 cases in the procedure for international protection, 58 cases on the actions against the restriction of freedom of movement and 8 cases on the issuance of permits on the acquisition of the right to work in which the claim was rejected). Of the total number in the procedure of granting international protection, in 109 cases the claims were rejected and in 46 cases they were accepted. In four cases the claims were dismissed and in one case it was ceded. Regarding the claims against the restriction of the freedom of movement, the claims were rejected in 43 cases and they were accepted in 4 cases. Administrative disputes were suspended in 10 cases and the claim was dismissed in one case.

The Administrative Court in Rijeka ruled in three cases of international protection – in two cases the claims were rejected and in one case the dispute was suspended. The Administrative

Court in Split received one case for granting international protection which was still pending in January 2018, and the Court resolved one case in which the claim was rejected. In 2017, the Administrative Court in Osijek did not rule in any cases involving asylum.²⁵

In 2017, the High Administrative Court received 40 claims and resolved 33 in the cases of asylum (1 claim received and granted), international protection (32 received, 25 rejected, 7 unresolved), the restriction of freedom of movement (3 received, 1 granted, 2 rejected) and expulsion from the Croatia (4 received and 4 rejected).²⁶

To the knowledge of the CLC, regarding the taking of evidence in proceedings to establish status, in practice, we still have the situation where evidence is not taken by medical expertise, although the statements of some applicants indicate that they were allegedly victims of torture or inhuman treatment.²⁷ Since 2010, the CLC has continuously worked on the project called “Protection of Victims of Torture Among Vulnerable Groups of Migrants”²⁸ within which the recognised victims of torture receive individual psychological help and support and expert opinion of a psychologist is used in the procedure of granting international protection.

4.4. The rights and obligations of the applicants for international protection pursuant to the Act on International and Temporary Protection (AITP)

Applicants for international protection have certain rights and obligations during the procedure for establishing their status granted by Articles 52-62 AITP, which include: the right to stay, freedom of movement, the provision of appropriate material reception conditions, healthcare, elementary and secondary education, information, the right of counselling and free legal aid, freedom of religion and work and documents.

Various domestic and international civil society organisations were active in the Reception Centres in Zagreb and Kutina in 2017, offering various services and assistance to asylum seekers: Croatian Red Cross (hereinafter: CRC), The Jesuit Refugee Service (hereinafter: JRS), Centre for Peace Studies (hereinafter: CPS), the Initiative Are You Syrious, The Hands of Hope (*Croatian Baptist Aid*), the Association “Roda”, the Rehabilitation Centre for Stress and Trauma (hereinafter: RCT), Doctors of the World (Médecines du Monde), UNHCR, IOM (International Organisation for Migration).

²⁵ Correspondence by the Administrative Court in Zagreb (23/2/2018), Rijeka (23/1/2018), Split (22/1/2018) and Osijek (05/02/2018) (CLC documentation).

²⁶ Correspondence by the High Administrative Court in Zagreb of 19/01/2018.

²⁷ CLC documentation.

²⁸ <http://www.hpc.hr/2016/01/04/zastita-zrtava-mucenja-medu-ranjivim-skupinama-migranata-protection-of-victims-of-torture-among-vulnerable-groups-of-migrants/>

According to MoI figures, in 2017, the approximate duration of stay in the Reception Centre for Asylum Seekers was about 3 months.²⁹ Most rooms in the Reception Centre in Zagreb are in a very bad condition. In addition, it is obvious that accommodation in the Reception Centre in Zagreb is not adequate for those with severe psychological difficulties, as well as those who need supervision in terms of specific healthcare. This results in more and more frequent verbal and physical conflicts with the rest of the population in the Reception Centre, often including children.³⁰

In January 2017, about forty applicants for international protection protested in front of the Reception Centre in Zagreb because on 31 December 2016, a group of applicants was attacked. They also protested because of being inadequately protected by the police and were thus worried about their safety.³¹ In its response, MoI stated that they were undertaking all the necessary actions to find the perpetrators and that the premises of the Reception Centre and the area around it were permanently secured by police and their patrols which is proof that the safety of asylum seekers is of extreme importance to the police.³²

