

THE CROATIAN ASYLUM SYSTEM IN 2020

- NATIONAL REPORT -*

1. INTRODUCTION

The main challenge in 2020, which also reflected itself on the asylum and migration system, was the COVID-19 pandemic. In addition, Zagreb in March and Sisak and Petrinja in December were hit by powerful earthquakes. Even though there is no official information on whether the earthquakes have affected the existing reception capacities in the asylum and migration system, they have undoubtedly caused additional trauma, intensified by the spread of the COVID-19 virus, among the potential applicants for international protection, applicants for international protection and persons granted international protection.

The reports of the local, foreign and international civil society organizations, as well as the reports of the public ombudswoman and ombudswoman for children, but also other interested parties about violent pushbacks, as well as about the inability to access the territory and asylum system of the persons seeking international protection, also continued during 2020.

However, despite these challenges, the number of applicants for international protection is comparable to the number of applicants in 2019. At the same time, the number of granted protections has dropped compared to the previous years, which is also contributed by the fact that a large number of applicants leave the reception centre and the Republic of Croatia (hereinafter: RC) during the course of the procedure.

Due to the pandemic, the programme of refugee resettlement from Turkey was not implemented in 2020.

In terms of changes in the legislations and strategic documents, even though it was announced, the new Action Plan for the integration of persons who have been granted international protection for the relevant period has not been adopted.

2. IMPACT OF COVID-19 SPREAD ON THE ASYLUM AND MIGRATION SYSTEM

During 2020, the challenges existing in the asylum and migration system were additionally aggravated by the COVID-19 virus pandemic. The World Health Organization

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declared COVID-19 a pandemic on 11 March 2020.¹ As a reaction to the newly formed situation, the government of the RC launched an official website (<https://www.koronavirus.hr/>) offering information on coronavirus epidemic, while the RC Civil Protection Headquarters adopted numerous decisions in 2020 aimed at preventing the COVID-19 virus spread.² Furthermore, throughout the year, the Croatian National Institute of Public Health (hereinafter: CNIPH) issued numerous recommendations on the implementation of measures, as well as numerous announcements and information on COVID-19 virus spread prevention.³

The pandemic, and the related decisions of the Civil Protection Headquarters and the recommendations of the CNIPH, have directly and/or indirectly influenced the asylum and migration system and the potential applicants for international protection, applicants for international protection and persons granted international protection. The Ministry of the Interior of the Republic of Croatia (hereinafter: RC MoI) reached a decision by the end of March that, due to the situation caused by the COVID-19 virus and the fact that a certain number of foreigners who were supposed to stay for a short while were unable to leave the RC within the deadline prescribed by the Schengen Borders Code due to objective reasons, no measures shall be applied against the said category of foreigners as prescribed by the Foreigners Act (hereinafter: FA).⁴ However, there is no publicly available information on whether the same or similar decision has been applied to the rejected applicants for international protection.

From the middle of March until the end of 2020, the RC MoI has limited the access to the Reception Centre for Applicants of International Protection in Zagreb and Kutina for all the persons not essential to the normal functioning of such facilities.⁵ Apart from the employees of the RC MoI, the Croatian Red Cross (hereinafter: CRC) and the employees of the Doctors of the World (hereinafter: MDM-BELGIQUE), other civil society organizations that implemented their activities at the Reception Centres under the existing contracts on the implementation of projects or under the agreements on cooperation had to cease the implementation of their activities. A part of the Reception Centre was converted to a section for self-isolation, and certain changes have been introduced in the procedures for approval of international protection.

¹ WHO: WHO Director-General's opening remarks at the media briefing on COVID-19 – 11 March 2020, <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>

² <https://civilna-zastita.gov.hr/odluke-stozera-civilne-zastite-rh-za-spreccavanje-sirenja-zaraze-koronavirusom/2304>

³ Croatian National Institute of Public Health, <https://www.hzjz.hr/sluzba-epidemiologija-zarazne-bolesti/koronavirus-najnovije-preporuke/>

⁴ The Ministry of the Interior of the Republic of Croatia: Notice to Third-Country Nationals, <https://mup.gov.hr/vijesti/obavijest-stranim-drzavljanima-trecih-zemalja/286130>

⁵ The Ministry of the Interior of the Republic of Croatia: "*Applicants for international protection in the Republic of Croatia are not infected with coronavirus*" <https://mup.gov.hr/vijesti/trazitelji-medjunarodne-zastite-u-rh-nisu-zarazeni-koronavirusom/286104>

3. PUBLIC POLICIES AND LEGISLATION IN THE FIELD OF ASYLUM

3.1. New developments at the EU level

One of the major new developments when it comes to asylum and migrations in 2020 was the Pact on Migration and Asylum⁶, launched by the European Commission on 23 September 2020, which will also be reflected on the RC as an EU Member State (hereinafter: the EU). Given the fact that no agreement has been reached in relation to the previously proposed documents relating to the common European asylum system (CEAS) at the EU level, the members started preparing a new set of documents. The goal of the said Pact is to improve the existing procedures to ensure joint responsibility and solidarity.

There are several segments in which significant changes in the existing asylum and migration systems are being proposed⁷, where some of the most important new developments that would, if approved, affect the asylum system, are the following:

- to introduce a pre-entry screening applicable to all third-country nationals who cross the external border without authorization, which would include identification, health and security checks, fingerprinting and registration in the Eurodac database. This screening process would accelerate the process of determining the status of a person and what type of procedure should apply. The screening shall also apply to third-country nationals found within the territory of a Member State;
- working closely with the Fundamental Rights Agency (FRA), an effective monitoring mechanism would be put in place, already at the stage of the screening as an additional safeguard;
- changes are also planned in the procedure at the border as a second stage in the process, where rules on the asylum and return border procedures would come together in a single legislative instrument, accompanied by an assessment whether the person is qualified for international protection and if the conditions for international protection are not met, the return border procedure would apply. If the preliminary procedure at the external border shows that there is probability a person would be granted international protection, such person would be sent to those Member States that have

⁶ https://ec.europa.eu/info/publications/migration-and-asylum-package-new-pact-migration-and-asylum-documents-adopted-23-september-2020_hr

⁷ European Commission: Communication from the Commission on a New Pact on Migration and Asylum, <https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:52020DC0609&from=HR>

agreed to participate in their relocation through the solidarity mechanism, and the relocation procedure would be carried out according to the distribution key;

- a common framework for solidarity and responsibility sharing that would incorporate relocation, return sponsorship (where the Member State accepts the responsibility to return the persons who have no right to stay on behalf of another Member State), but also the possibility to contribute through other forms of solidarity such as capacity building, operational support, technical and operational expertise, as well as support on the external aspects of migration;
- a special focus will be placed on the needs of vulnerable groups, including through resettlement, while the needs of children have been identified as a priority in the development of future policies, documents, rules and practices;
- it is also pointed out that improvements are required in return policy management through a common EU system for returns which combines stronger structures inside the EU with more effective cooperation with third countries on return and readmission;
- it is pointed out that Eurodac should be further developed and its scope should be enlarged;
- the need to cooperate with third countries is emphasized, with one area of cooperation being in the fight against smuggling networks;
- the focus is on further development of the legal migration framework to ensure protection in the EU through resettlement, humanitarian admission and other additional mechanisms.

The pact includes a total of nine documents consisting of regulations, recommendations and guidelines:

- 1) Proposal for a Regulation imposing due diligence on third-country nationals at the external borders and amending the regulations (EC) No. 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817⁸
- 2) Amended proposal for a Regulation establishing a “Eurodac” system for fingerprints comparison for an effective implementation of the asylum and migration management regulation and the Resettlement Regulation to identify third-country nationals or stateless persons with illegal residence, on requests from member states’ law enforcement authorities and Europol for comparison with Eurodac data for law

⁸ <https://eur-lex.europa.eu/legal-content/HR/TXT/?uri=CELEX%3A52020PC0612&qid=1616161338296>

enforcement purposes, and on amending regulations (EU) 2018/1240 and (EU) 2019/818⁹

- 3) Amended proposal for a Regulation establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU¹⁰
- 4) Proposal for a Regulation on the asylum and migration management and amending Council Directive 2003/109/EC on the status of third-country nationals who are long-term residents¹¹
- 5) Proposal for a Regulation on crisis situations and cases of *force majeure* in the field of migration and asylum¹²
- 6) Recommendation of the Commission (EU) 2020/1366 on the EU Mechanism for Preparedness and Management of Migration Crises (Migration Preparedness and Management Plan)¹³
- 7) Commission Recommendation (EU) 2020/1364 on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other additional mechanisms¹⁴
- 8) Commission guidelines for the implementation of EU rules on defining and preventing the facilitation of trespassing, transit and residence (2020/C 323/01)¹⁵
- 9) Recommendation of the Commission (EU) 2020/1366 on the EU Mechanism for Preparedness and Management of Migration Crises (Migration Preparedness and Management Plan)¹⁶

RC Mol prepared the Position of the Republic of Croatia on the Pact on Migration and Asylum¹⁷. After the Coordination for Internal and Foreign Policy of the Government of the RC adopted the Position of the Republic of Croatia on the Pact on Migration and Asylum in October 2020, it was submitted to the Croatian Parliament. This position was also discussed by the Parliamentary Committee on European Affairs, which sent its position to the Committee on Internal Policy and National Security, which also discussed and endorsed it at its 8th session

⁹ <https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX%3A52020PC0614&qid=1616163408577&from=EN>

¹⁰ <https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:52020PC0611&from=HR>

¹¹ <https://eur-lex.europa.eu/legal-content/HR/TXT/?uri=CELEX%3A52020PC0610&qid=1616158947648>

¹² <https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX%3A52020PC0613&qid=1616164577240&from=EN>

¹³ <https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:32020H1366&from=HR>

¹⁴ <https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:32020H1364&from=HR>

¹⁵ [https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:52020XC1001\(01\)&from=HR](https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:52020XC1001(01)&from=HR)

¹⁶ <https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:32020H1366&from=HR>

¹⁷ The letter from the Committee on European Affairs of the Parliament of the RC submitting to the Committee on Internal Policy and National Security a proposal for the framework position of the RC on the Pact on Migration and Asylum, <https://www.sabor.hr/sites/default/files/uploads/eu/stajaliste/2020-12/DEU%2020%20016.pdf>

held on 3 December 2020, and on 27 January 2021 the Committee on European Affairs reached a conclusion ¹⁸accepting the Position of the Republic of Croatia on the Pact on Migration and Asylum based on which the Government of the RC operates in the EU institutions.

The Position also presents the elements from this package of measures that the RC recognizes as potentially burdening, either because they would have a negative impact on its security or on financial and personnel load.

For example, in relation to the proposal for a Regulation by the European Parliament and the Council on the introduction of checks on third-country nationals at the external borders and on the amendment of Regulations (EC) No. 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817 it is emphasized that *“significant reforms of the national system will need to be undertaken to enable migration and asylum management. This primarily concerns increasing personnel capacities, their schedule on the field and building the necessary infrastructure, which will be very demanding, given the experiences and reactions of the local community so far.”* It is also stated that the deadlines for implementation of appropriate actions during the verification are *“unrealistically short, especially in the context of continuous influx of large numbers of migrants to the external borders of the RC. Therefore, such short deadlines could result in the creation of large migratory pools in front of the EU’s external borders, which may undermine their safety and security.”*

Furthermore, although the RC welcomes the introduction of a control mechanism for all Member States at the external border, the position is problematic such that the RC considers *“that the activities of the mechanism in question should be limited exclusively to border crossings, and not to the green border”*. What is also seen as problematic is the position that they see the role of NGOs only *“in exchanging views on the implementation of the mechanism, but not in their involvement in the implementation of the mechanism itself.”*

In relation to the proposal for a Regulation on the asylum and migration management and on the amendment of the Council Directive on the status of third-country nationals who are long-term residents, the Position points out, for example, that *“the obligation to adopt a national strategy on ensuring sufficient capacity to implement effective migration and asylum management one year after the entry into force of the Regulation constitutes the imposition of additional obligations on Member States.”*

¹⁸ Conclusion of the Committee on European Affairs of the Croatian Parliament on the Pact on Migration and Asylum, <https://www.sabor.hr/hr/radna-tijela/odbori-i-povjerenstva/zakljucak-odbora-za-europske-poslove-o-paktu-o-migracijama-i>

It also points out that *“it should be given the possibility for a Member State to seek a reduction in the participation of so-called mandatory solidarity, not only on the basis of the criteria for the number of applicants for international protection, but also taking into account all the efforts made by each Member State in managing migration, including in particular the protection of the external border. Therefore, Croatia proposes that the efforts it makes to manage the longest land external border, including in the context of future screening implementation, should be valorised as an additional measure of solidarity...”*

In relation to the Commission Guidelines on the implementation of EU rules on the definition and prevention of the facilitation of trespassing, transit and residence, it is pointed out that Croatia supports the idea that the criminalization of assistance during the entry and stay of the foreigners *“should exclude the situations of allowing entry for the sole purpose of carrying out humanitarian activities. Nevertheless, and given the broad interpretation of the provisions of international law by the NGO, Croatia is of the opinion that the activities of the NGO need to be defined more clearly by prescribing clear rules of conduct. Clear rules and protocols for the NGO’s conduct must apply at the EU level and would apply to NGO activities carried out at both sea and land borders.”*

3.2. New developments in legislation and trends in public policies in the Republic of Croatia

The plan of legislative activities of the government of the RC for 2020¹⁹ stipulated that the proposal for a new FA would be sent to the procedure before the government of the RC in the first quarter of 2020. The new FA was adopted in early December 2020 and entered into force on 1 January 2021.²⁰ The most important new development is the new model of regulation of the employment of foreigners, and the new FA abolished the employment system against annual quotas and introduced a labour market test procedure, which, with certain exceptions, needs to be implemented by the Croatian Employment Service (herein: CES) before applying for a residence and work permit. The labour market test shall comprise a check in the register of unemployed persons and a mediation procedure for the purpose of employing workers from the national labour market.²¹

Another new development is the introduction of the category of digital nomad, which the new FA defines as a third-country national who is employed or performs activities through communication technology for a company or his own company that is not registered in the RC

¹⁹ Plan of legislative activities of the government of the RC for 2020, <https://zakonodavstvo.gov.hr/UserDocImages/dokumenti/191227%20VRH%20PZA%202020.docx>

²⁰ apart from the provisions of the Article 22, Article 38, paragraph 1, item 7, Article 77, Article 124 and Article 251, paragraph 4, item 6 of the Foreigners Act, which enter into force on the day of entry into force of the Schengen Implementing Agreement in the Republic of Croatia

²¹ Article 98 of the Foreigners Act

and does not perform activities or provide services to employers on the territory of the RC.²² A new institute of long-term visa (visa D) was also introduced as approval for a stay in the territory of the RC for up to 30 days if a third-country national is granted a temporary residence or residence and work permit and needs a short-term visa to enter the RC.²³

Some new developments have also been introduced when it comes to temporary residence. Among the more important ones, for the purpose of granting temporary residence, it is now possible to grant temporary residence to a long-term resident in another Member State of the European Economic Area (hereafter: the EEA) and to digital nomads. In addition, a new development was introduced concerning the conditions for temporary residence, so the application for the first temporary residence authorization needs to be accompanied by proof that the person has not been finally convicted of crimes in his/her home country or the country in which he/she stayed for more than a year immediately before arriving to the RC.²⁴ The seconded workers, students, researchers and intra-corporate transferees using mobility from another EEA Member State are exempted from this requirement.

