

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review: 3rd Cycle, 36th Session

REPUBLIC OF CROATIA

I. BACKGROUND INFORMATION

Croatia succeeded to the 1951 *Convention relating to the Status of Refugees* and its 1967 *Protocol* on 12 October 1992. Croatia succeeded to the 1954 *Convention relating to the Status of Stateless Persons* on 12 October 1992 and acceded to the 1961 *Convention on the Reduction of Statelessness* on 22 September 2011. In 1997, Croatia ratified the *European Convention for the Protection of Human Rights and Fundamental Freedoms*. On 1 July 2013, Croatia joined the European Union as its 28th Member State.

Croatia's national legal framework related to asylum-seekers, refugees and stateless persons consists of the *International and Temporary Protection Act*, the *Foreigners Act* and the *Croatian Citizenship Act*.

Between 16 September 2015 and 5 March 2016, a total of 658,068 refugees and migrants transited through Croatia. The number of asylum-seekers reached its peak in 2016 (2,234) and steadily decreased in 2017 (1,889) and 2018 (1,070).¹

From 1 January to 31 August 2019, 11,542 irregular movements were registered in Croatia, a 277 per cent increase compared to the same period in 2018. Croatia currently hosts 1,067 asylum-seekers and 824 refugees.² Croatia also hosts 2,886 persons who are stateless or at risk of statelessness.³

Asylum-seekers rarely perceive Croatia as a country of final destination, and some 70 per cent move onward to other EU Member States.⁴

With regard to refugees displaced from Croatia in the 1990s, UNHCR⁵ recommended initiating the process of ceasing refugee status on 4 April 2014 because twenty years after the end of the conflict in the former Yugoslavia, the circumstances that triggered the displacement have fundamentally changed. UNHCR has recommended that cessation come into effect by the end of 2014. However, all States hosting refugees from Croatia were provided an option to extend the process until the end of 2017. Based on its refocused strategy on engagement in South East Europe post 2017, UNHCR continues to monitor and advocate for improvements

¹ Statistics provided by the Croatian government.

² Statistics provided by the Croatian government (as at 31 May 2019).

³ This figure is based on the *2011 Croatia Census of Population, Households and Dwellings*, available at: https://www.dzs.hr/Hrv_Eng/publication/2012/SI-1469.pdf.

⁴ Estimate of the Croatian Ministry of Interior.

⁵ UNHCR, *Implementation of the Durable Solutions Process (Sarajevo Process) for refugees from Croatia displaced by the 91-95 conflict, including cessation of refugee status*, April 2014, available at: <https://www.refworld.org/docid/533d813f4.html>.

of outstanding issues⁶ that hinder achievement of sustainable solutions for returnees. According to the official statistics of the State Office for Reconstruction and Housing Care, 133,743 persons have returned to Croatia by the end of 2018.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 2nd cycle UPR recommendations

Linked to 2nd cycle UPR recommendation no. 99.163 supported by the Government “Continue to implement the obligations deriving from the Sarajevo Declaration vis-à-vis the successful integration of refugees and to further accelerate the implementation of the existing national housing care programme (Bosnia and Herzegovina).”

Croatia demonstrated steady progress in the implementation of the Regional Housing Programme (RHP), aimed at contributing to the resolution of the protracted displacement situation of the most vulnerable refugees and displaced persons following the 1991-1995 conflicts on the territory of the former Yugoslavia. The RHP in Croatia concerns nine approved sub-projects of which three are finalized, four are in various phases of implementation and two are yet to be commenced. It is expected that once completed, 411 families would be assisted through the RHP. The total number of beneficiaries who received RHP assistance in Croatia by 30 September 2019 stands at 289 families (674 individuals). Croatia demonstrated willingness to identify and assist the most vulnerable persons affected by the displacement and contributed to strengthening relations with the neighboring countries by providing assistance with cross border verifications.⁷

In relation to the national housing care programme, Croatia adopted a new Act on Housing Care in the Assisted Areas on 1 January 2019. Housing care in the Areas of Special State Concern partially concerns Serb minority returnees. The Act widened geographical coverage, shortened the buy-off procedure and decreased rent for housing care beneficiaries.

