

## **COUNTRY OPERATIONS PLAN**

**Country: Croatia**  
**Planning Year: 2003**

### **Part I. Executive Committee Summary**

#### **Context and Beneficiary Population(s)**

The rationale for the UNHCR presence in the Republic of Croatia has two main themes: 1) the Dayton Peace Accords signed in late 1995, which identified UNHCR as the leading agency responsible for the return of refugees and internally displaced persons; and 2) the traditional role of the Office in assisting in the establishment and implementation of a national asylum system, consistent with the relevant international standards.

Overall, due to political changes in early 2000, UNHCR continued to work in a constructive political context. Expectations are that the present coalition Government will serve its full term (next general elections are due in 2004). In order to bring the return process to completion, the Government has committed itself during 2001 to returning by the end 2002 all temporarily occupied private property belonging to Croatian Serb refugees and to complete all reconstruction activities by the end of 2003. These deadlines, however, appear rather optimistic when considering the remaining legal reforms to be adopted and implemented and the practical changes that are required for property restitution. With regard to the asylum system, the Government is still in the process of finalising the draft Law on Asylum, which is due for parliamentary procedure and adoption during 2002. A keen interest in joining the European Union and to achieve progress in the implementation of EU Stabilisation and Association Agreement, signed in 2001, have added momentum to the adoption of the law.

In the areas of refugee returns the overall security situation continued to improve throughout 2001 and early 2002. Nevertheless, issues such as property restitution, the government's self-imposed obligation to provide alternative accommodation to those currently occupying returnee properties, problems with returnees' access to health and pension systems, unemployment and poor economic prospects in the areas of return, all impact adversely on the return process..

Regional co-operation on asylum issues and migration will be established through regular meetings and exchange of information with UNHCR offices in neighbouring countries. Admission and reception of asylum seekers, the training of police and border officials as well as of judges, other capacity building activities and the public awareness activities are some of the activities planned for 2003.

Due to the regional nature of both UNHCR themes in 2003, cross-border co-ordination is maintained through institutions such as the OSCE and the OHR, the local representation of the European Union, Croatia's partners under the Stability Pact Migration and Asylum Initiative (MAI), as well as other relevant international organisations.

Existing capacity, expertise and presence of implementing partners allows UNHCR to gradually phase down its presence and direct involvement in the operations in the post Dayton context. UNHCR will support the Government through the Croatian Red Cross in organising and transporting returnees and their household belongings from FRY/BiH to Croatia and from Croatia to BiH. Legal assistance to returnees will continue to be available (counselling, home visits by mobile legal teams, legal representation before judicial bodies) through UNHCR and a network of well-established implementing partners and NGOs. UNHCR foresees that this network will also monitor implementation of Croatia's obligations to implement the right to unconditional return of all former habitual residents and the granting of the same legal status returnees enjoyed in 1991 (status of permanently residing foreigners) and consequently, grant returnees Croatian citizenship. UNHCR anticipates it will need to assist in some individual vulnerable cases, as well as intervene with the Government when necessary.

While there are many well-established human rights or legal assistance NGOs operating in Croatia, none have so far been involved with refugees from outside the region nor shown a great interest in the asylum issue. To address this, UNHCR will organise training activities on asylum in 2002 for NGOs working in the field of human rights. An additional workshop is planned in 2003 to enhance expertise, particularly on the new Asylum Law and foster advocacy on asylum issues. Within the process of asylum system development, UNHCR will financially support and increase the capacity of a local legal NGO to provide legal counselling and representation to asylum seekers as well as other NGO partners capable of providing psycho-social and other types of assistance. UNHCR will also support the development of a national and regional network of local NGOs that assist asylum seekers. UNHCR plans to involve NGOs in public awareness campaigns addressing asylum issues and combating xenophobia.