A long-term residence institute has been introduced as a legal residence acquired by a third-country national if, by the date of the application in the RC, he or she has been granted temporary residence, asylum or subsidiary protection continuously for five years and meets other conditions prescribed by the FA ²⁵while the permanent residence becomes a legal residence granted to certain categories of third-country nationals residing in the RC for less than five years.²⁶

However, before the adoption of the new FA, due to the pandemic, a Law on Supplements to the FA (OJ 53/2020) from 2011 was adopted in 2020 as a matter of urgency²⁷. The changes pertained to the situation concerning the spread of the COVID-19 virus. In accordance with the above supplements, a third-country national who has been granted a residence permit in connection with temporary or permanent residence, during the COVID-19 outbreak caused by the SARS-CoV-2 virus, did not have to apply for a new residence permit, and not longer than 30 days from the date of the declaration of the cessation of the epidemic, and according to the above supplements, the issued residence permit was considered valid until the expiry of the 30-day period from the date of the declaration of the cessation of the epidemic. The Law on Supplements to the FA also stipulates that after the expiration of the said period, the third-country national is obliged to submit an application for the issuance of a new residence permit

²² Article 3, paragraph 1, item 43 of the Foreigners Act

²³ Article 35, paragraph 1 of the Foreigners Act

²⁴ Article 59, paragraph 1, item 5 of the Foreigners Act

²⁵ Article 3, paragraph 1, item 19 of the Foreigners Act

²⁶ Article 3, paragraph 1, item 20 of the Foreigners Act

²⁷ OJ 130/2011,74/2013,69/2017,46/2018,53/2020,

without delay. However, this amendment concerned only the residence permit²⁸ and not the submission of a new residence application, with the desire to avoid personal arrivals to the police departments/stations for the purpose of taking over this document. With the effective date of the new FA, as of 1 January 2021, this possibility is no longer foreseen.

In 2020, a preliminary procedure for assessing the effects of regulations was also carried out in relation to the future draft Law on amendments and supplements to the Act on International and Temporary Protection²⁹. The draft proposal for a new Act on International and Temporary Protection (hereinafter: AITP) shall relate to further harmonization of the legislation of the Republic of Croatia with the *acquis communautaire* of the European Union, i.e. the Directive 2011/95/EU of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted and the Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection (recast). Namely, due to the problems and challenges observed in practice, changes to the AITP are needed in relation to:

1. Article 30, paragraph 1, item 3, indent 2, concerning the exclusion of asylum due to commission of serious non-political offenses;
2. Article 41, paragraph 1, regarding the beginning of the calculation of the deadline for making decisions in accelerated procedures;
3. Article 65, paragraph 3, in relation to residence;
4. Article 66, paragraph 4, in relation to Article 55, paragraph 1, item 4, in relation to travel documents of family members of a person granted international protection;
5. Article 67 in relation to the right to accommodation;
6. Regulation of accommodation of persons with granted international protection in the premises of the reception centre for applicants for international protection in Zagreb and Kutina;
7. Article 75 in relation to the registration/deregistration of residence;
8. Article 75, paragraph 9, in relation to travel documents of asylees.

²⁸ Article 2, paragraph 1, item 9 of the The Foreigners Act defines a residence permit as a document issued to a third-country national granted temporary or permanent residence by the Ministry of the Interior through the competent police administration or police station, which allows him or her to enter and stay in the RC in accordance with the stated purpose.

²⁹ Preliminary Assessment Form for the Draft Proposal of the Law on Amendments and Supplements to the Act on International and Temporary Protection,
<https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=14765>

3.3. Amendments to implementing regulations

As far as the amendments to bylaws are concerned, the Regulation on healthcare standards for the applicants for international protection and foreigners under temporary protection was adopted in 2020.³⁰ The Regulation regulates the basic medical examination which is performed upon arrival at the reception centre, as well as additional medical examination. Among other things, the Regulation regulates in more detail the scope of healthcare³¹ for applicants for international protection, stating that everything is covered by the right to emergency medical care and much-needed treatment of diseases and serious mental disorders in accordance with medical indications, and further specifying that this includes the right to medicines from the basic list of medicines for emergency medical care and much-needed treatment of diseases and serious mental disorders in accordance with the medical indication. Regarding the scope of healthcare for vulnerable groups, the Regulation stipulates that vulnerable groups have the right to psychosocial support and assistance in appropriate institutions, and the scope of the right to healthcare for pregnant women and children seeking international protection has been expanded. Therefore, a pregnant woman or a mother has the right to healthcare, in connection with the monitoring of pregnancy and childbirth, to the same extent as the insured person from compulsory health insurance, and children up to 18 years of age are entitled to full healthcare in accordance with regulations governing the right to healthcare from compulsory health insurance.³²

In 2020, the Ordinance on the status and work of third-country nationals was also amended³³, as well as the Ordinance on the residence and work of highly qualified third-country nationals in the RC.³⁴

In 2020, a new Regulation on internal organization of the RC MoI has been adopted³⁵ (see more at: INSTITUTIONAL CAPACITIES).

4. PRESIDENCY OF THE COUNCIL OF THE EUROPEAN UNION

Over the period from 1 January to 30 June 2020, Croatia presided the Council of the European Union, as the last country from the Romania–Finland–Croatia trio. The 18-month

³⁰ OJ 28/2020.

³¹ Article 6, paragraph 1 of the Ordinance on healthcare standards for applicants for international protection and foreigners under temporary protection

³² Article 9, paragraphs 2 and 3 of the Ordinance on healthcare standards for applicants for international protection and foreigners under temporary protection

³³ The Ordinance on amendments and supplements to the Ordinance on the status and work of third-country nationals in the Republic of Croatia, OJ 146/2020

³⁴ The Ordinance on amendments and supplements to the Ordinance on the stay and work of highly qualified third-country nationals in the Republic of Croatia, OJ 146/2020.

³⁵ OJ 97/2020.

trio programme³⁶ highlighted, among other things, the need for enhanced control of the EU's external borders, but also the completion of the Common European Asylum System reform, as priorities in the area of freedom, security and justice.

At its session held on 27 December 2019, the Government of the Republic of Croatia adopted the Programme of the Croatian Presidency of the Council of the EU³⁷.

The Croatian Presidency programme was based on four pillars: "A Europe that develops", "A Europe that connects", "A Europe that protects" and "An influential Europe". Within the "A Europe that protects" priorities, one of the goals was a comprehensive and sustainable migration policy with the following sub-goals: strengthening the Union's external border controls and the interoperability of relevant information systems, a harmonized and comprehensive approach to external and internal aspects of migration, including legal migration, the Common European Asylum System reform, and deepening of cooperation with third countries, including South East Europe.³⁸

However, two crisis situations occurred during the Croatian presidency. The first was caused by migratory pressure and an increase in the number of illegal crossings of the Greek-Turkish border and a new migration wave at the EU borders, and the second by the emergence and spread of COVID-19 virus that grew into a pandemic during the Croatian presidency, which had a significant impact on the Croatian Presidency and thus the implementation of the plans and activities of the Croatian Presidency of the Council had to adapt to the crisis mode of operations.³⁹

In accordance with the presidency programme, seven priorities were planned within the competence of the Justice and Home Affairs Council (JHA):

1. Judiciary
2. Migration management
- 3 Protection of external borders and Schengen
4. Interoperability of external borders and information systems and internal security
5. Prevention and disaster response (rescEU)
6. External aspect of judiciary and internal affairs

³⁶ Council of the European Union: Eighteen-month programme of the Council (1 January 2019 – 30 June 2020), <https://data.consilium.europa.eu/doc/document/ST-14518-2018-INIT/hr/pdf>

³⁷ Programme of the Croatian Presidency of the Council of the EU, <https://vlada.gov.hr/UserDocsImages/2016/Sjednice/2019/Prosinac/199%20sjednica%20VRH/199%20-%201%20Program.pdf>

³⁸ Priorities of the Croatian Presidency, <https://eu2020.hr/Uploads/EUPDev/files/prioriteti-hrvatskog-predsjedanja.pdf>

³⁹ Read more in the Report on the activities and results of the Croatian Presidency of the Council of the EU, https://www.sabor.hr/sites/default/files/uploads/sabor/2020-07-27/103902/IZVJESCE_VRH_AKTIVNOSTI_PREDSJEDANJE.pdf

7. Home Affairs Funds

With regard to legislative activities within the JHA, a Regulation (EU) 2020/851 of the European Parliament and of the Council of 18 June 2020 amending Regulation (EC) No 862/2007 on Community statistics on migration and international protection was adopted, inter alia.⁴⁰ Among the non-legislative activities within the JHA, inter alia, we have seen the adoption of the Council conclusions on the thematic report of the European Court of Auditors no. 20/2019 on EU information systems used in border control, as well as the Council conclusions on strengthening cooperation with partners from the Western Balkans in the field of migration and security, and the Council conclusions on the thematic report of the European Court of Auditors no. 24/2019 on asylum, relocation and return, while the Council approved the Frontex Programming Document for the period 2021–2023, and at the COREPER level approved an agreement on a comprehensive mechanism for EU influence funds (return/readmission).⁴¹

5. INSTITUTIONAL CAPACITIES

The internal organization of the Ministry of the Interior of the Republic of Croatia as the main state administration body for the implementation of asylum policy in the Republic of Croatia was changed in 2019 on the basis of the *Ordinance amending the Ordinance on the internal organization of the Ministry of the Interior*⁴² of 23 August 2019, which was replaced by a new *Ordinance on the Internal Organization of the Ministry of the Interior*⁴³ in 2020, which entered into force in September 2020.

The organizational structure introduced by the amendments to the 2019 Regulation remained the same under the new Regulation and thus the Directorate for Immigration, Citizenship and Administrative Affairs continues to incorporate a Foreigners and International Protection Sector, and within the Sector there is an International Protection Service and the Service for Reception and Accommodation for Applicants for International Protection.

The departments have been set up within these services, so within the International Protection Service there is a Department for International Protection Procedure, a Department for Dublin Procedure and a Department for Integration, while within the Service for Reception and Accommodation for Applicants for International Protection there is a Reception Centre for

⁴⁰ <https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:32020R0851&from=HR>

⁴¹ Read more in the Report on the activities and results of the Croatian Presidency of the Council of the EU, https://www.sabor.hr/sites/default/files/uploads/sabor/2020-07-27/103902/IZVJESCE_VRH_AKTIVNOSTI_PREDSJEDANJE.pdf

⁴² OJ 70/2012, 140/2013, 50/2014, 32/2015, 11/2017, 129/2017, 5/2018, 66/2018, 109/2018, 24/2019, 66/2019 and 79/2019

⁴³ OJ 97/20202

Applicants for International Protection in Zagreb and a Reception Centre for Applicants for International Protection in Kutina.

In January, the Directorate for European Affairs, International Relations and European Union Funds of the RC Mol, as the responsible body in the management and control system for National programmes of the Asylum, Migration and Integration Fund and the Internal Security Fund, adopted a Decision on allocation of financial funds for the implementation of the project "Arrangement of the Reception Centre for International Protection Applicants in Kutina"⁴⁴, and in March 2020 the Decision on the allocation of financial funds for the implementation of the project "Arrangement of the Reception Centre for International Protection Applicants in Zagreb"⁴⁵ within the Asylum, Migration and Integration Fund. The purpose of these projects was the arrangement of Reception Centres in Zagreb and Kutina and the improvement of reception and accommodation services and working conditions. In March, the same Administration also adopted a Decision on the allocation of additional financial funds for the implementation of the project "Assistance in maintaining an adequate level of accommodation in reception centres for asylum seekers"⁴⁶ within the Asylum, Migration and Integration Fund.

In 2020, there were no changes in the jurisdiction of administrative courts in disputes initiated in connection with lawsuits against decisions of the RC Mol.