UNHCR welcomes the decrease in the number of pending housing care requests by former tenancy rights holders from 1,167 in December 2017 to 310 in December 2018. UNHCR encourages the continuation of effective implementation of the RHP and timely and efficient implementation of the national housing care programme considering that by end 2018, there were 6,981 pending applications for housing care in Croatia, of which one fifth are estimated to be Serb minority returnees.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

Issue 1: Protection of unaccompanied and separated children

Linked to 2nd cycle UPR recommendation no. 99.119 supported by the Government “Strengthen the welfare system, particularly related to the protection of children without appropriate care and their access to education (Slovenia).”

Asylum-seeking and refugee unaccompanied and separated children (UASC) continue to be accommodated in facilities for children with behavioural disorders or homes for juveniles.

⁶ UNHCR, *Fifth Progress Report on the Implementation of the Durable Solutions Process (Sarajevo Process) for refugees from Croatia displaced by the 91 – 95 conflict, including cessation of refugee status*, March 2017, available at: <https://www.refworld.org/docid/5c9495bf7.html>.

These facilities are meant for short stay of children without parents or perpetrators of minor offences who have been identified by the police and are awaiting family tracing or identification of other solutions. Such facilities are not conducive for the well-being of children who have been exposed to traumatic events during displacement or who are victims of abuse, exploitation or neglect. Although material conditions in places where UASC are accommodated largely meet the minimum standards, there are several issues that need to be improved, such as the availability of interpreters, the availability of psychosocial support and the organization of leisure activities.

With regard to access to education, the majority of UASC are between 15 and 17 with incomplete elementary education, and experienced difficulties in accessing the education system. Children above 15 years of age are unable to be enrolled in regular elementary schools and need to attend education for adults. Access to Croatian language classes for the purpose of continuation of education is a lengthy process, involving guardians, the Ministry of Science and Education and Public Administration Offices for Education.

The UN Committee on the Rights of the Child recommended Croatia to ensure that “reception centres for children are child-friendly and conform to applicable United Nations standards” and that “asylum-seeking children have effective and non-discriminatory access to education”.⁸

Recommendations

UNHCR recommends that the Government of Croatia:

- a) Improve reception conditions for UASC by establishing a facility for the initial reception of UASC where all necessary services would be available until final decisions on appropriate care and reception arrangements are taken; and
- b) Improve access to education for UASC by reducing delays in obtaining / facilitating authorization for attending Croatian language courses as a prerequisite for enrolment in adult education.

Issue 2: Human rights education, training and awareness raising

Linked to 2nd cycle UPR recommendation no 99.56 supported by the Government: “Promote inter-ethnic tolerance through adequate measures, including awareness - raising campaigns in the media in close cooperation with civil society and minority associations (Serbia).”

UNHCR would like to note that since 2015, an atmosphere of intolerance towards the Serbian national minority has been observed.⁹ Incidents of hate speech, including in the social and local media, public use of Nazi era symbols and slogans have contributed to the rise of intolerance. The Croatian Public Ombudsman reported that members of the Serb national minority are exposed to increased levels of intolerance in Croatian society.¹⁰

Recommendations

⁸ UN Committee on the Rights of the Child (CRC), *Concluding observations on the combined third and fourth periodic reports of Croatia*, 13 October 2014, CRC/C/HRV/CO/3-4, para. 57, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/HRV/CO/3-4&Lang=En.

⁹ UNHCR, *Fifth Progress Report on Implementation of the Durable Solutions Process (Sarajevo Process) for refugees from Croatia displaced by the 91 – 95 conflict, including cessation of refugee status*, March 2017, available at: <https://www.refworld.org/docid/5c9495bf7.html>; see also, ECRI, *Report on Croatia (fifth monitoring cycle)*, May 2018, available at: <https://rm.coe.int/fifth-report-on-croatia/16808b57be>; and Serb National Council, *Historic Revisionism, Hate Speech and Violence Against Serbs in 2017*, Bulletin No.14, available at: <https://snv.hr/file/bilten/file/snv-bulletin-14-web.pdf>.

¹⁰ Office of the Croatian Public Ombudsman, *Report of the Public Ombudsperson for 2018*, March 2019, pg. 46, available at: <http://ombudsman.hr/hr/component/jdownloads/send/84-2018/1534-izvjesce-pucke-pravobraniteljice-za-2018-godinu>.

UNHCR recommends that the Government of Croatia:

- a) Initiate a national campaign to promote inclusive societies and the rights of national minorities, and sensitize the media and public.