The accommodation capacity in the Reception Centre in Kutina is still 100 persons. Rooms are usually shared by families and there are separate rooms for unaccompanied children and single women. In the Reception Centre in Zagreb, the applicants are able, among other activities, to participate in a creative workshop and in the fitness club which are the activities that attract most applicants. Educational activities, such as language learning, are less attractive. It is important to mention that there is usually less interest among the applicants for any activities during their longer stays in the reception centres while waiting for their applications for international protection to be resolved.³³

The Croatian Ministry of Health is competent for the organisation of healthcare of applicants for international protection and it concluded contracts with the local Health Centres in Zagreb (Zagreb-Centre), the surgeries in Dugave and Kutina (Health Centre Kutina). In these health centres, competent family physicians were chosen to provide health protection and urgent medical interventions, as well as primary health care in the cases of chronic and life-threatening diseases. In 2017, the Ministry of Health and the local health centres selected special surgeries with specialists in paediatrics and gynaecology for vulnerable groups from the Reception Centres for Asylum Seekers in Zagreb and Kutina, as well as a surgery for

²⁹ See note 7.

³⁰ A letter from the CRC of 16/2/2018 (CLC documentation).

³¹ <http://hr.n1info.com/a17161/Vijesti/Prosvjed-traziteljja-azila-ispred-Porina-zbog-napada.html>

³² <https://www.mup.hr/novosti/325/prosvjed-traziteljja-azila>

³³ See note 30.

substance abuse at the Andrija Štampar Institute in Zagreb and dental care surgeries at the level of urgent and primary healthcare.

In the Reception Centre for Asylum Seekers in Zagreb, a surgery led by “Doctors of the World” is open from 4 p.m. to 8 p.m. daily. They provide initial health examinations of applicants for international protection, as well as medical supervision of their health. They also coordinate all other needs their patients might have.

The staff of the Reception Centre is responsible for the coordination of the applicants’ healthcare. They are also responsible for the organisation of individual check-ups, lab tests and appointments at hospitals, as well as taking patients to hospitals for examinations. The coordination is also done by the Doctors of the World and the staff of the CRC. If necessary, ambulances are called to take applicants to hospitals. In addition, a particular pharmacy is chosen to provide the prescribed medicaments based on specifically marked prescriptions meant for applicants (it is very important to emphasise these prescriptions because when they are issued, the payment is made from a specific allocation with the Ministry of Health and not the Croatian Health Insurance Fund (“HZZO”). The associations which have entered into contracts of cooperation with MoI also buy the necessary medicaments, medical products and orthopaedic aids depending on the needs of the patients unless they are within the scope of their health protection and are recommended by a medical specialist.³⁴

A medical team of the Doctors of the World usually consists of two general practitioners, a nurse and an interpreter. They are responsible for consultations at the level of primary healthcare at the Reception Centres in Zagreb and Kutina. They also provide initial health examinations of the newly arrived applicants for international protection – twice a week at Porin and twice a week in Kutina.

In addition, the medical team also included a psychologist who offered individual psychological counselling and, in order to provide an overall support and care, a community associate and an interpreter who offer practical support/help by interpreting, giving information and advice to applicants for international protection and persons with a granted status in the realisation of their rights (including making appointments and escorting them to different institutions when necessary). Since April 2017, thanks to the financial support by the UNICEF, the Doctors of the World have employed external associates – specialists such as gynaecologists, paediatricians, psychiatrists and specialists in child psychiatry who regularly visit the Receptions Centre in Zagreb (twice a month or more frequently, if necessary). In

³⁴ See note 30.

2017, the Doctors of the World continued covering the costs of the medicaments that were not on special “HZZO” lists, or those for which no prescriptions were necessary, including various nutrition supplements (e.g. vitamins for children and pregnant women).³⁵

The humanitarian organisation “Hands of Hope” offered active and daily dental care and transport of applicants for international protection from the Reception Centre in Zagreb to different clinics and hospitals. The team of a mobile unit was available on a daily basis for the applicants for international protection at the Reception Centre in Zagreb, and the applicants could turn to them if they had problems with their teeth or gums, or if they needed any preventive check-ups, X-ray examinations or dental surgeries. Dental hygienic packages were given to applicants free-of-charge by the “Hands of Hope” organisation.³⁶

The Croatian Red Cross (CRC) offered psycho-social assistance and support to applicants of international protection at the Reception Centres in Zagreb and Kutina where they were available every day. Beside the CRC, psychological assistance/support was also offered at the Reception Centre in Zagreb by the Society for Psychological Assistance, the Rehabilitation Centre for Stress and Trauma (RCT) and the Doctors of the World. The RCT and the Doctors of the World also visited the Reception Centre in Kutina where they offered psychological assistance/support.