⁴⁴ Decision on allocation of financial funds for the implementation of the project "Arrangement of the Reception Centre for International Protection Applicants in Kutina"
<https://eufondovi.mup.hr/UserDocsImages/dokumenti/Odluke%20o%20dodjeli%20sredstava%20za%20financiranje%20projekata/Odluka%20-%20Ure%C4%91enje%20Prihvatili%C5%A1ta%20za%20tra%C5%BEitelje%20me%C4%91unarodne%20za%C5%A1tite%20u%20Kutini.pdf>

⁴⁵ Decision on allocation of financial funds for the implementation of the project "Arrangement of the Reception Centre for International Protection Applicants in Zagreb"
<https://eufondovi.mup.hr/UserDocsImages/dokumenti/Odluke%20o%20dodjeli%20sredstava%20za%20financiranje%20projekata/Odluka%20o%20dodjeli%20sredstava.pdf>

⁴⁶ Decision on allocation of additional financial funds for the implementation of the project "Assistance in maintaining an adequate level of accommodation in reception centres for asylum seekers"
<https://eufondovi.mup.hr/UserDocsImages/dokumenti/Odluke%20o%20dodjeli%20sredstava%20za%20financiranje%20projekata/Odluka%20o%20izravnoj%20dodjeli%20-%20prihvatili%C5%A1te%20za%20tra%C5%BEitelje%20azila.pdf>

6. ASYLUM IN LEGISLATION AND PRACTICE: ACCESS TO THE ASYLUM SYSTEM, ESTABLISHMENT OF THE STATUS AND RIGHTS OF APPLICANTS FOR INTERNATIONAL PROTECTION

6.1. Access to the asylum system

6.1.1. The visa regime

According to data⁴⁷ from the Ministry of Foreign and European Affairs of the Republic of Croatia (hereinafter: MFEA), there is a major decline in the number of issued visas compared to 2019. Namely, in 2020, a total of 12,654 visas were issued for transit or intended stay in the territory of the Republic of Croatia not exceeding 90 days in any period of 180 days, as opposed to 69,011 visas in 2019. All the issued visas were for short stays (C). During 2020, 17 appeals on visa denial decisions were received, and in proceedings conducted in accordance with Article 31, paragraph 3 of the FA, the competent MFEA service has delivered 16 decisions rejecting appeals, while 1 appeal has been rejected due to untimely submission. Also, according to the data provided by the MFEA, from 16 March 2020, the reception of applications for Croatian short-stay visas in Croatian embassies/consulates was temporarily suspended until further notice with the aim of combating and preventing the spread of COVID-19 virus. According to the information of the MFEA, there was no major delay in the part pertaining to the processing of visa applications of persons granted residence in the Republic of Croatia for the purpose of family reunification, given that the suspension of visa applications did not apply to persons granted temporary residence or granted residence and a work permit in the Republic of Croatia who need a visa to enter.

6.1.2. Access to the territory and the asylum system

According to the statistics of the RC Mol⁴⁸, 29,094 illegal crossings of the state border were recorded in 2020, which is an increase of 43.5% compared to 2019, when 20,278 persons were reported crossing the state border illegally. Specifically, the citizens of Afghanistan (8,505), Pakistan (5,923), Bangladesh (2,915), Morocco (2,366) and Syria (1,842) were found crossing the border illegally.

During 2020, violent police treatment of migrants continued to be reported, and these practices were reported, among others, by the following organizations: Amnesty

⁴⁷ The Ministry of Foreign and European Affairs, the Visa Service, mail dated 21 April 2021, internal documentation of the Croatian Law Centre

⁴⁸ RC Mol: Statistical review of basic safety indicators and work results in 2020, https://mup.gov.hr/UserDocImages/statistika/2021/Statisticki_pregled_2020_web.pdf

International⁴⁹, Danish Refugee Council⁵⁰, Border Violence Monitoring Network⁵¹, Are You Serious? (hereinafter: AYS), “Welcome” initiative⁵², Centre for Peace Studies (hereinafter: CMS).

According to available data, access to the territory was denied to 18,400 people during 2020, and a certain number of these people were also denied access to the asylum system. These people also included people from vulnerable groups. According to the data of the Danish Refugee Council⁵³, this figure includes 16,425 pushbacks from the Republic of Croatia to Bosnia and Herzegovina (hereinafter: BiH), and 1,975 pushbacks from the RC to Serbia, according to the data provided by the UNHCR Serbia.⁵⁴ A certain number of persons stated that they had been prevented from entering the asylum system after seeking international protection. According to reports of the Danish Refugee Council, illegal deportations included not only men, but also families with children, women, as well as unaccompanied minors.

Also, throughout the year, there were numerous reactions to serious allegations and reports of illegal actions of police forces, which often involved the use of force, and illegal actions without the implementation of appropriate procedures, whether they were appropriate procedures that needed to be implemented in accordance with the FA, or procedures that were necessary in accordance with the provisions of the AITP and allowing access to the asylum system to the person seeking protection.

⁴⁹ Amnesty International: Croatia: Fresh evidence of police abuse and torture of migrants and asylum-seekers, <https://www.amnesty.eu/news/croatia-fresh-evidence-of-police-abuse-and-torture-of-migrants-and-asylum-seekers/>

⁵⁰ Danish Refugee Council:

https://drc.ngo/media/iornvvep/border_monitoring_monthly_snapshot_january2020_final.pdf

https://drc.ngo/media/2gvhylwr/border_monitoring_monthly_snapshot_february2020_final.pdf

https://drc.ngo/media/eoxbzfri/border_monitoring_monthly_snapshot_march2020_final.pdf

https://drc.ngo/media/q03n02yu/border_monitoring_monthly_snapshot_april2020_final_revised.pdf

https://drc.ngo/media/40tpxyz5/border_monitoring_monthly_snapshot_may2020_final.pdf

https://drc.ngo/media/r5jghckl/border_monitoring_monthly_snapshot_june2020.pdf

https://drc.ngo/media/2l0flnv4/border_monitoring_monthly_snapshot_july2020_final.pdf

https://drc.ngo/media/ikojtita/border_monitoring_monthly_snapshot_august2020_final.pdf

https://drc.ngo/media/yilhqowh/border_monitoring_monthly_snapshot_september2020_final.pdf

https://drc.ngo/media/kbyjrc2v/border_monitoring_monthly_snapshot_october2020_final.pdf

https://drc.ngo/media/iffn2jz/border_monitoring_monthly_snapshot_november2020_final.pdf

https://drc.ngo/media/cfmn45ux/border_monitoring_monthly_snapshot_december2020_final.pdf

⁵¹ <https://www.borderviolence.eu/launch-event-the-black-book-of-pushbacks/>

⁵² Welcome! Initiatives: Police shooting and physical marking of refugees marks the week ahead of Victory Day, <http://welcome.cms.hr/index.php/2020/05/08/police-shooting-and-physical-marking-of-refugees-marks-the-week-ahead-of-victory-day/>

⁵³ Danish Refugee Council: Border Monitoring Snapshot, December 2020,

https://drc.ngo/media/cfmn45ux/border_monitoring_monthly_snapshot_december2020_final.pdf

⁵⁴ See more in the 2020 AIDA Report for Serbia, page 24: https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-SR_2020update.pdf

Thus, in June 2020, Felipe González Morales, UN Special Rapporteur on the Human Rights of Migrants, and Nils Melzer, UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, issued a joint statement⁵⁵ emphasizing that Croatia must immediately investigate reports of excessive use of police force against migrants, including acts of torture and ill-treatment, and sanction the persons responsible.

In August 2020, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter: CPT) conducted a five-day ad hoc visit to the Republic of Croatia⁵⁶ to examine the treatment of migrants trying to enter the RC. This was also the first visit of this type in the RC. On that occasion, the CPT delegation visited several (border) police stations – BPS Cetingrad, BPS Donji Lapac, PS Korenica, Police Intervention Unit of the Police Administration Karlovac (Mali Erjavec) – as well as the Reception Centre for Foreigners Ježevo, to examine the conditions of accommodation in detention and the procedures carried out before the removal of foreigners from the country. On that occasion, the delegation also visited several temporary reception centres and informal migrant settlements in north-western BiH, where they interviewed and medically examined the migrants who claimed that Croatian officials⁵⁷ found them on Croatian territory and forcibly returned them to BiH. In addition to government officials, the delegation also met with the representatives of the national prevention mechanism and NGOs. At the end of the visit, the delegation's preliminary observations were presented to the Croatian authorities. At the time of drafting of this analysis, the report about the visit had not yet been published⁵⁸, although according to the Ombudswoman⁵⁹, the report about the visit was adopted in November.

In October, the Council of Europe Commissioner for Human Rights⁶⁰ reiterated her call on the Croatian authorities to stop illegal expulsions, to investigate cases of violence and inhumane treatment of refugees, stressing that full cooperation with independent monitoring mechanisms should be ensured, especially with the office of the Croatian Ombudswoman. She also called on the Croatian authorities to publish the CPT report about their visit to the Republic of Croatia in August as soon as possible after its adoption.

⁵⁵ OHCHR: Croatia: Police brutality in migrant pushback operations must be investigated and sanctioned – UN Special Rapporteurs, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25976&LangID=E>

⁵⁶ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-carries-out-rapid-reaction-visit-to-croatia-to-examine-treatment-of-migrants>

⁵⁷ Refers to the police officers of the Republic of Croatia

⁵⁸ See more at: <https://www.coe.int/en/web/cpt/croatia>

⁵⁹ Ombudswoman's report for 2020, <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2020-godinu/?wpdmdl=10845&refresh=6038a8291f2261614325801>

⁶⁰ Council of Europe, Commissioner for Human Rights Croatian authorities must stop pushbacks and border violence, and end impunity, <https://www.coe.int/en/web/commissioner/-/croatian-authorities-must-stop-pushbacks-and-border-violence-and-end-impunity>

In January 2020, the Government of the Republic of Croatia accepted the third national report of the RC related to the Universal Periodic Review of the human rights records (UPR)⁶¹. In August, Amnesty International (AI) prepared a submission⁶² regarding the forthcoming presentation of the national report under the UPR in November 2020. In this document, AI evaluated the implementation of recommendations given to the RC in the previous UPR cycle, including those relating to pushbacks and collective expulsions of refugees and migrants trying to enter the RC, and in particular the allegations of violence perpetrated by Croatian police, and also gave recommendations to the Croatian authorities. In November, the United Nations Human Rights Council discussed the RC during the session about the third cycle of the UPR, with several Member States giving recommendations⁶³ to Croatia regarding the conduct of investigations into the treatment and use of force against refugees and migrants. The report of the Working Group for UPR from December 2020⁶⁴ states that the RC will examine the recommendations in a timely manner, but no later than by the 46th session of the Human Rights Council.

In November, the director of the EU Agency for Fundamental Rights (FRA) visited Croatia to gain a better insight into allegations of fundamental rights violations at the EU's external border.⁶⁵

6.1.2.1. Procedures before courts and other bodies

In March 2020, the European Court of Human Rights (hereinafter: ECtHR) asked questions to the Croatian government regarding the practice of forced returns to BiH, based on individual complaints against the RC filed by three Syrians, S.B., A.A. and A.B.⁶⁶ All three applicants claimed that on various occasions in October 2018 they entered the RC from BiH, together with other persons, and that they were forcibly returned to BiH without being allowed to make any statement or to have their situation examined in any way. One of the applicants also stated that he had been beaten, taken to a police station and placed in a "cell" where he had been detained for several hours during which he had no access to food and water. One

⁶¹ National report submitted in accordance with paragraph 5 of the Annex to Human Rights Council resolution 16/21, <http://www.mvep.hr/files/file/2020/200205-trece-nacionalno-izvjesce-rh-prema-upr-u-odobren-od-vlade-rh.doc>

⁶² Amnesty International: <https://www.amnesty.org/download/Documents/EUR6428422020ENGLISH.PDF>

⁶³ http://webtv.un.org/meetings-events/watch/croatia-review-36th-session-of-universal-periodic-review/6208635373001/?term=&fbclid=IwAR2GjkzmP4Y0VH6_f2Tvbdy_0nyqu_bS5NRT3-ZeFmJ1sqfiMRbPzjGxmTs

⁶⁴ <https://undocs.org/en/A/HRC/46/16>

⁶⁵ FRA: FRA Director discusses border management in Croatia, <https://fra.europa.eu/en/news/2020/fra-director-discusses-border-management-croatia>

⁶⁶ ECHR: application 18810/19, S.B. against Croatia and two other applications, [https://hudoc.echr.coe.int/eng#\(itemid%22:%22001-202733%22\)](https://hudoc.echr.coe.int/eng#(itemid%22:%22001-202733%22))

applicant claimed that he had been returned from the RC to BiH several times, although he stated that he was a Syrian citizen seeking asylum. Two applicants complained about “transport in inhumane conditions”. The applicants claimed that by returning them to BiH, the Croatian authorities had exposed them to poor living conditions and a dysfunctional asylum system, contrary to Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter: ECHR), which must have been known to the Croatian authorities. Furthermore, they were of the opinion that Article 4 of the Protocol no. 4 has been violated, because they were expelled from the RC to BiH together with a group of other foreigners, without their situation being reviewed in any way, and that Article 13 of the ECHR was also violated, in relation to the Article 3 of the ECHR and Article 4 of the Protocol no. 4, i.e. they believe that they have been removed from the RC in BiH without having access to (any) proceedings or the possibility of using a legal remedy to challenge such treatment.

The Croatian authorities were asked whether they had returned the applicants to BiH in October 2018, and if so, whether there was a real danger at that time, as regards the accommodation and efficiency of the asylum system in BiH, that the applicants would be subjected to treatments contrary to Article 3 of the ECHR. In this regard, the ECtHR also asked whether the Croatian authorities had examined the risk before returning the applicants to BiH. The ECtHR was also interested in whether the applicants had been subjected to treatments contrary to Article 3 of the ECHR during the arrest and return to the border with BiH, in connection with allegations of beatings, transportation in inhumane conditions and placement in a cell for several hours without food and drink. The ECtHR also questioned whether the applicants had been collectively expelled in breach of Article 4 of the Protocol no. 4, as well as whether the applicants had an effective remedy at their disposal for their complaints under Article 3 of the ECHR and Article 4 of the Protocol no. 4, as prescribed by Article 13 of the ECHR.

