



# Reception conditions in Croatia

Report on the situation of asylum applicants and beneficiaries of international protection in Croatia

Bern, February 2025



# TABLE OF CONTENTS

<b>Abbreviations</b>	<b>3</b>
<b>Summary</b>	<b>4</b>
<b>1. Introduction</b>	<b>5</b>
<b>2. Figures and statistics</b>	<b>7</b>
<b>3. The Croatian asylum procedure</b>	<b>9</b>
3.1. Information	10
3.2. Interview on the asylum grounds	12
3.3. Simultaneous translation	12
3.4. Country of origin information (COI)	14
3.5. Safe countries of origin	14
3.6. Safe third countries	14
3.7. Asylum decision	15
3.8. Legal remedies	15
3.8.1. Legal aid	16
<b>4. Access to the asylum procedure</b>	<b>18</b>
4.1. Reception for Dublin returnees at airport	18
4.2. Transmission of information	19
4.3. Situation of Dublin returnees	19
4.4. Subsequent applications	20
4.5. Situation at the border	21
4.5.1. Dugi Dol	21
4.5.2. Pushbacks and police violence at the border	22
4.5.3. Independent Monitoring Mechanism	24
4.5.4. Legal remedies	26
4.5.5. Conclusion	28
<b>5. Reception conditions</b>	<b>30</b>
5.1. Accommodation	30
5.2. Social benefits	33
5.3. Health care	34
5.4. Labour	36
5.5. Education	37
<b>6. People with special needs</b>	<b>39</b>
<b>7. Detention</b>	<b>41</b>
7.1. Conditions	42
<b>8. Situation after status recognition</b>	<b>44</b>
8.1. Accommodation	44
8.2. Social benefits	45
8.3. Health care	46
8.4. Labour	47
8.5. Education	48
8.6. Family reunification	48
8.7. Integration	50
8.7.1. Language	51
8.7.2. Discrimination / racism	52
<b>9. The situation of NGO in the asylum sector</b>	<b>53</b>
<b>10. Excursus: The Swiss practice of Dublin transfers</b>	<b>54</b>
<b>11. Conclusion and demands</b>	<b>55</b>

# ABBREVIATIONS

<b>AIDA</b>	Asylum Information Database from ECRE
<b>AMIF</b>	Asylum, Migration and Integration Fund
<b>AYS</b>	Are You Syrious? (Croatia)
<b>FAC</b>	Federal Administrative Court (Switzerland)
<b>BVMN</b>	Border Violence Monitoring Network
<b>CEAS</b>	Common European Asylum System
<b>CERD</b>	UN Committee on the Elimination of Racial Discrimination
<b>CJEU</b>	Court of Justice of the European Union
<b>CLC</b>	Croatian Law Centre
<b>COI</b>	Country of origin information
<b>CRC</b>	Croatian Red Cross
<b>CPS</b>	Centre for Peace Studies (Croatia)
<b>CPT</b>	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
<b>DRC</b>	Danish Refugee Council
<b>EUAA</b>	European Union Agency for Asylum
<b>ECRE</b>	European Council on Refugees and Exiles
<b>ECtHR</b>	European Court of Human Rights
<b>ECHR</b>	European Convention on Human Rights
<b>ELENA</b>	European Legal Network on Asylum from ECRE
<b>FRA</b>	European Union Agency for Fundamental Rights
<b>FRONTEX</b>	European Border and Coast Guard Agency
<b>IMM</b>	Independent Monitoring Mechanism
<b>IOM</b>	International Organisation for Migration
<b>JRS</b>	Jesuit Refugee Service (Croatia)
<b>LITP</b>	Croatian Law on International and Temporary Protection
<b>MdM</b>	Médecins du Monde – Belgique (Croatia)
<b>MoH</b>	Ministry of Health (Croatia)
<b>Mol</b>	Ministry of Interior (Croatia)
<b>NCPT</b>	National Commission for the Prevention of Torture (Switzerland)
<b>PRAB</b>	Protecting Rights at Borders
<b>RCT</b>	Rehabilitation Centre for Stress and Trauma (Croatia)
<b>SEM</b>	State Secretariat for Migration (Switzerland)
<b>SOP</b>	Standard Operational Procedures
<b>SOSF</b>	Solidarité sans Frontières (Switzerland)
<b>SRC</b>	Swiss Refugee Council
<b>UN-CRC</b>	UN Convention on the Rights of the Child
<b>UNHCR</b>	UN Refugee Agency

# SUMMARY

The issues highlighted in previous reports have been confirmed as persistent problem areas. There are still regular documentations of **pushbacks and police violence** at Croatia's Schengen external border, which can hinder access to the asylum procedure in Croatia. Whether Dublin returnees are also affected by this issue cannot be ruled out. Regardless, the SRC holds the view that it is unreasonable for individuals who have experienced police violence in Croatia to be expected to turn to the same authorities for protection upon their return. **In the SRC's opinion, the fundamental assumption that Croatia is fulfilling its obligations under international law cannot be upheld considering the well-documented human rights violations.**

The **accommodation and reception system** observed by the SRC during its on-site visit in October 2024 can generally be described as adequate. All individuals involved in the asylum process at the time were provided with accommodation, and there appeared to be no immediate risk of homelessness.

