

Submission by the United Nations High Commissioner for Refugees
for the Office of the High Commissioner for Human Rights' Compilation Report -
Universal Periodic Review:
CROATIA

I. BACKGROUND INFORMATION

Croatia is a party to the 1951 Convention Relating to the Status of Refugees and to its 1967 Protocol (hereafter, jointly referred to as the 1951 Convention). Croatia is also a party to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, to which Croatia acceded in 2011. On 1st July 2013 Croatia joined the European Union.

Return and reintegration of Croatian Serb refugees under temporary protection

EU membership, along with the overall stabilization in the region resulted in a series of positive changes in the domain of return and reintegration. To overcome the last remaining challenges and close the displacement chapter, Croatia, along with the three neighboring countries, adopted a regional durable solutions strategy called “Joint Regional Programme on Durable Solutions for Refugees and Displaced Persons.” The strategy is being implemented under the auspices of a comprehensive “Regional Housing Programme” (RHP).¹

The aim of this regional initiative² is to provide durable housing solutions for the most vulnerable refugees under temporary protection and for displaced persons (DPs) following the 1991-1995 conflicts on the territory of former Yugoslavia.

Regional Housing Programme in Croatia is expected to provide durable housing solutions for 3,541 households (or 8,529 individuals). The current contribution of RHP in Croatia is €10.223, 548 million. To date, Croatia launched four RHP sub-projects all of which are still in the various stages of preparation/implementation.

The advances demonstrated in the Regional Durable Solutions Strategy as of 2005 have proved that refugees from Croatia, displaced during 1991-1995 conflict are, in general, able to access effective State protection. As they are no longer in need of international protection, in April 2014, UNHCR recommended the cessation of refugee status of refugees displaced during 1991-1995 conflict. Currently, there were 49,056 refugees from Croatia registered in the

¹ Countries involved in this process (Bosnia and Herzegovina, Republic of Croatia, Republic of Serbia and Montenegro) are supported by the EU, United States, UNHCR, OSCE and Central European Bank (CEB).

² The initiative is an integral part of the “Sarajevo Process on Refugees and Displaced Persons” initiated in 2005, re-launched in March 2010 at the Belgrade conference, and to which the Partner Countries have re-committed themselves during the November 2011 Belgrade Declaration.

Republic of Serbia, Bosnia and Herzegovina and Montenegro and almost all are ethnic Serbs. As of December 2013, 133, 422 Serb minority returnees were registered by Croatian authorities.

Overall conditions are conducive to return. Voluntary repatriation takes place in safety and dignity while overall security situation is stable. However, access to adequate housing remains the main challenge.

Asylum system development

In 2012 and 2013 number of asylum seekers was above 1000; in 2012 – 1,193 and in 2013 – 1,089³. Some 80 per cent of all asylum seekers leave the country for other EU countries before the assessment of their claim is completed, indicating that Croatia continues to be seen as a transit country. Moreover, after Croatia's accession to the EU, number of asylum seekers dropped down significantly. From January to June 2013 compared to the same period in 2014, number of asylum seekers went down by 68.23 per cent. According to the Ministry of Interior, UNHCR and civil society, the impact of the Dublin Regulation is reflected in the drop in asylum applications because new arrivals do not want to be registered in EURODAC and therefore leave Croatia before being fingerprinted. Since 2004 and until end July 2014, 126 persons were granted international protection: 68 refugee status and 58 were granted subsidiary protection. The total recognition rate stands at 18.97 per cent.

Croatia remains a transit country for majority of refugees. On average, Croatia hosts some 200-250 asylum seekers in two reception centers. It is important to note that more than 80 per cent of asylum seekers leave the country before the asylum procedure has been completed.

The Croatian legislation on asylum and migration is in line with the 1951 Convention, international principles and the EU Acquis. Current Asylum Act of 2007 was significantly amended in 2010 and 2013. In January 2012, Croatia introduced judicial review of the 1st instance asylum decisions by establishing four Administrative Courts.⁴

Statelessness

The statelessness population and persons at risk of statelessness in Croatia cannot be precisely determined due to the lack of a comprehensive mechanism to identify statelessness. As of 2013,⁵ UNHCR counts 2,886 persons either as stateless or of undetermined nationality. Those figures are based on the Croatia Census of Population, Households and Dwellings 2011.⁶

Statelessness affects predominantly persons of Roma ethnicity who often lack civil registration documents to acquire or confirm their nationality. Although Croatia is a party to the 1954 Convention, a statelessness determination procedure has not yet been established. Therefore, the responsible authorities, such as the Ministry of Interior; ministries in charge of social

³ Most asylum seekers in 2013 originated from Syrian Arab Republic (194); Afghanistan (185); Somalia (138); Algeria (136) and Tunisia (70).