The Council of Europe Commissioner for Human Rights intervened as a third party in the said proceedings before the ECtHR, in accordance with Article 36, paragraph 3 of the ECHR.⁶⁷ In her intervention, the Commissioner pointed out that the available information indicates the existence of a well-established practice of collective expulsion of migrants from the RC to BiH, which is carried out outside any formal procedure and without assessing the individual situation of the migrants. The Commissioner also pointed out that such a practice prevents the exercise of the right of an individual to seek international protection. Based on

⁶⁷ Council of Europe Commissioner for Human Rights: Third party intervention, <https://rm.coe.int/third-party-intervention-before-the-european-court-of-human-rights-in-/1680a0ee5e>

her own observations and numerous reports, the Commissioner also pointed to the abuse of migrants by Croatian police officers.

Also, for the first time, an objection was lodged with the United Nations Human Rights Committee⁶⁸, calling on the Committee to examine the practice of expulsion carried out by the Croatian authorities. The case was recorded and submitted to the RC on 11 December 2020. The complainant lodged the complaint with the assistance of the European Centre for Constitutional and Human Rights (ECCHR) and PRO ASYL. The case concerns a 21-year-old Syrian who crossed the Bosnian-Croatian border between October 2018 and early 2019 due to an inefficient asylum system and unbearable living conditions in Bosnian refugee camps. Him and others were pushed back into BiH by armed Croatian police officers six times. Migrants have been subjected to violence, their intention to apply for international protection has not been recorded, nor has an individual assessment been carried out, and they have been ordered to cross the border.

In the Republic of Croatia, CPS has filed a total of four criminal charges during 2020 which, according to CPS, relate to “illegal expulsions accompanied by torture and inhuman treatment”.⁶⁹ In June 2020, a criminal complaint was filed with the State Attorney’s Office of the Republic of Croatia (hereinafter: DORH) in Zagreb against unknown police officers due to a well-founded suspicion of degrading treatment and torture of 33 persons and their violent and illegal expulsion from the territory of the RC to BiH.⁷⁰ In July, CPS filed another criminal complaint with the State Attorney’s Office against unknown perpetrators for “reasonable suspicion that they tortured for five hours, humiliated and illegally expelled 16 refugees from the territory of the RC to BiH at the end of May”.⁷¹ In December 2020, CPS filed two criminal complaints in two separate cases against unknown police officers for “reasonable suspicion that a total of 13 victims, including two children, were held in custody and then handed over to ten armed men dressed in black uniforms, with balaclavas on their heads”.⁷²

⁶⁸ European Centre for Constitutional and Human Rights: Pushbacks in Croatia: Complaint before the UN Human Rights Committee, <https://www.ecchr.eu/en/case/push-backs-croatia-complaint-un-human-rights-council/>

⁶⁹ Information received from the Centre for Peace Studies on 21 January 2021, internal documentation of the Croatian Law Centre

⁷⁰ Centre for Peace Studies: CPS filed a criminal complaint with the DORH: Systematic torture and humiliation of refugees is a criminal offence! <https://www.cms.hr/hr/azil-i-integracijske-politike/cms-predao-kaznenu-prijavu-dorh-u-sustavno-mucenje-i-ponizavanje-izbjeglica-je-kazneno-djelo>

⁷¹ Centre for Peace Studies: CPS filed a criminal complaint: What is the link between the police and the armed thugs in black? <https://www.cms.hr/hr/azil-i-integracijske-politike/cms-podnio-kaznenu-prijavu-koja-je-poveznica-policije-i-naoruzanih-nasilnika-u-crnom>

⁷² Centre for Peace Studies: On the Human Rights Day, new criminal complaints were filed: CPS demands an investigation into the connection between the MoI and men in black uniforms with balaclavas! <https://www.cms.hr/hr/azil-i-integracijske-politike/na-dan-ljudskih-prava-nove-kaznene-prijave-cms-trazi-istragu-povezanosti-mup-a-i-muskaraca-u-crnim-odorama-s-fantomkama>

In 2020, the Ombudswoman's Office opened 39 cases related to the treatment of irregular migrants and applicants by the Croatian police.⁷³

Given the numerous allegations and reports, as well as the fact that in December 2018 the RC was approved financial resources for strengthening border management of which a part was intended for a new monitoring mechanism, in November 2020, the European Ombudswoman Emily O'Reilly has launched an investigation into the lack of such a mechanism.⁷⁴ The Office of the European Ombudswoman has opened an investigation into a complaint lodged by AI against the European Commission (hereinafter: EC). The investigation focuses on how the EC seeks to ensure that Croatian authorities respect the fundamental rights in the context of border management. The complainant expressed doubts as to whether a monitoring mechanism had been established and claimed that the EC had not checked whether the Croatian authorities had established the mechanism or how the allocated funds had been spent. The European Ombudswoman asked a number of questions to the EC and requested answers by 31 January 2021. The questions focus on the nature of the monitoring mechanism and the way in which the EC has confirmed that it has been established. If the mechanism had been established, the questions were intended to establish how the EC has verified their effectiveness and, in general, how the EC ensures that fundamental rights are respected in border management operations funded by the EU.

The Ombudswoman's report for 2020 states that the Ombudswoman's Office requested information from the RC MoI on the amount intended for this monitoring mechanism, and on the activities carried out, however the Ombudswoman's Office did not receive this information.⁷⁵

6.1.3 Intentions and applications to seek international protection

Foreigners may express their intention to file an application for international protection either orally or in writing.⁷⁶ AITP prescribes that the intention can be expressed at the border crossing when performing border control, and if the person is already in the territory of the RC, the intention can be expressed at the police administration or station and at the reception centre for foreigners or the transit reception centre. Exceptionally, in exceptional circumstances, the intention can also be expressed at the reception centre for applicants for

⁷³ Ombudswoman's report for 2020, <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2020-godinu/?wpdmdl=10845&refresh=6038a8291f2261614325801>

⁷⁴ European Ombudsman: Ombudsman inquiry opened on how European Commission seeks to ensure protection of fundamental rights in border management operations by Croatian authorities, <https://www.ombudsman.europa.eu/en/news-document/en/134797>

⁷⁵ Ombudswoman's report for 2020, <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2020-godinu/?wpdmdl=10845&refresh=6038a8291f2261614325801>

⁷⁶ See Article 4, paragraph 1, item 12 of the AITP

international protection.⁷⁷ If a person cannot, for justified reasons, express his/her intention at the police administration, station, reception centre for international protection applicants or reception centre for foreigners, such intention may be expressed before another body, provided that the body before which the intention is expressed is obliged to inform the RC Mol within three days of the expressed intention.⁷⁸ From the moment of expressing the intention, the foreigner becomes the applicant, and acquires all the rights guaranteed to the applicants by the AITP.

According to the RC Mol⁷⁹, in 2020 a total of 1,932 persons expressed their intention to apply for international protection (1,194 males and 738 females), which is actually a very small decrease compared to 2019 when there were a total of 1,986 applicants for international protection, especially given the COVID-19 pandemic.

The largest number of persons who expressed their intention were from Afghanistan (934), Iraq (435), Iran (100), Syria (96), Turkey (93), Egypt (56), Morocco (46) and Pakistan (30).

Among the persons who expressed their intention, in 2020 there were 186 unaccompanied minors, which is a significant increase in the number of unaccompanied minors compared to 2019, when 70 unaccompanied minors entered the asylum system.

In 2020, the intention was expressed by 28 unaccompanied minors under the age of 13 (21 males and 7 females). In the age group 14–15, a total of 34 children (30 males and 4 females), and in the age group 16–17, 124 minors expressed their intention to apply for international protection.

The data on the number of submitted applications for international protection in 2020 are not publicly available.

⁷⁷ Article 33, paragraphs 1–3 of the AITP

⁷⁸ Article 33, paragraph 4 of the AITP

⁷⁹ The Ministry of the Interior of the Republic of Croatia: Statistical indicators for applicants for international protection in 2020, https://mup.gov.hr/UserDocImages/statistika/2021/Medjunarodna_zastita/Medjunarodna_zastita_4kvartal_2020.pdf

6.1.4 The Dublin procedure

Due to the COVID-19 virus pandemic, the Dublin transfers have been temporarily suspended since 13 March 2020.⁸⁰

According to the data of the RC Mol,⁸¹ in 2020, an entry transfer in the RC under a Dublin procedure has been carried out for a total of 40 persons from the following Member States: Germany (22), Austria (4), Switzerland (4), Belgium (3), France (2), the Netherlands (2), Slovenia (2) and Finland (1), with the most citizens from Iraq (17), Algeria (6) and Syria (6), and 2 citizens of Afghanistan, Iran and Libya, and 1 citizen of Egypt, Morocco, Pakistan and Turkey and 1 person of unknown citizenship.

As far as the outgoing transfers under the Dublin procedure are concerned, the RC carried out the transfer of 8 persons, 6 citizens of Iran and 1 citizen of Turkey and Pakistan to the following countries: Belgium (3), Luxembourg (3), Switzerland (1) and Spain (1).

In 2020, the Administrative Court in Zagreb did not decide on lawsuits against decisions of the RC Mol establishing the responsibility of another EEA member state to consider applications for international protection,⁸² while the High Administrative Court decided in two Dublin cases.⁸³

In June 2020, a meeting was held between the representatives of the RC Mol and the (then) Ministry for Demography, Family, Youth and Social Policy in order to improve the cooperation in family reunification under the Dublin procedure.⁸⁴ In addition, in cooperation with the above-mentioned ministries and the representatives of social welfare centres, a standard operational procedure has been prepared for the implementation of the Dublin procedure for unaccompanied minors.⁸⁵

⁸⁰ EMN NCP HR: Annual Report on Migration and Asylum for the Republic of Croatia for 2020, National Report (Part 2), <https://emn.gov.hr/UserDocImages/ARM%202020/Godi%C5%A1nje%20izvje%C5%A1%C4%87e%20o%20migracijama%20i%20azilu%20za%20RH%20za%202020.%20godinu.pdf>

⁸¹ The Ministry of the Interior of the Republic of Croatia: Statistical indicators for applicants for international protection in 2020, https://mup.gov.hr/UserDocImages/statistika/2021/Medjunarodna_zastita/Medjunarodna_zastita_4kvartal_2020.pdf

The Administrative Court in Zagreb, information submitted on 18 February 2021, internal documentation of CLC

⁸³ The High Administrative Court, information submitted on 15 January 2021, internal documentation of CLC

⁸⁴ EMN Bulletin, No. 31, August 2020: https://ec.europa.eu/home-affairs/sites/default/files/docs/pages/00_31st_emn_bulletin_updated_en.pdf

⁸⁵ EMN NCP HR: Annual Report on Migration and Asylum for the Republic of Croatia for 2020, National Report (Part 2), <https://emn.gov.hr/UserDocImages/ARM%202020/Godi%C5%A1nje%20izvje%C5%A1%C4%87e%20o%20migracijama%20i%20azilu%20za%20RH%20za%202020.%20godinu.pdf>

6.2. Restriction of freedom of movement

The AITP prescribes a general rule that the applicants and the foreigners in transfer may enjoy freedom of movement in the RC⁸⁶. The applicant's freedom of movement may be restricted if, on the basis of all the facts and circumstances of the particular case, it is assessed that this is necessary in order to:

1. establish the facts and circumstances on which the application for international protection is based, which cannot be established without the restriction of movement, in particular if it is assessed that there is a flight risk,
2. establish and verify the identity or citizenship,
3. protect national security or public policy of the Republic of Croatia,
4. prevent abuse of the procedure if, on the basis of objective criteria which include the possibility of accessing the procedure for approval of international protection, there is a reasonable suspicion that the intention was expressed during the procedure of deportation in order to prevent further action.⁸⁷

The freedom of movement of a foreigner in transfer may be restricted only for the purpose of ensuring the handover to another Member State of the European Economic Area if it is established that there is a flight risk.⁸⁸

The data of the RC Mol pertaining to the restriction of freedom of movement by providing accommodation at the reception centre for applicants and foreigners in transfer for 2020 is not publicly available.

The judicial review of decisions on restrictions of the freedom of movement of applicants and foreigners in transfer is carried out by administrative courts. In 2020, the Administrative Court in Zagreb adopted 13 decisions in proceedings pertaining to the restriction of the freedom of movement, with 9 lawsuits rejected, 3 adopted, and 1 lawsuit partially adopted. The average duration of these procedures was 28 days. According to the information of the Administrative Court in Zagreb, the application of the court clerk does not record the number of cases in which the freedom of movement was restricted by any measure other than accommodation in the reception centre for foreigners, so it is not possible to conclude whether

⁸⁶ Article 54, paragraph 1 of the AITP

⁸⁷ Article 54, paragraph 2 of the AITP

⁸⁸ Article 54, paragraph 3 of the AITP

the cases pertained to the accommodation in the reception centre for foreigners or some other milder measure.⁸⁹

The Administrative Court in Rijeka adopted two decisions regarding the restriction of movement by providing accommodation at the reception centre until deportation⁹⁰, where the resolution of both cases lasted less than one month, and both cases were completed by suspending the action after withdrawing the lawsuits. The cases concerned Turkish citizens of Kurdish ethnicity.⁹¹

During 2020, the High Administrative Court ruled in 5 cases against the appeals filed against the decisions of administrative courts in proceedings restricting the freedom of movement of applicants by providing them with accommodation at the reception centre for foreigners or transit reception centre, and rejected 4 appeals and annulled 1 decision of the Administrative Court. During 2020, there were no cases before the High Administrative Court in which freedom of movement was restricted by other milder measures.