Despite a reduced presence in 2003, UNHCR will remain the largest UN agency in Croatia and the only one with field presence located in the major refugee and IDP return areas. It is expected that UNHCR will continue to work in close co-operation with the OSCE mission to Croatia, particularly in the realisation of the rights of returning minorities and the establishment and implementation, at all levels, of a legal framework conducive to sustainable return. In view of the needs for reintegration assistance and economic revitalisation programmes in the areas of return, UNHCR will continue its advocacy role and maintain regular contacts with development agencies and financial institutions such as the World Bank, UNDP, the European Commission, the Council of Europe and USAID. In addition, UNHCR intends to remain an active co-ordinator for relevant projects financed bilaterally or under the Working Tables I and III of the Stability Pact for South Eastern Europe.

### **Post-Dayton**

This first theme relates to two beneficiary populations: returnees and refugees. With 11,867 registered Croatian Serb returnees in 2001, the total number of registered minority returns to Croatia since the signing of the Dayton Peace Accords reached the figure of 68,891. Due to political changes in FRY, the Property Law Implementation Plan (PLIP) in BiH and the Government's expected legal reforms and actions on repossession and reconstruction of property, it is projected that the number of returnees in 2002 will be closer to the levels of 2000. In that year, 20,716 Croatian Serb refugees returned to Croatia. Similar levels of return are expected in 2003.

At the end of 2001, the registered refugee population in Croatia totalled 21,422 persons from Bosnia and Herzegovina. However, many registered refugees have already found a solution through naturalisation and need to be de-registered. During a survey of this group of refugees, it was found that approximately 27% preferred repatriation as their durable solution, while 46% sought local integration. Successful return to BiH depends on the implementation of the property legislation and the availability of reconstruction assistance. UNHCR estimates that only some 1,800 persons will return to BiH from Croatia during 2002. It is expected that by the end of 2002 the UNHCR-assisted refugee population will be reduced to some 9000 persons, partly through voluntary repatriation and resettlement but also through de-registration following successful naturalisation. In 2003 UNHCR expects even lower repatriation to BiH, based on the assumption that after more than 10 years, the majority of refugees with the possibility to return have already done so or will have found other options. The residual refugee caseload will consist of persons unable to return due to property-related problems or perceived security concerns and extremely vulnerable individuals in need of specialised care. Local integration policies and programmes will be of crucial importance for Bosnian Muslim refugees, who cannot obtain Croatian citizenship through a routine procedure.

UNHCR operations and programmes linked to the return of Croatian Serb refugees as well as repatriation or local integration of Bosnian refugees in Croatia will be implemented in co-ordination with the Ministry for Public Works, Construction and Reconstruction (Department for Displaced Persons, Returnees and Refugees) and other relevant ministries. Most activities

will be implemented by competent local NGOs, thereby allowing UNHCR to phase down its operational involvement and field presence during 2002 and 2003.

### Asylum System Development

A gradual increase in the rate of asylum applications has been registered in Croatia since 2000, which is likely to continue. Asylum claims continue to be processed under the terms of the Law on Movement and Residence of Aliens. Assessments of the claims leave considerable room for improvement, particularly as any positive decision has yet to be issued. UNHCR will actively supervise the asylum authorities' implementation of the 1951 Convention.

UNHCR will continue to support the Government in establishing a legal and institutional asylum framework consistent with international standards. The Asylum Law, the main component of the legal framework, is in the final stages of the legislative process and should be adopted in 2002. During 2003, other legislation and by-laws would have to be amended or issued in order to make possible the full implementation of the Asylum Law. Furthermore, a body competent to review asylum claims is expected to be in place in 2003.

Training and other activities for border officials, adjudicators, judges and NGOs are planned for 2002 and 2003. Regular visits and exchanges with the authorities at transit centres will be conducted where illegal migrants are detained in order to identify potential asylum seekers. The fostering of regional exchanges is one of the general capacity-building objectives. Other objectives are for officials to be sensitised to the particular needs of women and children during the entire asylum procedure.