⁴ The Court can quash the first instance decision; it can grant protection or return the case to the first instance authority (Ministry of Interior) for reconsideration.

⁵ Based on the 2011 Population Census and information provided by the Ministry of the Interior

⁶ http://www.dzs.hr/Eng/important/PressCorner/PressRelease/census2011_3.pdf

welfare, education and public administration are not in a position to effectively and timely identify the number of stateless persons or persons of undetermined nationality. Those figures are important for the Government Office for Human Rights and Rights of Ethnic Minorities as well as for local authorities dealing with the Roma population. If the Roma are not nationals of Croatia, it is the Foreigners' Act (FA) that regulates the legal status of Roma as they are considered foreigners.

II. ACHIEVEMENTS AND BEST PRACTICES

UNHCR acknowledges the efforts and achievements of Croatia in addressing issues relating to persons of concern to UNHCR:

Return and reintegration of Croatian Serb refugees under temporary protection

- Since 1995, Croatia has reconstructed 149,643 family houses, of which 35 per cent are for minority returnees.
- National Housing Care Programme (HCP) for former Occupancy/Tenancy Right Holders (OTR) to date provided housing units to 8,211 beneficiaries.
- As of 1 January 2012, the Amendments to the Act on Foreigners⁷ and the Amendments to the Act on Croatian Citizenship⁸ entered into force. Both laws ensured regulation of permanent residence for former habitual residents and temporary residence for refugees under temporary protection under favorable conditions.
- Rights of ethnic minorities are provided through the Constitutional Act on the Rights of National Minorities.⁹

Development of asylum system

- In the framework of the EU accession process, the Government of Croatia (GoC) was required to revise its legislation and practice. In 2013, it adopted the Migration Policy for 2013-2015 aiming at improved practices in managing migration flows, both regular and irregular. The Migration Policy puts special emphasis on integration of foreigners into Croatian society and recognizes vulnerability and need for assistance and help to persons under international protection. In addition, the Action Plan for Integration was adopted as a tool to monitor implementation of legislation related to integration in practice.
- Croatia has two State Reception centers for asylum seekers; Porin in Zagreb and Kutina Reception center. Zagreb center serves also as registration center. In 2014, the GoC reopened Kutina Reception center for asylum seekers bringing the number of available place to 700. UNHCR considers current reception capacities to be adequate and sufficient. Kutina Center hosts vulnerable groups, families with children and UASC.
- The Government continues its long standing cooperation with UNHCR and NGOs in the Border Monitoring Project, with the aim to ensure the respect of the principle of *non-refoulement* and access to the territory and asylum procedure for persons in need of international protection.

⁷ Amendments to the Act on Foreigners, Official Gazette 130/11, 74/13

⁸ Amendments to the Act on Croatian Citizenship, Official Gazette 130/11

⁹ Constitutional Law on the Rights of National Minorities, Official Gazette, 155/02, 47/10, 80/10, 93/11