In 2020, the Constitutional Court of the RC has ruled⁹² that it does not accept the proposal to initiate proceedings to review the constitutionality of Article 54, paragraph 11 of the AITP. The proponent was of the opinion that the said provision of the AITP is contrary to Article 22, paragraph 2 of the RC Constitution, because it prescribes that the decisions on the restriction of the freedom of movement are within the powers of the executive authority, not the court. Namely, Article 22, paragraph 2 of the Constitution of the RC prescribes that no one shall be deprived of liberty, nor may liberty be restricted, except when specified by law, upon which a court shall decide. Contrary to this, Article 54, paragraph 11 of the AITP prescribes that the decision on restriction of freedom of movement, which determines the type of measures and its duration in proportion to the purpose of restriction of movement, is made by the RC MoI, the police administration, i.e. the police station.

Although the Constitutional Court did not accept the proposal to initiate the proceeding for the assessment of constitutionality, it states in the rationale of the decision that the AITP is part of the so-called implementation legislation, i.e. its purpose is to harmonize the domestic legislative framework with a set of EU regulations in this area, and emphasizes that the

⁸⁹ The Administrative Court in Zagreb, information submitted on 18 February 2021, internal documentation of CLC

⁹⁰ Although the inquiry was sent to the Administrative Court in Rijeka in relation to the imposition of restrictions on freedom of movement under the International and Temporary Protection Act, it is not clear whether the proceedings in these cases were conducted under the Foreigners Act.

⁹¹ The Administrative Court in Rijeka, information submitted on 11 January 2021, internal documentation of CLC

⁹² The Constitutional Court of the RC, decision no.: U-I-503/2018 dated 24 June 2020, [https://sljeme.usud.hr/Usud/Praksaw.nsf/C12570D30061CE54C1258598002D4DEB/\\$FILE/U-I-503-2018.pdf](https://sljeme.usud.hr/Usud/Praksaw.nsf/C12570D30061CE54C1258598002D4DEB/$FILE/U-I-503-2018.pdf)

provisions of the AITP should be interpreted and applied in the light of the above EU regulations and the existing case law of the Court of Justice.

As part of its visit in August 2020, the CPT visited several (border) police stations⁹³ and the Ježevo reception centre for foreigners to examine the conditions of detention and the procedures carried out before foreigners are removed from the country. According to the Ombudswoman's report for 2020,⁹⁴ "the report about the visit was adopted in November and the Council of Europe Commissioner for Human Rights appealed to the Republic of Croatia to publish it, as it is a common practice for the CPT's reports to be made public, with exceptions being extremely rare", but at the end of July 2021 the report had not yet been published.

6.3 Status determination procedure

During 2020, RC Mol resolved 1,932 applications (see Table 1).

Table 1: Statistical data on the resolution of applications for international protection

Applications		Applications from					Resolved during the report period	
		2009	2014	2016	2017	2018		2019
Applications resolved in the first instance	Negative		1		2	9	107	86
	Positive			2		5	15	4
	Asylum denied			1	1			
	Subsidiary					2	2	
	Subsidiary protection denied	3						
	Ongoing				1	1	16	673
	Suspended					1	558	1,089
	Dismissed						31	80
	TOTAL	3	1	3	4	18	729	1,932

Source: RC Mol, Statistical review of basic safety indicators and work results in 2020, https://mup.gov.hr/UserDocsImages/statistika/2021/Statisticki_pregled_2020_web.pdf

⁹³ BPS Cetinograd, BPS Donji Lapac, PS Korenica, Police Intervention Unit of the Police Administration Karlovac (Mali Erjavec)

⁹⁴ Ombudswoman's report for 2020, <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2020-godinu/?wpdmdl=10845&refresh=6038a8291f2261614325801>

However, in the statistical data concerning the asylum system in 2020, the RC Mol presents different data in relation to approved international protections compared to the data from the table above, so according to these data, ⁹⁵international protection was approved in a total of 42 cases, of which asylum in 36 cases (22 males and 14 females), and subsidiary protection was granted in 6 cases (4 males and 2 females). Asylum was also granted to 14 children, while subsidiary protection was granted to three children. According to the Ombudswoman for Children, out of a total of 17 international protections granted to children, *“no international protections were granted to unaccompanied minors, as they left the reception centre/home before the end of the international protection procedure.”*⁹⁶

The number of 42 granted international protections in 2020 is extremely low, and represents a large decrease in the number of granted protections compared to 2019, when the RC Mol granted 157 asylums and one subsidiary protection.⁹⁷

In 2020, international protection was granted to citizens of Syria (12), Iran (8), Iraq (7), Turkey (5), DR Congo (3), Afghanistan (1), and others (6).⁹⁸

According to the data of the RC Mol⁹⁹, in 2020 the Ministry of the Interior of the Republic of Croatia annulled a total of 5 granted international protections, of which 2 were asylums granted based on applications from 2016 and 2017 and 3 subsidiary protections granted based on applications from 2009.

According to the information provided by AYS¹⁰⁰, in May 2020, the RC Mol annulled the status of asylum seeker, otherwise granted in 2018, to a volunteer of the AYS organization.

According to the data of the RC Mol¹⁰¹, during 2020 the priority was given to the applications of unaccompanied minors, obviously unfounded applications, and the applications of applicants for international protection who met the conditions for special procedural and

⁹⁵ RC Mol: Statistical indicators for applicants for international protection in 2020, https://mup.gov.hr/UserDocImages/statistika/2021/Medjunarodna_zastita/Medjunarodna_zastita_4kvartal_2020.pdf

⁹⁶ Ombudswoman for Children: Report on the work of the Ombudswoman for Children 2020, http://dijete.hr/wp-content/uploads/2021/04/IZVJESCE-O-RADU-PRAVOBRANITELJICE-ZA-DJECU-2020_.pdf

⁹⁷ RC MOI: Statistical indicators for applicants for international protection in 2019, <https://mup.gov.hr/UserDocImages/statistika/2020/Me%C4%91unardna%20za%C5%A1tita/Web%20statistika%202019.docx>

⁹⁸ UNHCR, Annual Statistical Snapshot – Asylum: Croatia 2020, <https://data2.unhcr.org/en/documents/download/84681>

⁹⁹ RC Mol: Statistical review of basic safety indicators and work results in 2020: https://mup.gov.hr/UserDocImages/statistika/2021/Statisticki_pregled_2020_web.pdf

¹⁰⁰ Information received from AYS on 2 February 2021, internal documentation of the Croatian Law Centre

¹⁰¹ EMN NCP HR: Annual Report on Migration and Asylum for the Republic of Croatia for 2020, National Report (Part 2), <https://emn.gov.hr/UserDocImages/ARM%202020/Godi%C5%A1nje%20izvje%C5%A1%C4%87e%20o%20migracijama%20i%20azilu%20za%20RH%20za%202020.%20godinu.pdf>

acceptance guarantees, as well as the applicants from vulnerable groups and applicants placed in detention.

Regarding the decision-making of administrative courts in administrative disputes initiated by a lawsuit against the decision of the RC MoI, the majority of disputes were initiated before the Administrative Court in Zagreb¹⁰², which received a total of 123 cases in the process of granting international protection, where the Administrative Court ruled and granted asylum in only 1 case, whereas the majority of lawsuits were dismissed (103) (see Table 2).

Table 2: statistical data related to the decision-making of the Administrative Court in Zagreb in the procedures of granting international protection in 2020

Decisions of the Administrative Court in Zagreb in the procedures of granting international protection in 2020	Number:
rejected	103
approved – returned for retrial 2x	1
approved – asylum granted	1
approved – returned for retrial	11
approved – international protection not granted	7
TOTAL:	123

The average duration of administrative disputes in these cases before the Administrative Court in Zagreb was 159 days, while in the same cases in which the applicants who were the citizens of Iraq, Syria and Afghanistan appeared as parties, the average duration was 180 days.

According to the data of the Administrative Court in Rijeka,¹⁰³ in 2020, one decision was recorded in cases pertaining to the approval of international protection in the case of a female applicant, a citizen of the Russian Federation. The said case lasted six months. The decision of the first instance rejected the claim, which was confirmed by the decision of the second instance. In January 2021, at the time of receipt of the data from the Administrative Court in Rijeka, the procedure regarding the constitutional complaint in the said case was in progress.

¹⁰² Information received from the Administrative Court in Zagreb on 18 February 2012, internal documentation of the Croatian Law Centre

¹⁰³ Information received from the Administrative Court in Rijeka on 11 January 2021, internal documentation of the Croatian Law Centre

According to the data of the Administrative Court in Split¹⁰⁴, in 2020 no case was received in which the Administrative Court in Split decided in the procedures for approval of international protection, but in the same period 1 case was resolved in which the claim was rejected.

The Administrative Court in Osijek¹⁰⁵ recorded no cases in 2020.

According to the High Administrative Court¹⁰⁶, in 2020 the High Administrative Court received 29 appeals against the decisions of administrative courts in the procedures for approval of international protection, where they rejected 26 appeals and annulled 3 decisions of administrative courts.

The courts did not state that the declaration of the COVID-19 pandemic had led to problems in their handling of the procedures for approval of international protection. One provider of free legal aid¹⁰⁷ stated that in some cases, due to the pandemic, the hearings were postponed, but they were held within two months on average. This is also confirmed by the data found at the website of the RC courts¹⁰⁸. For example, the Administrative Court in Zagreb has not received clients since April 1, the submissions could not be submitted directly to the court clerk's office, but could be delivered by mail or email, and all hearings except urgent ones were cancelled. As of May 4¹⁰⁹, the Administrative Court in Zagreb continued to hold hearings based on the criteria of urgency, age of the case, number of participants in the case and cases near their closure, with continued restrictions on filing submissions and adherence to protective measures. As of May 18, the Administrative Court continued to hold hearings in all cases.¹¹⁰

6.4 Rights and obligations of the applicants in accordance with the AITP

During the status determination procedure, the applicants have certain rights which include the right to residence, freedom of movement within the RC, the provision of the appropriate material reception conditions, healthcare, elementary and secondary education,

¹⁰⁴ Information received from the Administrative Court in Split on 11 January 2021, internal documentation of the Croatian Law Centre

¹⁰⁵ The information received from the Administrative Court in Osijek on January 15 2021, internal documentation of the Croatian Law Centre

¹⁰⁶ Information received from the High Administrative Court on 15 January 2021, internal documentation of the Croatian Law Centre

¹⁰⁷ Information received on 26 January 2021, internal documentation of the Croatian Law Centre

¹⁰⁸ https://sudovi.hr/sites/default/files/dokumenti/2020-10/ODLUKA_Obavijest%20za%20stranke_1.4.2020..pdf

¹⁰⁹ https://sudovi.hr/sites/default/files/dokumenti/2020-10/ODLUKA%20_Obavijest%20za%20stranke%20_4.5.2020..pdf

¹¹⁰ https://sudovi.hr/sites/default/files/dokumenti/2020-10/ODLUKA_Obavijest%20za%20stranke_15.5.2020..pdf

information, legal counselling, and free legal assistance, freedom of religion, work and documents¹¹¹.

Regarding the obligations of the applicants¹¹², they are obliged to respect the Constitution, laws and other regulations of the RC, to cooperate with state bodies of the RC and act according to their measures and instructions, to undergo verification and identification, undergo medical examination, respect the house rules in the reception centre, come to the reception centre by the deadline set for arrival, respond to the invitations of the RC Mol for interviews and cooperate during the entire procedure for approval of international protection, stay in the territory of the RC during the procedure for approval of international protection, report the change of residence to the RC Mol within two days from the day of such change, and to adhere to the instructions and measures of the RC Mol concerning the restriction of freedom of movement.

During January, March, May and November 2020, the Directorate for European Affairs, International Relations and European Union Funds, the RC Mol made decisions on the ¹¹³allocation of funds for the implementation of the projects *Arrangement of the Reception Centre for International Protection Applicants in Zagreb and Kutina* under the Asylum, Migration and Integration Fund. The purpose of these projects was to improve the reception and accommodation services and working conditions at the reception centres in Zagreb and Kutina.

As stated in Chapter 2 of this report, due to the spread of the COVID-19 virus in 2020, there have been some changes in the work of the reception centre for applicants for international protection. The previous long-term cooperation between the RC Mol and various international and non-governmental organizations that have operated at the reception centres for applicants for international protection in Zagreb and Kutina in recent years and carried out numerous activities and provided various services and assistance to applicants had to be

¹¹¹ Articles 52–62 of the AITP

¹¹² Article 52, paragraph 3 of the AITP

¹¹³ <https://eufondovi.mup.hr/vijesti/odluka-o-dodjeli-financijskih-sredstava-za-provedbu-projekta-uredjenje-prihvatalista-za-trazitelje-medjunarodne-zastite-u-kutini/350>;
<https://eufondovi.mup.hr/UserDocImages/dokumenti/Odluke%20o%20dodjeli%20sredstava%20za%20financiranje%20projekata/Odluka%20o%20dodjeli%20sredstava.pdf>;
<https://eufondovi.mup.hr/UserDocImages/dokumenti/Odluke%20o%20dodjeli%20sredstava%20za%20financiranje%20projekata/Odluka%20o%20izravnoj%20dodjeli%20-%20prihvatali%C5%A1te%20za%20tra%C5%BEitelje%20azila.pdf>;
<https://eufondovi.mup.hr/UserDocImages/dokumenti/Odluke%20o%20dodjeli%20sredstava%20za%20financiranje%20projekata/Ure%C4%91enje%20Prihvatali%C5%A1ta%20za%20tra%C5%BEitelje%20me%C4%91unarodne%20za%C5%A1tite%20u%20Kutini.pdf>;
<https://eufondovi.mup.hr/UserDocImages/dokumenti/Odluke%20o%20dodjeli%20sredstava%20za%20financiranje%20projekata/Odluka%20-%20Prihvatali%C5%A1te%20u%20Kutini.pdf>

adjusted to the newly formed circumstances. For this reason, from March 2020, due to the spread of the COVID-19 virus, the RC MoI has limited the access to the reception centres for applicants of international protection in Zagreb and Kutina for all the persons not essential for normal functioning of such facilities.¹¹⁴ In addition to officers and employees of the RC MoI, the employees of MDM-BELGIQUE and CRC were present at the reception centres during the year. Restrictions on access for other organizations remained in effect until the end of 2020. Furthermore, a part of the reception centre for applicants for international protection was converted into a self-isolation area, and after arriving at the reception centre, the applicants were accommodated in said premises for two weeks for self-isolation and, if necessary, tested for COVID-19.¹¹⁵ In order to inform the applicants about the spread of the disease and appropriate protection, multilingual leaflets and posters on COVID-19 prevention were prepared by the CNIPH, DMDM-BELGIQUE and CRC.¹¹⁶

At the beginning of the pandemic, the CNIPH issued a Test Protocol for COVID-19/SARS-CoV-2¹¹⁷ which mentioned, among others, the refugees and applicants for international protection as priority groups, as they belong to the persons who, due to their characteristics, have a high potential to infect a large number of people at risk of rapid spread of the infection and cluster formation.