In addition, the CRC printed leaflets in different languages (Croatian, English, Arabic and Farsi) on hygiene and hygienic habits and they were sent to applicants at different reception centres. All newly arrived applicants also received leaflets about the initial hygienic packages.³⁷

In 2017, the CRC, the CPS, the “Hands of Hope” and the RCT organised a Croatian language course for applicants for international protection. In cooperation with the Goethe Institute in Zagreb, the NGO “Hands of Hope” organised a German language course at the Reception Centre in Zagreb.

Legal information in connection with the procedures before the MoI continued to be offered by civil society organisations (CLC, JRC, CPS) as part of their regular activities. In 2017, MoI did not conclude any contracts on legal counselling, nor did it provide for the implementation of the right to information and legal aid prescribed by Article 59 of the AITP.

5. Asylum in legislation and practice: asylees and foreigners under subsidiary protection

5.1. Integration into Croatian society

³⁵ A letter from the Doctors of the World of 05/01/2018 (CLC documentation).

³⁶ Correspondence by the humanitarian organisation „Hands of Hope“ of 29/01/2018 (CLC documentation).

³⁷ See note 7.

Pursuant to the AITP, the rights of asylees and foreigners under subsidiary protection cover the following: stay, family reunification, accommodation, work, healthcare, education, freedom of religion, free legal aid, social welfare, assistance in integration into society, ownership of real property in conformity with the Convention Relating to the Status of Refugees of 1951, and the acquisition of Croatian citizenship pursuant to the regulations on acquisition of citizenship. In May 2017, an Action Plan was adopted for the integration of persons granted international protection for the period from 2017 to 2019. The aim of the Action Plan was to provide assistance and protection of persons granted international protection to help them overcome their difficult situation of the refugee/humanitarian crisis. The Action Plan deals with the following areas of integration: social welfare and healthcare; accommodation and housing; learning the Croatian language and education; employment; international cooperation; inter-ministerial cooperation; raising awareness of the problems of persons granted international protection.

Regarding the integration of asylees and foreigners under subsidiary protection into Croatian society, in 2017, like in the previous years, the greatest problems were related to learning the Croatian language, healthcare, employment, education and accommodation.

There has been no course of the Croatian language, history and culture for a number of years. Two times, a course in the duration of 70 hours was organised but that was not sufficient. The problem lies in the fact that the Ministry of Science and Education was responsible for launching an invitation for tenders as a part of public procurement for every semester and there were no follow-up courses. Those who have already been granted international protection often have to wait for too long to continue attending language courses.

In June 2017, a course of the Croatian language in the duration of 70 hours was organised at elementary and secondary schools and people's open universities. To organise a new cycle, a new public procurement procedure was launched in the duration of six months. After the first 70 hours, the course takers had to wait for months to continue learning the language which was very bad for their motivation and the quality of their previously acquired knowledge.³⁸ The CRC also emphasises the lack of systematic language learning as the biggest challenge of integration.³⁹

In 2017, one of the biggest challenges was also healthcare. After the accession of the Republic of Croatia to the EU, persons under international protection used healthcare services (before

³⁸ Public Ombudswoman, Annual Report of the Public Ombudswoman for 2017, <http://ombudsman.hr/hr/izvjesca-2017/izvjesce-pp-2017/send/82-izvjesca-2017/1126-izvjesce-pucke-pravobraniteljice-za-2017-godinu>.