Statelessness

- UNHCR is pleased that Croatia followed the recommendations made in the 2010 UPR and acceded to the 1961 Convention on the Reduction of Statelessness.
- The Regional Conference on the Provision of Civil Documentation and Registration in South Eastern Europe¹⁰ was hosted by Croatia from 26 to 27 October 2011. The conference discussed the potential consequences of States not taking adequate measures to provide personal documents to all people on their territory who lack basic civil registration and documentation. Such consequences include people being unable to access their basic rights and the risk of some communities becoming marginalized. The outcome of the Conference was a set of recommendations referred to as the “Zagreb Declaration” which encourage States to reach out to affected communities and to involve them in their efforts to resolve these issues.¹¹ The Zagreb Declaration also highlighted the regional aspects of the problem and the need for bilateral co-operation to help people who do not live in their place of origin due to the conflict or other reasons related to the dissolution of the former SFRY¹².
- The 2013-2020 National strategy for Roma inclusion¹³ was adopted by the Government of Croatia in November 2012 as well as a corresponding Action Plan 2013-2015. The National strategy includes a section on status, non-discrimination and legal aid issues. The National Strategy and Action Plan aim to completely (100%) regulate status in accordance with the legal framework (citizenship or permanent residence) of Roma people with a strong connection with the Republic of Croatia (or ex-Socialist Republic of Croatia) until 2020, with a significant support of the competent authorities. A strong link includes being born on the territory of the Republic of Croatia, a close family bond, residence and [persons] being of interest for the Republic of Croatia. This goal is in accordance with the principle of the 2011 Zagreb Declaration.
- Further progress can be reported in the form of the adoption in April 2013 of the national “Action Plan 2013-2015 for the implementation of the National Strategy for Roma Inclusion 2020”. Specific goals of the Action Plan included: identifying and surveying the number of people who have significant difficulties in regularizing their status in Croatia through the use of mobile teams, raising awareness and encouraging the Roma community to fully cooperate and assume ownership in proceedings for resolving their status, establishing mechanisms to quickly and efficiently deal with the status of Roma in Croatia including through regional and horizontal cooperation.¹⁴

¹⁰ Conference was organized on the joint initiative of the OSCE HCNM, UNHCR and the European Commission

¹¹ The participants to the Zagreb Declaration agreed to work on identifying and removing all obstacles, practical or legal, to people’s documentation and registration needs.

¹² Croatia specifically reconfirmed its commitment to the Zagreb Declaration in its pledge. It further committed to facilitate access to civil registration and documentation, with particular attention to Roma, and in co-ordination with the rest of the region.

¹³ The National Strategy was drafted following the consultations with a broad range of stakeholders through working groups of experts including UNHCR as well as civil society and members of the Roma community; based on the EU Framework for the National Roma Integration Strategies.

¹⁴ The key goal of the Action Plan is to fully regulate the status of stateless Roma or those of undetermined citizenship by 2020, based on 2011 Zagreb Declaration recommendations.

- The Migration Policy of the Republic of Croatia for the Period 2013 to 2015 was adopted in February 2013 and refers to an individual approach in order to resolve cases of stateless persons and persons at risk of statelessness.
- Amendments to the Foreigners' Act¹⁵ were adopted providing positive changes in the process of issuing of a residence permit. With these positive changes foreigners have easier access to the procedure as some documents are no longer required, which significantly reduce administrative fees.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Issue 1: Status and acquired rights of Croatian Serbs under temporary protection

Acquiring citizenship upon return can be difficult for former habitual residents. Although the Act on Foreigners¹⁶ and Act on Croatian Citizenship¹⁷ creates favorable conditions for the above-mentioned group, returnees continue to face high costs and delays in obtaining status. Costs involved for obtaining temporary stay, followed with permanent stay and consequently obtaining citizenship can reach €650 per person and this constitutes a real challenge to the regularization of the stay for the majority of minority returnees.¹⁸ The Human Rights Committee had urged Croatia to “continue to strengthen its efforts aimed at facilitating equal access to citizenship, in particular, for members of minority groups, and to ensure that the administrative procedures and legislative provisions on citizenship do not disadvantage persons of non-ethnic Croat origin.”¹⁹

Recommendations

UNHCR recommends that the Republic of Croatia:

- Facilitated regularization of stay for returnees whether they have been citizens or habitual residents and naturalization for the latter group, including exemption from administrative fees for vulnerable individuals; and
- Ensures access for all returnees to returnee status and related rights and benefits,²⁰ irrespective of cessation of refugee status.

Issue 2: Access to adequate housing

Some 12,183 families (over 30,000 persons) are awaiting housing solutions through different housing programmes in Croatia. Three quarters of those in that situation belong to Serb minority returnees while one quarter are Croatian Serb refugees in Serbia, Bosnia and Herzegovina and Montenegro. As of 2012, housing care implementation has been significantly reduced. In 2012, 177 families received housing care (one tenth of a number assisted in 2011) while in 2013, only 81 families were assisted. Housing care encompasses allocation of housing

¹⁵ Official Gazette no. 74/13, June 2013

¹⁶ Amendments to the Act on Foreigners, Official Gazette 130/11, 74/13

¹⁷ Amendments to the Act on Croatian Citizenship, Official Gazette 130/11

¹⁸ For more details on the returnee's living conditions, please refer to *Issue 4*, page 5, of this document.