Regarding healthcare, the MDM-BELGIQUE¹¹⁸ team performed daily health consultations at the primary healthcare level at the reception centre for applicants for international protection in Zagreb, and when needed in Kutina, and conducted official initial health examinations of newly arrived applicants for international protection.

The vaccination of children seeking international protection was carried out continuously through the cooperation between the RC MoI, the Health Centre Zagreb – Centre, the Teaching Institute for Public Health “Dr Andrija Štampar”, CNIPH and MDM-BELGIQUE.

According to the instructions of the Ministry of Health, from 27 January 2020, the medical team of MDM-BELGIQUE performed only the initial medical examinations/emergency medical examinations and medical interventions, while other patients were referred to the Outpatient clinic for applicants for international protection at the Health Centre Zagreb Centre – Dugave.

¹¹⁴ RC MoI: Applicants for international protection in the Republic of Croatia are not infected with coronavirus, <https://mup.gov.hr/vijesti/trazitelji-medjunarodne-zastite-u-rh-nisu-zarazeni-koronavirusom/286104>

¹¹⁵ UNHCR, CROATIA UPDATE JULY/AUGUST 2020, <https://www.unhcr.org/ceu/wp-content/uploads/sites/17/2020/10/UNHCR-Croatia-Update-July-August-2020.pdf>

¹¹⁶ The materials are available at: <https://www.hpc.hr/2020/03/30/informativni-multijezicni-letci-o-koronavirusu/>

¹¹⁷ Croatian National Institute of Public Health: COVID-19/SARS-CoV-2 testing protocol, <https://www.hzjz.hr/priopcenja-mediji/protokol-testiranja-nacovid-19-sars-cov-2/>

¹¹⁸ Information received from MDM-BELGIQUE on 17 January 2021, internal documentation of the Croatian Law Centre

In this new organizational framework, MDM – BELGIQUE also provided support to the general practitioner of the health centre concerning the distribution of prescribed therapy (at the recommendation of the general practitioner of the health centre) and through the organization, coordination, ordering and escort of applicants to health facilities for specialist-consultative and diagnostic examinations. In 2020, the medical team of MDM-BELGIQUE conducted 1,690 medical consultations (general practice) for the applicants (of that total, 483 were initial medical examinations of newly arrived applicants), 424 individual consultations (psychological support) with psychologists and 117 specialist psychiatric examinations.

Since March 2020, the MDM-BELGIQUE team has also been in charge of health protection and prevention of COVID-19 disease in applicants for international protection located at the reception centre for applicants for international protection in Zagreb. According to MDM-BELGIQUE data, the total number of persons in isolation from May 2020 to the end of December 2020 was 1,390, of which 76 persons were in isolation twice and 5 persons three times. The largest daily number of people in isolation was 210 people, and this was recorded at the end of November 2020. Also MDM-BELGIQUE was in charge of organizing testing for COVID-19 in cooperation with the Teaching Institute of Public Health “Dr Andrija Štampar”.

Roda Association, in cooperation with the UNICEF Office in the Republic of Croatia, prepared the infographics “Pregnancy and coronavirus”, “Childbirth and coronavirus” and “Breastfeeding and coronavirus” available in English¹¹⁹, Romani (chib)¹²⁰, Baja-Romanian¹²¹, Farsi¹²² and Arabic^{123, 124}.

In 2020, due to the circumstances caused by the spread of the COVID-19 virus, the CRC¹²⁵ has significantly reduced the implementation of activities with applicants located in reception centres, and after the beginning of the pandemic, the following activities were carried out: reception and accommodation (including distribution of hygiene items and other items required by the users), psychosocial support, providing TV and online classes for children attending the curriculum in local schools, helping children learn and writing homework, arranging the environment and the interior of the reception centre, increased care for personal

¹¹⁹ <https://www.roda.hr/udruga/projekti/online-edukacija-kao-podrska-roditeljima-tijekom-pandemije-covid-19/koronavirus-i-trudnoca-porod-i-dojenje-na-engleskom-jeziku.html>

¹²⁰ [https://www.roda.hr/udruga/projekti/online-edukacija-kao-podrska-roditeljima-tijekom-pandemije-covid-19/koronavirus-i-trudnoca-porod-i-dojenje-na-romskom-jeziku-\(romani-cib\).html](https://www.roda.hr/udruga/projekti/online-edukacija-kao-podrska-roditeljima-tijekom-pandemije-covid-19/koronavirus-i-trudnoca-porod-i-dojenje-na-romskom-jeziku-(romani-cib).html)

¹²¹ <https://www.roda.hr/udruga/projekti/online-edukacija-kao-podrska-roditeljima-tijekom-pandemije-covid-19/koronavirus-i-trudnoca-porod-i-dojenje-na-bajasko-rumunjski-jezik.html>

¹²² <https://www.roda.hr/udruga/projekti/online-edukacija-kao-podrska-roditeljima-tijekom-pandemije-covid-19/koronavirus-i-trudnoca-porod-i-dojenje-na-farsi-jeziku.html>

¹²³ <https://www.roda.hr/udruga/projekti/online-edukacija-kao-podrska-roditeljima-tijekom-pandemije-covid-19/koronavirus-i-trudnoca-porod-i-dojenje-na-arapskom-jeziku.html>

¹²⁴ All leaflets are also available on the UNICEF website: <https://www.unicef.org/croatia/izvjesca/covid-19-letci-o-trudnoci-porodu-i-dojenju-u-vrijeme>

¹²⁵ Information received from CRC on 2 March 2021, internal documentation of the Croatian Law Centre

hygiene of users and space hygiene and medical assistance according to the instructions of MDM's doctors and procurement of medicines. Joint activities for adults (creative workshops, Croatian language workshop, football, gym, technical workshop and various health and hygiene workshops and user participation in events in the local community) have been completely suspended.

As a rule, other organizations carried out their activities at the reception centres until the declaration of a pandemic. For this reason, from March 2020, the Jesuit Refugee Service (hereinafter: JRS)¹²⁶, in cooperation with UNICEF Croatia, conducted educational, psychosocial, creative and sports programmes for children at the reception centre for applicants for international protection in Zagreb in a space conceived as a safe place for minor applicants. In addition, the JRS conducted a programme for female applicants to identify and prevent gender-based violence, and provided free legal aid. JRS has published a Handbook – Working with Refugee Children¹²⁷, based on the desire of JRS experts to share their experience of working with refugee children at the reception centre for applicants for international protection in Zagreb and to link the acquired practical knowledge and skills with professional theoretical knowledge, all with the aim of presenting a complete picture of working with refugee and unaccompanied minors.

The Croatian Law Centre (hereinafter: CLC) was present at the reception centres for applicants for international protection in Zagreb and Kutina, and if necessary at the reception centre for foreigners in Ježevo until the beginning of the pandemic, and the HPC lawyers, as part of the project “Providing legal advice in the procedures for approval of international protection”, funded from the Asylum, Migration and Integration Fund, provided legal information and advice to applicants in accordance with the provisions of the AITP during the procedures for approval of international protection. The implementation of the project ended on 31 March 2020. In November 2020, the Directorate for European Affairs, International Relations and European Union Funds of the RC MoI announced a public tender for financing a project in the field of providing legal advice in the procedures for approval of international protection, but after the deadlines were extended and the requirements amended in December, the tender was annulled in March 2021. Therefore, for most of 2020, no legal advice was provided as guaranteed by Article 59, paragraph 3 of the AITP. However, in 2020, the CLC also held legal counselling at the CLC'S office, by telephone and email, and at orphanages where unaccompanied minors were accommodated, and with the beginning of the

¹²⁶ Information received from JRS on 12 January 2021, internal documentation of the Croatian Law Centre

¹²⁷ JRS, Handbook – Working with Refugee Children is available online in Croatian:

<https://online.fliphtml5.com/uyfmy/znst/#p=1> and in English: <https://online.fliphtml5.com/uyfmy/vjhd/#p=1>.

pandemic, i.e. from mid-March, some changes were introduced in the way these activities were carried out, and consultations were usually held by telephone or email.¹²⁸

As far as the exercise of the right to healthcare is concerned, it should be mentioned that in 2020 the Ordinance on healthcare standards for applicants for international protection and foreigners under temporary protection was adopted (see more in: 2.1. New developments in legislation and trends in public policies). Although the Ordinance regulates the scope of the right to healthcare for vulnerable groups and stipulates that vulnerable groups have the right to psychosocial support and assistance in appropriate institutions¹²⁹, in practice there are still problems in relation to certain categories of vulnerable groups. Therefore, according to the data of the Rehabilitation Centre for Stress and Trauma (hereinafter: RCT)¹³⁰, the health and social care system continues to completely ignore the specific needs and rights of torture victims as vulnerable groups and does not systematically identify vulnerable groups, including torture victims, according to established standards. Consequently, according to the information provided by the RCT, the applicants who are victims of torture are not provided with the necessary treatment or access to appropriate medical and psychological rehabilitation and care.

As a positive example, it should be pointed out that during 2020, in coordination with the RC Mol and the UNHCR and in cooperation with the International Organization for Migration (hereinafter: IOM), MDM-BELGIQUE, CRC, JRS, the Society for Psychological Assistance and CLC, work has been done on the development of the Standard operational procedure for prevention and response in case of sexual and gender-based violence at reception centres for applicants for international protection in the Republic of Croatia. The document aims to establish a referral system according to the national mechanism for survivors of sexual and gender-based violence, who are accommodated in reception centres for applicants for international protection.

Other organizations also carried out various activities with applicants during 2020. Thus, AYS¹³¹ provided information to applicants on the right to work, as well as support in finding a job (writing a CV, contacting employers). An informal introductory Croatian language course for applicants was organized by AYS, and the course was led by professional volunteers, Croatian language teachers. A free shop run by AYS, as a place where people in need can get free clothes, shoes, hygiene items, bedding, dishes and other household items, continued to

¹²⁸ These activities were carried out within the project "Legal Support in the Asylum System" with the financial support of UNHCR

¹²⁹ Article 9 of the Ordinance on healthcare standards for applicants for international protection and foreigners under temporary protection

¹³⁰ Information received from RCT on 7 February 2021, internal documentation of the Croatian Law Centre

¹³¹ Information received from AYS on 2 February 2021, internal documentation of the Croatian Law Centre

operate in a pandemic, and the applicants, but also persons with granted international protection reported their needs to AYS and the contents of the packages and the time of collection were agreed upon, and the persons, in accordance with the epidemiological measures, took over the package at the agreed time.

CPS¹³² carried out its activities (providing information on the international protection system, legal support and counselling, support in learning the Croatian language, support in job search, course on social entrepreneurship, providing information on life in Croatia, psychosocial support) with the applicants outside the reception centre even before the start of the pandemic, given that as of September 2018, the organization does not have access to reception centres for applicants for international protection in Zagreb and Kutina. As an authorized provider of free legal aid, CPS continued to provide legal aid in the CPS premises in 2020 according to pre-agreed dates, and after the introduction of measures due to the pandemic, the legal aid was mainly provided by phone and email.

Regarding the right of applicants for international protection to work, according to the AITP, the applicant acquires the right to work after a period of nine months from the date of submission of the application on which the RC Mol did not make a decision, if the applicant, with his/her actions, has not influenced the reasons to not make a decision, in which case the RC Mol will issue a certificate at his/her request confirming that the applicant has acquired the right to work.¹³³The Labour Market Act¹³⁴ stipulates that in the event that the RC Mol has not made a decision within the time limit and under the conditions prescribed by the AITP, the applicant may register with the CES according to the place of residence or residential address.¹³⁵ According to CES data¹³⁶, as at 31 December 2020, there were 4 applicants (3 from Syria, 1 from Bangladesh) with the right to work (of which 1 a woman) in the CES register of unemployed persons, and during 2020 a total of 8 individual consultations with 4 applicants were held.