Additional protection challenges

Issue 3: Access of persons in need of international protection to the Croatian territory and asylum procedure

UNHCR has been receiving reports of unlawful returns and excessive use of force by the Croatian police at the border with Serbia and since 2016, has shared 218 of such reports, involving 2,115 persons, with the Croatian Ministry of Interior for their follow-up.¹¹

Since March 2018, the number of irregular entries through Bosnia and Herzegovina has also significantly increased, together with allegations of denial of access to territory and procedures, and incidents of police violence reported by Croatian and international NGOs,¹² as well as local and international media.¹³

Reportedly, the majority of people who are intercepted after entering Croatia from Serbia and Bosnia and Herzegovina irregularly are immediately returned through the green border with no individual screening of their claims and needs.¹⁴ Only a small number of people are able to access the asylum procedure in Croatia¹⁵ or are transferred back to Serbia and Bosnia and Herzegovina through formal readmission procedures.¹⁶

Recommendations

UNHCR recommends that the Government of Croatia:

- a) Ensure effective access of persons in need of international protection to the territory and to a fair and efficient asylum procedure; and
- b) Continue to follow up on reported incidents of mistreatment and excessive use of force at the borders, including through effective and independent monitoring and investigation, and, as required, take firm action to prevent such incidents.

Issue 4: Enhanced integration for beneficiaries of international protection

¹¹ UNHCR, *Desperate Journeys: Refugees and migrants arriving in Europe and at Europe's borders January – December 2018*, January 2019, available at: <https://www.unhcr.org/desperatejourneys/>.

¹² See, e.g., Amnesty International, *Pushed to the edge: Violence and abuse against refugees and migrants along the Balkans route*, 2019, available at:

<https://www.amnesty.org/download/Documents/EUR0599642019ENGLISH.PDF>; see also Save the Children, *Hundreds of Children report Police Violence at EU Borders*, 24 December 2018, available at: <https://reliefweb.int/report/serbia/hundreds-children-report-police-violence-eu-borders>; and Human Rights Watch, *Croatia: Migrants Pushed Back to Bosnia and Herzegovina*, 11 December 2018, available at: <https://www.hrw.org/news/2018/12/11/croatia-migrants-pushed-back-bosnia-and-herzegovina>.

¹³ The Guardian, *Croatia violating EU law by sending asylum seekers back to Bosnia*, January 2019, available at: <https://www.theguardian.com/world/2018/dec/17/croatia-violating-eu-law-by-sending-back-asylum-seekers-to-bosnia>; see also Jutarnji list, *NGO releases footage of Croatian police escorting groups of migrants into BH territory*, December 2018, available at: <https://euractiv.jutarnji.hr/en/politics-and-society/migrations/ngo-releases-footage-of-croatian-police-escorting-groups-of-migrants-into-bh-territory/8187065/>.

¹⁴ Office of the Croatian Public Ombudsperson, *Report of the Public Ombudsperson for 2018*, March 2019, available at: <http://ombudsman.hr/hr/component/jdownloads/send/84-2018/1534-izvjesce-pucke-pravobraniteljice-za-2018-godinu#page=266>

¹⁵ 1067 asylum-seekers as at 31 August 2019. 56 per cent increase compared to the same period in 2018.!

¹⁶ In 2019, 113 individuals were returned to Serbia and 317 to Bosnia and Herzegovina through formal readmission procedures (as at 31 August).

Integration is regulated under the *International and Temporary Protection Act*, reflecting international and EU standards. In order to enhance coordination of various stakeholders in charge of integration, the Government adopted on 23 November 2017 the Integration Action Plan for the period of 2017-2019. The main issue remains the provision of Croatian language, history and culture courses.¹⁷ They are not regularly provided and are not available in all locations where beneficiaries of international protection are accommodated. Consequently, beneficiaries have been facing challenges in accessing gainful employment, supporting themselves and becoming independent of the social welfare system.

Recommendations

UNHCR recommends that the Government of Croatia:

- a) Make efforts to provide for Croatian language, history and culture courses immediately after the recognition of international protection status and foster access to employment and inclusion to society.

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¹⁷ Council of Europe, *Report of the fact-finding mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees, to Bosnia and Herzegovina and to Croatia 24-27 July and 26-30 November 2018*, 23 April 2019, SG/Inf(2019)10, pp. 37-38, available at: <https://rm.coe.int/report-of-the-fact-finding-mission-by-ambassador-tomas-bocek-special-r/1680940259>.