¹⁹ Human Rights Committee, Ninety-seventh session, 12 – 30 October 2009, Concluding Observations, paragraph 16, available at:

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhshjU3LaU2UQeyenDH2qrIZOYSksbnrxUPBu%2fOEtZt%2b46WXX4NZvuwoJYK3bmlYubjIfHPptOJ%2fXuT%2fDwPeocqXjknw1bIKZ4XIT9hitKXJMZ>

²⁰ This also includes access to free medical insurance and financial assistance to eligible beneficiaries.

units both in urban and war affected areas in Croatia. The delay of this activity has derogative effect both on beneficiary's decision on return and on reintegration prospects if the beneficiaries have already returned and do not have adequate housing provided. This set back is due to the decrease of budget and internal administrative and operational changes within the state body in charge of housing projects. The Act on Areas of Special State Concern which regularize housing care issues has been subjected to frequent changes (twice in 2013 and once in 2014) and to date did not result in effective and timely provision of housing care. The changes were related to the change of the body in charge of housing issues (State Office for Reconstruction and Housing Care, established in May 2013) and overall regularization of administrative procedure in the process of granting rights to housing. The Act also regulates new application procedures and has established new first instance body in charge of issuing decisions on housing.

A second study commissioned by UNHCR *Minority Return to Croatia - Study of an Open Process*, from 2012, indicated that 48% of all registered returnees remained in the country. 75% beneficiaries of housing care programs (former OTR holders) were found as staying permanently in the country, which further highlights the importance of effective housing care options available to returnees.

Recommendations:

UNHCR recommends that the Republic of Croatia:

- Upholds the commitments under RHP and provide housing solutions for eligible returnees and refugees under temporary protection in Croatia; and
- Further accelerates the implementation of the existing national Housing Care Programme, including: (1) increasing the budget of housing care in order to match the existing needs of beneficiaries, (2) upholding all housing care entitlements, including buy off benefits and remove obstacles for non-Croatian citizens and (3) to further simplify the application procedure for housing care.

Issue 3: Access to basic public services, minimum standard of living or to employment

According to UNHCR commissioned study on minority return to Croatia,²¹ 15% of Serb minority returnees do not have access to potable running water, 33% live in villages without paved roads and 40% do not have access to public transportation. The reasons for these conditions can be found in the consequences of war, general poor quality or lack of basic infrastructures or services in areas of return and, to some extent, discouragement of local authorities in some areas. According to the same study, the unemployment rate among minority returnees is 68% which is 3.6 times higher than the national average. Minority returnees are 13 times more likely to survive with less than 1000 Kuna (approximately 130 Euros) per month than the other citizens. One fifth of returnee families have no regular income. Although discrimination is prohibited by law both in private and public sectors, further efforts are required to increase minorities' representation in both domains. The UN Special Rapporteur on adequate housing had also recommended that: "*In order to improve the living conditions of minority returnees, strategies to improve their employment and representation in public institutions should also*

²¹ See Mesic & Bagic, *Minority Return to Croatia-Study of an Open Process*, 2011, available at: <http://www.kirs.gov.rs/docs/Minority%20Return%202011.pdf>

be adopted by the Government.”²² She had also urged the Government to “carry out investigations and maintain statistics on discrimination in the access to employment in these institutions.”²³

Recommendations:

UNHCR recommends that the Republic of Croatia:

- Further enhances access to minority returnees to existing rights, basic services and public utilities without discrimination;
- Takes all necessary measures to ensure and increase employment of returnees; and
- Prioritizes returnee communities for economic development initiatives as well as easier access for returnees to social welfare systems.

Issue 4: Unsolicited investments

In Croatia, the right to return includes the right to recover privately owned housing and more than 19,000 minority returnees and IDPs have repossessed their private housing. Today, the repossession is near completion. The remaining concern relates to 14 cases where ethnic Croats temporary occupants have sued Serb refugee owners for repayment of unsolicited investment made on owners’ houses. Courts have ordered substantial financial awards to temporary occupants. In 14 cases, the owners are under real threat to lose their properties on public auctions. The Republic of Croatia, according to the transitional provisions of the Act on Areas of Special State Concern,²⁴ is obliged to protect owners by paying temporary users on behalf of the owners. To date, not one of the above-mentioned 14 cases has been finalized.