The decision on the application for international protection, in cases when the status has not been granted, also decides on the measure of ensuring return in accordance with the provisions of the Foreigners Act, where the priority is given to voluntary departure.¹³⁷

¹³² Information received from AYS on 2 February 2021, internal documentation of the Croatian Law Centre

¹³³ Article 61, paragraphs 1 and 2 of the AITP

¹³⁴ OJ 118/2018, 32/2020

¹³⁵ Article 14, paragraphs 2 and 3 of the Labour Market Act

¹³⁶ Information received from CES on 11 January 2021, internal documentation of the Croatian Law Centre

¹³⁷ Article 37, paragraphs 1 and 2 of the AITP

In 2020, IOM implemented the project “Assisted Voluntary Return”¹³⁸, and one of the target groups covered by the project are the applicants for international protection who want to return voluntarily to their country of origin through this programme. According to IOM information¹³⁹, the Assisted voluntary return and reintegration assistance programme (AVRR.hr) was implemented during the first quarter at the reception centres for applicants for international protection in Zagreb and Kutina, and in 2020 the consultations on voluntary return were organized for one person accommodated at the reception centre for foreigners in Ježevo. After the outbreak of the pandemic, information and counselling on return took place via telephone or communication apps. In addition to the above activities, IOM conducted info campaigns on prevention of sexual and gender-based violence for persons accommodated at the reception centres for asylum seekers in Zagreb and Kutina, and at homes for unaccompanied minors in Zagreb, Ivanec, Zadar and Split.

6.5 Protection of children in the asylum system

In 2020, 942 children seeking international protection were registered.¹⁴⁰ According to the data of the RC MoI¹⁴¹, in 2020, a total of 186 unaccompanied minors requested international protection in the RC, of which 169 were boys and 17 girls. Some of the children were placed in social care institutions (94) while the rest (92) were placed in reception centres for applicants for international protection.¹⁴² Although the Foster Care Act,¹⁴³ which entered into force on 1 January 2019, provides for the possibility of placing unaccompanied children in foster families, according to the Ombudswoman for Children, no unaccompanied children were placed in foster families in 2020.

Regarding the implementation of the procedure for approval of international protection, according to the report of the Ombudswoman for children, children seeking international protection were granted a total of 17 international protections (of which 14 asylums and 3 subsidiary protections), but none for unaccompanied minors. Unaccompanied minors

¹³⁸ RC MoI, AVRR project “Assisted voluntary return”, <https://eufondovi.mup.hr/fondovi-za-unutaranje-poslove/amif/avrr-projekt-potpomognuti-dragovoljni-povratak-452/452>

¹³⁹ Information received from IOM on 30 December 2020, internal documentation of the Croatian Law Centre

¹⁴⁰ Ombudswoman for Children: Report on the work of the Ombudswoman for Children 2020, http://dijete.hr/wp-content/uploads/2021/04/IZVJESCE-O-RADU-PRAVOBRANITELJICE-ZA-DJECU-2020_.pdf

¹⁴¹ The Ministry of the Interior of the Republic of Croatia: Statistical indicators for applicants for international protection in 2020, https://mup.gov.hr/UserDocImages/statistika/2021/Medjunarodna_zastita/Medjunarodna_zastita_4kvartal2020.pdf

¹⁴² Ombudswoman for Children: Report on the work of the Ombudswoman for Children 2020, http://dijete.hr/wp-content/uploads/2021/04/IZVJESCE-O-RADU-PRAVOBRANITELJICE-ZA-DJECU-2020_.pdf

¹⁴³OJ 115/18

submitted 159 applications for international protection, of which, due to leaving the reception centres for applicants for international protection, i.e. the social welfare institutions, before the end of the procedure, 145 were suspended; in 2 cases the applicants were rejected because the responsibility of another EEA Member State to review the request was established; and 12 applications were rejected because it was determined that they were adults who presented themselves as minors. In the cases of two minor Moroccan nationals, the applications were rejected because, on the basis of an individual assessment, it was established that it was possible to apply the institution of a safe country of origin.

In relation to 2020, the civil society organizations also point out that there was a problem of inadequate accommodation of unaccompanied minors¹⁴⁴ in social care institutions, especially in foster homes. The ombudswoman for children points out the same in her report, stating also the insufficient number of professionals who are not sufficiently trained to work with foreign children, but also the problem of accommodation in social care institutions for adults who present themselves as minors.

In September 2020, the implementation of the “New Home” project began, which was co-financed by the Asylum, Migration and Integration Fund. The project seeks to contribute to better integration of unaccompanied minors into the community life, ensure early integration through reception, accommodation, care and psychosocial support and to support their inclusion in the life of the local community.¹⁴⁵

The project will include the unaccompanied minors relocated from Greece.

The Interdepartmental Commission for the Protection of Unaccompanied Minors, established in 2019 to improve the interdepartmental cooperation between state administration bodies and other stakeholders involved in the protection of unaccompanied minors, met in 2020 to discuss the relocation of unaccompanied minors from Greece, and also to plan future activities in the protection of unaccompanied minors.¹⁴⁶

As regards the right to education, child applicants enjoy the right to primary and secondary education under the same conditions as Croatian citizens.¹⁴⁷ To be included in the education system, you must have a certificate of status in the RC, a certificate of residence in

¹⁴⁴ Information received from the Centre for Peace Studies on 21 January 2021 and from AYS on 2 February 2021, internal documentation of the Croatian Law Centre

¹⁴⁵ Ministry of Labour and Pension System, Family and Social Policy: Notice on the implementation of the project co-financed by the Asylum, Migration and Integration Fund “New Home”, <https://mrosp.gov.hr/programi-i-projekti/obavijest-o-provodjenju-projekta-sufinanciranog-sredstvima-fonda-za-azil-migracije-i-integraciju-novi-dom/12238>

¹⁴⁶ Ombudswoman for Children: Report on the work of the Ombudswoman for Children 2020, http://dijete.hr/wp-content/uploads/2021/04/IZVJESCE-O-RADU-PRAVOBRANITELJICE-ZA-DJECU-2020_.pdf

¹⁴⁷ Article 58, paragraph 1 of the AITP

the RC, an identity document (birth certificate, identity card, passport or relevant document of the RC Mol) and a document of previous education. If it is not possible to enclose a document on previous education, it is necessary to give a statement to the notary public, which is then presented to the school's professional service to organize an enrolment test in order to determine the class that the candidate can attend.

According to AYS information¹⁴⁸, during 2020 a small number of applicant children were included in the educational system, and the problem remained when it comes to organizing preparatory classes in accordance with the Ordinance on conducting preparatory and supplementary classes for students who do not know or do not know Croatian language enough and classes of mother tongue and culture of the students' country of origin.¹⁴⁹ Namely, the process of organizing preparatory classes is long, so children often wait for months before preparatory classes are approved, while some children attended preparatory classes at a school that is not theirs, which is why they missed part of classes at their own school.

The challenges in 2020 caused by the COVID-19 pandemic have also affected child applicants, especially in the field of education. Namely, with the introduction of the online teaching model, child applicants, who are normally faced with difficult access to schooling, were additionally deprived, given that due to the new conditions too little or no attention was paid to children who do not speak Croatian at all or do not speak Croatian well enough. Also, after the transition to online classes, the preparatory classes online or in some other form (for example, within the "School on the third") were not organized. In order to provide the children applicants with the access to online classes, UNHCR donated a TV set to the reception centre for applicants for international protection in Kutina.¹⁵⁰

Several civil society organizations carried out various activities for children who were applying or who had already been granted protection and for unaccompanied minors in general.

Thus, AYS¹⁵¹ provided learning support for children, which due to the pandemic situation took place partly online and partly in family homes, where the main challenge was that some children did not have the technical conditions to follow online classes and communicate with volunteers.

¹⁴⁸ Information received from AYS on 2 February 2021, internal documentation of the Croatian Law Centre

¹⁴⁹ OJ 15/2013

¹⁵⁰ UNHCR: CROATIA UPDATE MAY 2020, <https://www.unhcr.org/hr/wp-content/uploads/sites/19/2020/07/UNHCR-Croatia-COVID-19-May-Update-v2-1-1.pdf>

¹⁵¹ Information received from AYS on 2 February 2021, internal documentation of the Croatian Law Centre

In 2020, CRC¹⁵² also provided assistance to children applicants at the reception centres for applicants for international protection by ensuring that children who attended curricula in local schools in 2020 followed TV and online classes, as well as provided assistance to children in learning and doing homework. Furthermore, CRC provided support for the enrolment in the education system for children who were granted international protection¹⁵³.

In 2020, the CLC continued to provide free legal aid to unaccompanied minors accommodated in social care institutions through the provision of legal counselling, but due to the COVID-19 pandemic, the activities were adapted to the situation and the legal information was provided via the WhatsApp application. In addition to unaccompanied minors, CLC lawyers provided support and necessary information to the employees of these institutions as well, but also to social care centres, and especially to child caregivers. From the practice of the CLC, it was noticed in 2020 that there is still a problem of insufficient appointment of special guardians/guardians for unaccompanied minors by social welfare centres. The need for further education of special guardians/guardians on the Protocol on the Treatment of Unaccompanied Children was also noted.

In November 2020, organized by the CLC and with the financial support of the UNHCR, an online conference was held on “Current issues in the field of protection of the rights of unaccompanied children”. The topic of the conference was a review of the state of exercise of the rights of unaccompanied minors in practice with an emphasis on the arrival of children from Greece to the Lipik Community Service Centre. In addition to the representatives of state bodies and caregivers from social welfare centres, the conference was attended by the representatives of international and non-governmental organizations.

Given the situation with the pandemic in 2020, UNHCR donated disinfectants to the Service Centres in Zagreb and Split to help adhere to epidemiological guidelines in the centres where unaccompanied minors are accommodated.

¹⁵² Information received from CRC on 2 March 2021, internal documentation of the Croatian Law Centre

¹⁵³ The Croatian Red Cross is implementing activities in the field of integration within the project “Support to the Integration of Persons under International Protection” with financial support and as an implementing partner of the UNHCR.

7. ASYLUM IN LEGISLATION AND PRACTICE: ASYLEES AND FOREIGNERS UNDER SUBSIDIARY PROTECTION

7.1. Integration into Croatian Society

According to the AITP, the asylees and foreigners under subsidiary protection have the following rights: right to residence, family reunification, accommodation, work, healthcare, education, freedom of religion, free legal assistance, social welfare, assistance in integrating into the society, ownership of real property pursuant to the 1951 Convention on refugee status and the acquisition of Croatian citizenship pursuant to the regulations governing the acquisition of citizenship.

The Action Plan for the integration of persons who have been granted international protection for the period 2017–2019 ceased to produce effect by the end of 2019. Although the adoption of a new Action Plan was planned for 2020, which was supposed to cover the period from 2020 to 2022, it was not adopted, but according to the Ombudswoman¹⁵⁴, a new Action Plan is being drafted and its adoption is expected during 2021. The Office for Human Rights and the Rights of National Minorities held the first meeting of the Integration Coordinators at the local level in October 2020 as part of the INCLuDE project. On that occasion, the draft Action Plan for the period 2021–2023 for the integration of persons granted international protection was presented, and the importance of involving as many local and regional self-government units as possible was emphasized.¹⁵⁵

In January 2020, the Office for Cooperation with NGOs issued a call for nominations of representatives of civil society organizations for members of the Working Group of the Standing Committee for the Implementation of the Integration of Foreigners into the Croatian Society.¹⁵⁶

The decision on the establishment of the Standing Committee for the Implementation of the Integration of Foreigners into the Croatian Society from 2019¹⁵⁷ was amended in October 2020. The decision prescribes that a Working Group of the Standing Committee for the Implementation of the Integration of Foreigners into Croatian Society is to be established within

¹⁵⁴ Ombudswoman's report for 2020, <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2020-godinu/?wpdmdl=10845&refresh=6038a8291f2261614325801>

¹⁵⁵ EMN Migration bulletin, February 2021, https://ec.europa.eu/home-affairs/sites/default/files/docs/pages/00_emn_33rd_bulletin_final_en.pdf

¹⁵⁶ The Office for Cooperation with NGOs: Call for nominations of representatives of civil society organizations for members of the Working Group of the Standing Committee for the Implementation of the Integration of Foreigners into the Croatian Society, <https://udruga.gov.hr/vijesti/poziv-na-predlaganje-predstavnika-organizacija-civilnoga-drustva-za-clanove-radne-skupine-stalnog-povjerenstva-za-provedbu-integracije-stranaca-u-hrvatsko-drustvo/5063>

¹⁵⁷ OJ 110/2019

the work of the Standing Committee. The Working Group for the Government of the RC prepares the proposals of national strategies and plans in the field of integration of asylees or foreigners under subsidiary protection, ensures operational implementation of planned tasks, reports to the Standing Committee on the implementation and progress or possible difficulties pertaining to the implementation of the planned activities and also performs other activities entrusted by the Standing Committee. Among the most important new developments, the amended decision stipulates that a representative of the religious community should be appointed as a member of the Standing Committee, as well as that each member has his/her deputy. Also, the amendments stipulate that representatives of other bodies and institutions, non-governmental organizations and religious communities who are not members of the Working Group may be appointed to the Working Group, if necessary, and that the members of international organizations and external experts for certain areas of integration policy may be involved in the work of the Working Group.

In April 2020, the implementation of the project “New Neighbours – Inclusion of Persons with Granted International Protection in Croatian Society” commenced.¹⁵⁸ The 36-month project is implemented by the Centre for the Culture of Dialogue in partnership with the Islamic Community in Croatia and with the support of the RC Mol, and is co-financed by the European Commission’s Asylum, Migration and Integration Fund (AMIF) and the Croatian state budget. The goal of the project during the implementation is to increase the success of integration for 200 persons in Croatia who have been granted international protection.

As of May 2020, the Civil rights project Sisak (hereinafter: CRP Sisak)¹⁵⁹ started the implementation of the project “Providing support to persons under international protection for their inclusion in the life of the local community and the labour market” with the aim of helping families that have been granted international protection to integrate into all segments of local communities in Sisak and Karlovac. In addition, the project aims to provide support and prepare the persons granted international protection for access to the labour market, as well as to contribute to connecting and creating positive social ties and combating prejudice and intercultural understanding in, for them, a new environment.