³⁹ Correspondence by the Croatian Red Cross of 10/01/2018 (CLC documentation).

they were the beneficiaries of health insurance) based on a temporary residence permit issued by the police administration which was not always feasible in practice. The costs of healthcare for asylees and foreigners under subsidiary protection are borne by the Ministry of Health. However, Health Centres are frequently insufficiently informed and problems arise in practice because medical doctors do not know how to record their services.

Due to the lack of knowledge of the Croatian language, asylees and foreigners under subsidiary protection have difficulty communicating with institutions when they want to exercise their right to social welfare and healthcare.

In 2017, two asylees continued their free of charge studies at the University of Zagreb under the same conditions as Croatian citizens because they had documents to prove that they had completed secondary school programme in their countries of origin. Highly educated persons under international protection were faced with high costs having to pass the missing exams (differentiation) and to pay for the issuance of licences by professional chambers. For example, to validate their degrees and have their qualifications recognised, doctors of dental medicine must pay between HRK18,000 to 45,000.⁴⁰

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 data from the CES,⁴¹ there was a total of 112 unemployed asylees registered, of whom 75 were men and 37 women, as well as 10 persons under subsidiary protection (7 men and 3 women), whereby the largest number was registered in the Regional Office in Zagreb (98 persons), in the Regional Office in Kutina (22), in the Regional Office in Sisak (1) and in the Regional Office in Pula (1). In 2017, 161 asylees and 11 persons under subsidiary protection were included in individual counselling services. Three asylees were included in the measures of active employment policies – one asylee was included in public works, one in the measure of support in employment and one in the measure of support in education. In addition, 75 asylees and one person under subsidiary protection found employment on the open labour market and it was a positive shift in the exercise of the right to work.

In 2017, the CRC worked on a project of networking employers and persons under international protection and as a result, a certain number of persons were employed. In order to employ and include asylees and persons under subsidiary protection into Croatian society, the CRC concluded a contract with the Croatian Employers' Association (CEA). The CEA

⁴⁰ See note 7.

⁴¹ Correspondence by the Croatian Employment Service of 06/02/2018 (CLC documentation).

informed the CRC of the need for workers on the labour market and the CRC identified and referred those who were interested in working. The CRC emphasised the fact that those who work were more satisfied, they learned the language much faster and had the feeling that they lived of their work which motivated them to learn and to continue their education which they had interrupted when leaving their countries of origin.⁴² In 2017, the Rehabilitation Centre for Trauma (RCT) organised activities aimed at employing persons who had been granted protection and those who applied for international protection and thanks to their activities, as many as 25 persons were employed.⁴³

In addition, the JRS organised a number of activities aimed at helping persons under international protection to find housing and work.⁴⁴

5. Conclusion

The year 2017 was marked by a migration pressure at the border with Serbia, by a strict border regime and challenges in relation to the applicants' access to the Croatian territory and the asylum system. Although in practice there was a decrease in the number of irregular migrants because of the EU measures, further decrease of the pressure at the external border of the EU cannot be expected due to the number of migrants who are in Turkey and along the so-called Balkan route. All the activities aimed at protecting the State border must be carried out by taking into account the migrants' rights. It is also necessary to monitor their free access to the territory and to the asylum system as the necessary condition for exercising their right to asylum in practice.

In addition, it is necessary to develop a new migration policy of the Republic of Croatia as the framework for dealing with migrations.

In 2017, there were no significant changes at the level of legislation providing for the system of asylum in Croatia. In practice, there was an increase in the number of applicants for international protection which posed a challenge in terms of institutional capacities of competent bodies when deciding on their applications in due time.

Like in the previous years, there are still problems in exercising the rights of applicants for international protection, particularly in the field of healthcare. The situation is similar when it comes to the integration of asylees and foreigners under subsidiary protection into Croatian

⁴² See note 38.

⁴³ Correspondence by the Rehabilitation Centre for Stress and Trauma of 03/01/2018.

⁴⁴ Conversation with the staff of the Jesuit Refugee Service of 03/01/2018 (CLC documentation).

society. All institutions must make additional effort to create a welcoming society and increase tolerance among Croatian citizens.⁴⁵

⁴⁵ The results of the research done by Eurobarometer on integration of migrants in the EU, https://ec.europa.eu/home-affairs/news/results-special-eurobarometer-integration-immigrants-european-union_en