Recommendation:

UNHCR recommends that the Republic of Croatia:

- Resolves the remaining cases of unsolicited investments in an efficient and just manner.

Issue 5: Access to legal aid

The new Act on Free Legal Aid²⁵ which entered into force since 1 January 2014 has been significantly improved in the areas of: a) widened scope of primary legal aid to all legal aspects, b) clear divisions between primary and secondary legal aid providers, c) softened criteria for free legal aid, d) simplified application procedure and e) softened property census for secondary legal aid. It is however to be noted that the successful implementation fully depends on the considerable increase of available funds. Allocated resources are sufficient to cover only one fifth of the current needs, however this is considered as an improvement in comparison to previous years. In July 2017, Ministry of Justice allocated 1,450,000 KN (approximately 193,000 EURO) to 17 NGOs in Croatia.

Recommendation:

UNHCR recommends that the Republic of Croatia:

- Strengthen current system of legal aid, to ensure its effective provision to vulnerable population, including persons of concern to UNHCR.

²² Report of the Special Rapporteur on adequate housing, Addendum, Mission to Croatia, A/HRC/16/42/Add.2, 30 December 2010, Para. 85, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/180/09/PDF/G1018009.pdf?OpenElement>

²³ Ibid

²⁴ Act on Areas of Special State Concern, Official Gazette no 76/14

²⁵ Act on Free Legal Aid, Official Gazzete no 143/13

Issue 6: Protection of unaccompanied and separated children

In July 2013, the Government of Croatia adopted the *Protocol related to the treatment of children separated from parents – foreign nationals* (UASC) outside asylum procedure, an improved framework for protection. The accommodation of UASC outside asylum procedure is not adequate because children are placed in Home for Croatian children with behavioral disorders in Zagreb, with no access to interpreters and medical prescreening. The tracing mechanism has not been established. The guardianship system remains weak as it is only limited to legal representation and subject to chain of guardianship arrangements.

Recommendations:

UNHCR recommends that the Republic of Croatia:

- Provides adequate conditions for the reception of UASC outside the asylum procedure;
- Enhances guardianship system to prevent chain guardianship;
- Establishes an efficient tracing mechanism; and
- Ensures specialized and tailor-made training of officials working with separated and unaccompanied children.

Issue 7: Integration of refugees and persons granted subsidiary protection

Since 2010, UNHCR has been supporting the GoC on improving the integration policy and practice regarding refugees and persons granted subsidiary protection. The legislation provides a legal framework to allow for local integration of refugees and persons under subsidiary protection in line with the 1951 Convention. Significant progress has been made in securing housing, access to social services and health protection. However, the Croatian language classes were not available for the last 2.5 years because of State's budget constraints. Therefore, access to labor market was not possible. For a number of refugees it has proven very difficult if not almost impossible to become self-sufficient during the two year period in which housing is provided free of charge. Refugees often do not have any certificates to prove their competencies and this was reported as problematic. Refugees are entitled to adult education and vocational training, though in practice they cannot access it because of the lack of language knowledge.

Recommendations:

UNHCR recommends that the Republic of Croatia:

- Provides the Croatian language classes to persons granted protection, without delay, and further implement all measures and activities specified in the National Migration Policy 2013-2015; and
- Implements all measures listed in the Integration Action Plan which would lead to better integration of persons granted protection, such as verifying past qualifications of persons granted protection.

Issue 8: Identification of stateless persons; prevention and reduction of statelessness

The National strategy and Action Plan for the implementation of the national Roma inclusion strategy²⁶ aim to completely regulate status of Roma who have strong links with Croatia or the former Socialist Republic of Croatia, in accordance with the legal framework by 2020. To identify the persons in need of civil status documentation and regularization of stay, the Strategy and Action plan foresee the establishment of mobile teams composed of a social worker, registrar, police official and Roma representative. Those mobile teams are supposed to visit Roma settlements and identify and resolve status issues of Roma population. However, thus far, mobile teams have been active in the capital and in a few major cities only while in other areas they were formed but did not regularly visit Roma settlements.