As in previous years, the persons that have been granted international protection and the members of their families have faced challenges in exercising their rights, and the biggest problems continue to be related to learning the Croatian language, employment and accommodation, but challenges also appear in other areas. Thus, the Ombudswoman’s report

¹⁵⁸ See more at: <https://ccd.hr/zapocela-provedba-projekta-novi-susjedi/>; <https://ccd.hr/javnosti-predstavljen-projekt-centra-za-kulturu-dijaloga-novi-susjedi/>

¹⁵⁹ Information received from CRP Sisak on 5 February 2021, internal documentation of the Croatian Law Centre

for 2020¹⁶⁰ mentions not knowing the language, difficulties in recognizing qualifications, testing skills and finding a job, insufficiently inclusive education system, lack of social housing policy, and charging or denying the right to health services as the main challenges.

The Civil society organizations (hereinafter: CSOs) state that the COVID-19 virus pandemic has affected the hiring and firing of workers, which is one of the major problems. Furthermore, they highlight the challenges in finding new accommodation for people who have left the paid two-year accommodation. According to the Ombudswoman's data¹⁶¹, 98 lease agreements were terminated in 2020 (for 245 people), mostly due to the expiration of two years in which they are entitled to free accommodation.

The CSOs also point out the problems in exercising the right to healthcare. Namely, persons under international protection according to the Law on Compulsory Health Insurance and Health Insurance of Foreigners in the RC¹⁶² have the right to healthcare to the same extent as the persons insured under compulsory health insurance, and exercise the right to healthcare on the basis of a valid document issued by the Ministry in charge of internal affairs, in healthcare institutions and with private practice healthcare workers that are members of the network of the public health service, in accordance with the general acts of the Institute.¹⁶³ However, CSOs point out that challenges subsist because health professionals are not aware of this right. Thus, according to the data provided by AYS¹⁶⁴, there are still problems in exercising the right to healthcare for unemployed persons who have been granted international protection, and physicians cannot add them in the CHIS computer system (Central Health Information System of the RC). Therefore, the same problems continue in practice as in previous years because the physicians who are not familiar with the rights of persons granted international protection do not want to admit patients or cannot add patients in the system, and do not know how to issue referrals or send invoices to the Ministry of Health. Also, according to AYS, the pharmacies are not informed about the procedure for dispensing medicines to persons granted international protection and therefore often reject them. In July 2020, the Ministry of Health¹⁶⁵ prepared a notice on prescribing and dispensing medicines to foreigners who are provided with healthcare from the state budget. The instructions prescribe the manner

¹⁶⁰ Ombudswoman's report for 2020, <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2020-godinu/?wpdmdl=10845&refresh=6038a8291f2261614325801>

¹⁶¹ Ibid.

¹⁶² OJ 80/2013,15/2018, 26/2021

¹⁶³ Article 21, paragraphs 1 and 2 of the Law on Compulsory Health Insurance and Health Insurance of Foreigners in the RC

¹⁶⁴ Information received from AYS on 2 February 2021, internal documentation of the Croatian Law Centre

¹⁶⁵ Ministry of Health: Notice on prescribing and dispensing medicines to foreigners whose healthcare funds are provided from the state budget, <http://www.cezih.hr/dokumenti/UPUTA-IZDAVANJE%20RECEPATA.pdf>

in which a medicine from the list of medicines of the Croatian Health Insurance Institute is prescribed.

The problem is organizing a Croatian language course that is not individually tailored, so it is too advanced for some users, while on the other hand some users go through the material they already know and lose motivation, but more advanced courses are not available. JRS¹⁶⁶ thus emphasizes that basic knowledge of the Croatian language does not enable persons under international protection to find well-paid jobs with which they could afford advanced courses, thus remaining in the vicious circle of basic knowledge of the language and lower paid jobs. They also point out that the courses organized by the Ministry of Science and Education do not contain either an initial or a final knowledge test. Thus, the course is not adapted to the current knowledge and needs of candidates from the very beginning, and at the end of the course the candidates receive certificates of attendance, but not the acquired knowledge and skills or the level of language competence.

JRS also pointed out the difficult access to educational institutions, i.e. kindergartens for children from 1 to 5 years of age, given the great interest and insufficient capacity in certain cities, as well as the criterion that the priority for enrolment is given to children of parents who are employed. In most families of persons under international protection, the mother's employment is conditioned by the child's ability to spend time in a structured educational institution, and most often for such reasons women remain unemployed and are late with participation in certain integration processes, such as language learning and local acquaintances. Regarding the inclusion of primary school children in the educational system, JRS emphasizes that work should be done on an individualized approach to learning the Croatian language, which is currently limited to 70 + 70 hours of preparatory classes, which is insufficient for most children to learn Croatian well enough to attend classes and participate in classes in an adequate manner as the children of the domicile population.

Through the provision of legal assistance to persons granted international protection, the CLC noted that there are still problems in exercising the right to family reunification, and the proceedings take a very long time because persons often face difficulties in accessing Croatian embassies/consulates which are often outside their countries of origin or the countries in which the persons are currently located, then there are difficulties in meeting all the necessary conditions for family reunification or problems due to insufficient level of awareness of officials at embassies and/or consular missions of the Republic of Croatia when submitting incomplete documentation.

¹⁶⁶ Information received from JRS on 12 January 2021, internal documentation of the Croatian Law Centre

Regarding the employment of persons under international protection, a major challenge in 2020, according to CSOs, was the pandemic. The CES is responsible for the implementation of measures in the field of employment of foreigners, with special emphasis on asylees and foreigners under subsidiary protection.

According to the Labour Market Act, asylees and foreigners under subsidiary or temporary protection in the RC, as well as the members of their families, who are equal to Croatian citizens in the rights and duties established by the Labour Market Act, may also register with CES according to their place of residence, i.e. the address of residence.¹⁶⁷

According to CES data¹⁶⁸, in 2020 a total of 121 asylees were registered with the CES, of which 46 were women; 16 persons under subsidiary protection, of which 8 were women; and 12 family members of persons granted international protection, of which 11 were women; where they were mostly registered in the Regional Office Zagreb (120 persons), and the Regional Office Sisak (14) and the Regional Office Karlovac (7). The individual counselling activity included 85 asylees and 6 persons under subsidiary protection and 8 family members of persons granted international protection, and a total of 131 consultations were held with asylees, 8 consultations with persons under subsidiary protection and 8 consultations with family members of persons granted international protection. Eleven asylees and six persons under subsidiary protection, as well as one family member of a person already granted international protection, were included in active employment policy measures. Six persons were included in the measure of employment support, 11 persons in the measure of on-the-job training with the aim of obtaining a public document certifying competence. One person was employed through the measure of support in self-employment.

In terms of citizenship and age structure of persons registered, most were citizens from Syria (79), Iraq (29), Turkey (10) and Iran (8), and most were persons aged 25–29 (27 persons), and aged 30–34 (25 persons), while the least of them were aged 60–64, two of them.

As in the previous years, as the main problem when it comes to employment, CES mentions the lack of knowledge of Croatian and/or English language and low motivation of some users when it comes to learning Croatian and being included in other programmes that can raise their employment potential, but also the attitude towards work and cultural differences, especially when it comes to women. According to CES, these challenges require intensive work with users and an individualized approach, which is difficult due to the circumstances caused by the pandemic. However, despite these circumstances, CES points

¹⁶⁷ Article 14, paragraphs 1 and 3 of the Labour Market Act

¹⁶⁸ Information received from CES on 11 January 2021, internal documentation of the Croatian Law Centre

out that there has been no significant delay in the employment of persons granted international protection.

AYS¹⁶⁹ further pointed out that the Employment Service often registers persons granted international protection as persons without a high school diploma, as they are often unable to obtain documentation required for recognition, which makes it significantly more difficult for them to enter the labour market through the Employment Service. At the end of November 2020, the Croatian Employers' Association and JRS concluded a cooperation agreement which will provide institutional support to the integration process of third-country nationals into the Croatian society and enable their easier employment, i.e. facilitate their entry into the labour market.¹⁷⁰

It should be noted that the COVID-19 pandemic has also affected the implementation of activities and support provided to persons under international protection by the civil society organizations, given that the pandemic has limited social contact with the users.

7.2 Integration of refugees resettled from Turkey

In 2020, due to a pandemic, but also due to the earthquakes in the RC, the resettlement programme was not implemented, although the resettlement quota for 2020 was 100 third-country nationals or stateless persons.¹⁷¹ However, in 2020, the implementation of activities with previously resettled persons continued, so the JRS¹⁷², as the implementing partner of the Government of the RC in the project of integration of persons under international protection resettled from Turkey and integration and care of persons on the basis of other forms of solidarity with EU member countries, provided support in early integration, communication with institutions, and the local community. All children included in this project are enrolled in primary school, the beneficiaries of the programme have passed a course in Croatian language and a retraining programme, and some are successfully employed. The JRS has regularly provided support in communication with competent authorities and institutions at the national and local levels.

One of the tasks of the JRS during the implementation of the project was to provide assistance and support during the resettlement from the reception centre for applicants for international protection in Kutina to apartments provided by the Central State Office for

¹⁶⁹ Information received from AYS on 2 February 2021, internal documentation of the Croatian Law Centre

¹⁷⁰ Information received from JRS on 12 January 2021, internal documentation of the Croatian Law Centre

¹⁷¹ EMN NCP HR: Annual Report on Migration and Asylum for the Republic of Croatia for 2020, National Report (Part 2), <https://emn.gov.hr/UserDocsImages/ARM%202020/Godi%C5%A1nje%20izvje%C5%A1%C4%87e%20o%20migracijama%20i%20azilu%20za%20RH%20za%202020.%20godinu.pdf>

¹⁷² Information received from JRS on 12 January 2021, internal documentation of the Croatian Law Centre

Reconstruction and Housing. Persons under international protection reported to the JRS various problems they encountered in the context of accommodation. According to information received from the JRS, the apartments allocated by the Central State Office for Reconstruction and Housing were renovated and equipped from the Asylum, Migration and Integration Fund, but they had many technical difficulties that affected the quality of accommodation and the safety of their stay in those apartments. JRS also pointed out that in 2020, as during the previous year, a significant number of persons under international protection were allocated apartments by the Central State Office for Reconstruction and Housing in the city of Sisak, where, according to the CES and the Croatian Bureau of Statistics, there is a high unemployment rate, which is a significant obstacle to their integration because there are not enough opportunities for employment, so people under international protection remain financially dependent.

Apart from JRS, other organizations provided support to resettled persons as well. Thus, RCT¹⁷³ provided post-arrival support through socio-cultural orientation workshops, which RCT conducted in Sisak, Karlovac and Zagreb, within the international project “Strengthening the integration of the resettled” (STIRE).

After the earthquake that hit Sisak-Moslavina County, the employees of CRC¹⁷⁴ provided psychosocial support to three families from the resettlement programme who were located in the Sisak area, and after the earthquake were evacuated and placed in reception centres organized by the city of Sisak. Given the circumstances that befell the area, the employees of CRC also provided their support through the necessary communication with the Central State Office.¹⁷⁵

To help the refugees cope with the challenges of the pandemic, IKEA donated aid to UNHCR for 500 refugees. Assistance to persons granted international protection was distributed by CRC, UNHCR’s implementing partner in the field of integration. During the distribution of aid, the so-called participatory assessment was carried out, and the persons granted international protection volunteered to respond to a brief survey about their situation during the pandemic.¹⁷⁶

¹⁷³ Information received from RCT on 7 February 2021, internal documentation of the Croatian Law Centre

¹⁷⁴ Information received from CRC on 2 March 2021, internal documentation of the Croatian Law Centre

¹⁷⁵ The Croatian Red Cross is implementing activities in the field of integration within the project “Support to the Integration of Persons under International Protection” with financial support and as an implementing partner of the UNHCR.

¹⁷⁶ UNHCR, Croatian Red Cross: Participatory Assessment Croatia 2020: The impact of the COVID-19 pandemic on the integration of refugees in Croatia, <https://www.irh.hr/izlist-sa-sazetkom/146-2020-participatory-assessment-croatia/file>

Before and after the introduction of measures due to the pandemic, IOM¹⁷⁷ trained about sixty volunteers in the area of Zagreb, Sisak, Karlovac, Slavonski Brod to work with displaced persons.

In 2020, the RC decided to participate in the programme for the reception of applicants from vulnerable groups – unaccompanied minors from Greek refugee camps.¹⁷⁸

7. CONCLUSION

The year 2020 was marked by the COVID-19 virus pandemic. The consequences and impact have reflected themselves on the asylum system, primarily through the reception of newly arrived applicants, but also through the work and functioning of the competent services within the RC Mol. The inability or reduced ability to work directly with the applicants and persons granted international protection has been, and continues to be, a challenge for all actors, from beneficiaries to organizations and institutions that support them, but also provided an opportunity to make the necessary adjustments and opened space for improvements that can also be used under normal circumstances.

As in previous years, the control of the EU's external borders has directly affected the access to the territory and the asylum system. Numerous allegations and reports of violations of the rights of refugees and migrants have marked 2020, and it is expected that the establishment of an independent mechanism for monitoring the actions of police officers will result in the necessary improvements and the implementation of procedures in accordance with relevant legislation, both when it comes to the applicants seeking international protection or the treatment of irregular migrants caught in illegal migration across the border.

The problems and challenges that have arisen in previous years during the integration of persons under international protection are still relevant, but the adoption of a new Action Plan for the integration of persons under international protection is expected during 2021.

¹⁷⁷ Information received from IOM on 30 December 2020, internal documentation of the Croatian Law Centre

¹⁷⁸ Telegram: Confirmed by the Telegram: seven EU countries will accept 1,600 refugee children, including Croatia, <https://www.telegram.hr/politika-kriminal/potvrdeno-telegramu-sedam-drzava-eu-prihvatit-ce-1600-izbjeglicke-djece-medu-njima-je-i-hrvatska/>