UNHCR will focus on the establishment of reception standards that meet international and regional standards. A shelter with capacity to host an average of 200 asylum seekers per month is expected to become operative in 2003.

The European Commission Delegation to Croatia, the diplomatic representatives of EU countries, the USA and other countries and international organisations are also part of the wider network interested in asylum issue, providing important support to UNHCR positions and planned activities with Government counterparts.

### Selected Programme Goals and Objectives

Beneficiary Population/Theme: <b>Durable Solution for Post-Dayton Caseload</b>	
Main Goals:	
<ul style="list-style-type: none"> <li>• Voluntary and sustainable repatriation to and from Croatia is facilitated;</li> <li>• Local integration of Bosnian refugees who are unable or unwilling to return is achieved;</li> <li>• Adequate protection and care is provided to refugees pending identification of a durable solution</li> </ul>	
<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>• Improving laws and procedures affecting return/reintegration</li> </ul>	<ul style="list-style-type: none"> <li>• Technical legal advice within Legal Working Group and monitoring</li> </ul>
<ul style="list-style-type: none"> <li>• Refugees are repatriated to and from Croatia in safety and dignity and receive immediate reintegration assistance</li> </ul>	<ul style="list-style-type: none"> <li>• Transport of refugees and their belongings</li> <li>• Non-food, small scale self-reliance grants and house repairs to vulnerable cases</li> <li>• EVIs regularly visited and supported</li> </ul>
<ul style="list-style-type: none"> <li>• Returnee rights and benefits are fully protected and realised</li> </ul>	<ul style="list-style-type: none"> <li>• Legal/administrative assistance provided to returnees including court representation</li> <li>• Follow-up of reconstruction, repossession of property and former tenancy rights issues</li> </ul>

<ul style="list-style-type: none"> <li>Government of Croatia grants permanent residence and eventually citizenship to refugees opting for local integration</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring of naturalisation process of refugees, particularly EVIs</li> <li>Legal assistance, income generation grants and/or shelter assistance support</li> </ul>
<ul style="list-style-type: none"> <li>Refugees are protected and vulnerable receive basic assistance pending durable solution</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring of refugee situation and legal assistance</li> <li>Basic social services, secondary health care services, activities for children and adolescents</li> </ul>

**Beneficiary Population/Theme: Strengthening Asylum**

**Main Goals:**

- The Government develops asylum structures, procedures and policies in conformity with international standards;
- NGO and civil society capacity to advocate for and protect refugee rights is enhanced;
- Durable solutions are sought;

<b>Principal Objectives</b>	<b>Related Outputs</b>
<ul style="list-style-type: none"> <li>Asylum seekers have access to Croatia and can lodge an asylum application</li> </ul>	<ul style="list-style-type: none"> <li>Borders, detention centre and separated children home regularly visited;</li> <li>Workshops organised for Immigration and Police officials and courts of minor offences</li> <li>Monitoring of readmission agreements</li> </ul>
<ul style="list-style-type: none"> <li>National legislative framework further enhanced</li> </ul>	<ul style="list-style-type: none"> <li>Advice on draft legislation, by-laws and harmonisation of other laws with Asylum Law</li> <li>Accession to 61 Convention on reduction of statelessness encouraged</li> </ul>
<ul style="list-style-type: none"> <li>Fair and efficient refugee status determination and judicial review</li> </ul>	<ul style="list-style-type: none"> <li>RSD and judicial review monitored</li> <li>Workshops for RSD officials and judges</li> <li>Country of information database for RSD off.</li> <li>Legal counselling and assistance provided to asylum seekers</li> </ul>
<ul style="list-style-type: none"> <li>A Government reception centre provides accommodation and social services to asylum seekers;</li> </ul>	<ul style="list-style-type: none"> <li>Care and maintenance and psycho social services delivered to asylum seekers;</li> </ul>