In June 2013, the Foreigner's Act was amended to reflect Zagreb Declaration recommendations. It provided relaxed provisions including mitigating changes in process of granting residence for foreigners thus facilitating access to documentation through the following key improvements:

- Positive definition of a stateless person in article 2(2)
- The ownership certificate (title deeds) of the property at which address beneficiary is applying is no longer required as one of the conditions for temporary and permanent residences. This provision facilitates application process for residence procedures because a great majority of Roma resides in illegally built dwellings for which they have no title deed; and
- Proof of medical insurance is no longer a prerequisite for residency. Moreover, any debt incurred with the State Tax Administration Office regarding health insurance fees is no longer an obstacle in resolving statutory issues.

In spite of the relaxed procedure for the residence approval/granting of residence, the renewal of temporary residence permits on humanitarian grounds remains a problem because it requires a valid national biometric passport of the current nationality other than Croatian. Roma foreigners with temporary residence permits who are considered to originate from Serbia, Kosovo (under UNSCR 1244/99) or the Former Yugoslav Republic of Macedonia cannot obtain biometric passports as these Embassies in Croatia do not have the required equipment for the issuance of biometric documents.

Besides concerns related to the Roma communities, statelessness may also be found among migrant populations. There is currently no mechanism in place in Croatia to identify and protect stateless persons.

Recommendations:

UNHCR recommends that the Republic of Croatia:

- Strengthens engagement of mobile teams, in order to establish the number of persons who are either stateless or who are of undetermined nationality and assist them in civil registration and regularization of residence and acquisition of nationality;
- Establishes and implement a statelessness determination procedure; and

²⁶ Adopted by the Government of Croatia in April 2013, available at http://www.uljppnm.vlada.hr/index.php?option=com_content&view=article&id=113&Itemid=83

- Fully implements the Zagreb Declaration, particularly by strengthening regional cooperation and attaining solutions for the issuance of biometric documents.

Human Rights Liaison Unit
Division of International Protection
UNHCR, October 2014

Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies and Special Procedures' Reports

- Universal Periodic Review:

CROATIA

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Croatia.

I. Treaty Bodies

HUMAN RIGHTS COMMITTEE, Ninety-seventh session, 12 – 30 October 2009

Concluding observations

CCPR/C/HRV/CO/2

4 November 2009

14. The Committee, while noting the low number of internally displaced persons (IDPs) and the efforts undertaken by the State party to provide a solution to their plight, is concerned that many of these persons remain in collective shelters. (art. 12).

The State party should find, without further delay, durable solutions for all IDPs in consultation with the remaining displaced persons and in accordance with the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2).

16. While acknowledging the efforts made by the State party to ensure equal access to citizenship, the Committee expresses its concern at reports that some minority groups, such as Roma and Serbs, continue to face difficulties in obtaining citizenship. (arts. 16, 26, 27 of the Covenant)

The State party should continue to strengthen its efforts aimed at facilitating equal access to citizenship, in particular, for members of minority groups, and to ensure that the administrative procedures and legislative provisions on citizenship do not disadvantage persons of non-ethnic Croat origin.

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION, Seventy-fourth session 16 February – 6 March 2009

Concluding observations

CERD/C/HRV/CO/8

24 March 2009

11. The Committee notes the information provided on the procedures for monitoring local authorities with regard to the application of laws and other measures concerning the prohibition of racial discrimination. It notes, however, information about the reluctance of some local authorities to implement laws and Governmental policies on non-discrimination, in particular with regard to returnees. (art. 2)

The Committee recommends that the State take concrete measures to ensure full implementation of the non-discrimination legislation and policies, especially at the local level, with a view to eliminating all instances of de facto discrimination. The State party should also provide the Committee with information on the steps taken in this respect.

17. The Committee notes the information provided by the State party on access to citizenship. However, it reiterates its concern that some ethnic groups, in particular persons of Roma, Serb and Bosniak origin, continue to face difficulties in obtaining the documentation necessary to acquire citizenship. (art. 5 (d) (ii) and (iii))

The Committee recommends that, in order to ensure that access to citizenship is granted on a non-discriminatory basis, the State party should remove any administrative and other obstacles and assist persons whose access to obligatory documentation is limited, such as persons of Roma, Serb and Bosniak origin.

19. The Committee notes the commitment expressed by the delegation of the State party to enable the remaining refugees of the war to return to the State party if they wish to do so, including by solving their housing problems and creating conditions for their reintegration into society. Notwithstanding this commitment, it continues to be concerned about a substantial number of unresolved cases of returnees, in particular with regard to the restitution of property and tenancy rights. (art. 5 (e))

The Committee reiterates its recommendation of 2002 that the State party intensify its efforts aimed at facilitating the return and reintegration of refugees, especially returnees who belong to the Serbian minority, by adopting and implementing fair and transparent measures for their sustainable return. In particular, the State party should ensure the implementation of its policies and laws to solve all outstanding housing issues faced by property owners and former tenancy rights-holders, by the end of 2009 as envisaged. The State party should create conditions under which returnees of all ethnic origins can opt for a permanent stay.

II. Special Procedures

Report of the Special Rapporteur on adequate housing as a component to the right to an adequate standard of living, and on the right to non-discrimination in this context

Mission to Croatia

A/HRC/16/42/Add.2, 16th Session

30 December 2010

75. The Special Rapporteur acknowledges the efforts of the Government of Croatia to respond to the housing challenges brought about by the armed conflict of 1991-1995, as well as the quantity and quality of the housing stock built and reconstructed in the country under different programmes. Nonetheless, she points out several drawbacks in the measures adopted by the Government in the context of the transition and post-conflict recovery. The process is still to be completed.

76. While significant achievements have been made in the reconstruction and restitution of houses after the armed conflict, numerous cases remain unresolved either because there was a negative decision or because the decision is still pending. During her mission, the Special Rapporteur encountered on numerous occasions problems created by cumbersome and complex administrative procedures and regulations, which have resulted in a slow, non-transparent and un-accountable processes. The superposition of laws, regulations and bylaws as well as the imposition of unfeasible requirements (especially taking into account the difficulties of accessing documents in post conflict situation and the existence of outdated land registries in many regions) opened the ground for the adoption of discretionary decisions and different solutions for those with equal housing rights in the socialist and pre-war period.

83. The improvement of social and economic life in areas of return is vital for the effective integration of returnees. Return will continue to be slow and the isolation of returnees will persist until measures are adopted to respond to the socio-economic challenges experienced by returnees in their place of residence. The Special Rapporteur urges national and local authorities to work together to improve the efforts undertaken to provide such areas with basic infrastructure, including electricity, water supply networks and road conditions. Central authorities must ensure sufficient political and financial support for the reconstruction of basic services and infrastructure networks.

84. The Special Rapporteur also recommends that the Government further develop its strategy to respond to the housing needs of former OTR holder returnees living in the areas of special State concern. Measures need to be adopted to provide sources of income and promote the effective integration of minority returnees to local communities. In this context, the Special Rapporteur also urges the Government to accelerate the implementation of its June 2010 Revised Action Plan for the Implementation of the Housing Care Programme within and outside the areas of Special State Concerns for the Refugees-Former Tenancy Right Holders wishing to return to Croatia

85. In order to improve the living conditions of minority returnees, strategies to improve their employment and representation in public institutions should also be adopted by the Government. The Special Rapporteur also recommends that the Government carry out investigations and maintain statistics on discrimination in the access to employment in these institutions. The Government should also collect information on the number of refugees who have lost their occupancy tenancy rights; those who wish or do not wish to return; those who benefitted from housing assistance or still in need of it and the number of available former OTR houses.

86. Since the 1990s, some 70,000 Croatian citizens have been refugees residing in neighboring countries, and amongst them, more than 60,000 are in Serbia. While it appears that the majority of the remaining refugees do not intend to return, the full integration of refugees whether in the country of asylum or in the country of origin is essential to resolve this outstanding issue. The Special Rapporteur urges the Government to continue the concerted efforts undertaken with other Governments in the region to remove all obstacles impeding definitive and just solution of the refugee issue.

87. Legal and practical mechanisms should be adopted to enable the sustainable return of refugees to the country of origin or settling in the place of destination, particularly through the provision of permanent housing for those living in poor housing conditions, in temporary accommodation or in collective centres. In addition to the ongoing housing assistance programmes, the Government should establish a comprehensive settlement mechanism with respective authorities in the region for a fair and just solution for former OTR holders who will not return or cannot benefit from the housing programmes.

**Human Rights Liaison Unit
Division of International Protection
UNHCR
August 2014**