However, access to **health care** remains problematic. Croatia's health care system is under severe strain, which also affects the local population. As a result, individuals with special medical needs face significant challenges in accessing regular treatment. Another major issue is the **shortage of interpreters**, which creates additional barriers to visiting doctors and makes psychiatric care nearly inaccessible. Furthermore, concerns have been raised by various stakeholders about the qualifications of interpreter and the quality of their translations.

The Croatian asylum system is highly **volatile**. While the reception situation appeared stable in October 2024, the SRC's observations align with those of numerous interviewees who noted that the system is currently unable to handle high numbers of applications or an increased influx of people with serious health issues. The authorities seem to be grappling with capacity bottlenecks, as evidenced by the very low number of asylum decisions being made. The **low protection rate** is also a serious concern.

**In the SRC's view, the additional strain on the system caused by Dublin returnees from other European countries should be avoided. In particular, the SRC advocates against the transfer of vulnerable individuals who rely on regular health care services and those who have been victims of police violence in Croatia.**

It was mentioned several times that transfers from Switzerland seem to be carried out in a particularly harsh manner. **The SRC calls on the Swiss authorities to adhere to the principle of proportionality when conducting Dublin transfers.**<sup>1</sup>

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<sup>1</sup> The principle of proportionality requires measures in the public interest to be weighed against the resulting encroachments on private interests and fundamental rights.

# 1. INTRODUCTION

Switzerland has participated in the Schengen and Dublin systems of the European Union (EU) as an associated state since December 2008, despite not being a member of the EU. Croatia has been a member of the EU since July 1, 2013, and participates in the Dublin system. Croatia has also been part of the Schengen area since January 1, 2023.

Croatia is an important partner country for Switzerland in the implementation of the Dublin Association. In the first 11 months of 2024<sup>2</sup> 325 people were transferred from Switzerland to Croatia under the Dublin III Regulation.<sup>3</sup>

This **practice** by the Swiss authorities is controversial, particularly given the numerous documented human rights violations at the Croatian border.<sup>4</sup> Health care in Croatia has also been repeatedly criticised.<sup>5</sup> In Switzerland, the *Stop Dublin Croatia* campaign<sup>6</sup> was launched in 2022 by the organisation Solidarité sans Frontières (SOSF), advocating for a ban on transfers to Croatia. The Swiss Refugee Council (SRC) has also been calling for years for a ban on transfers to Croatia under the Dublin III Regulation.

§ The Dublin III Regulation obliges the member states to assess<sup>7</sup> the legal and factual situation in the member state to which a person is to be transferred. In its landmark judgement on Greece<sup>8</sup>, the CJEU held that Member States may not transfer asylum applicants to the Member State responsible if they “cannot be unaware” that the systemic deficiencies in the asylum procedure and the reception conditions for asylum applicants in that Member State constitute serious and substantiated grounds for believing that the applicant is at real risk of being subjected to inhuman or degrading treatment.<sup>9</sup> This applies to asylum applicants as well as beneficiaries of international protection.<sup>10</sup>

As the CJEU explained, the Common European Asylum System (CEAS) and the principle of mutual trust depend on the guarantee that the application of this system does not lead to a serious risk of violation of Art. 4 of the EU Charter of Fundamental

<sup>2</sup> SEM, statistics, 7-50 Dublin, running year 2024 until the end of November.

<sup>3</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast, hereinafter “Dublin III Regulation”).

<sup>4</sup> See e.g. PRAB, *Pushbacks at Europe’s borders: a continuously ignored crisis*, p. 9 ff.; Human Rights Watch, *Croatia: Ongoing, Violent Border Pushbacks* | Human Rights Watch, 3 May 2023; Rundschau, *Video-Beweis: Kroatische Polizisten prügeln Migranten aus der EU*, 6 October 2021. See also SRC, *Polizeigewalt in Bulgarien und Kroatien: Konsequenzen für Dublin-Überstellungen*, September 2022. Further information can be found in chapter 4.5.

<sup>5</sup> Cf. SRC, *Report on the situation of mentally ill persons in Croatia*, December 2021 with further references.

<sup>6</sup> [www.sosf.ch/de/project/stopdublinkroatien](http://www.sosf.ch/de/project/stopdublinkroatien).

<sup>7</sup> Recital 19.

<sup>8</sup> CJEU, *N.S. and M.E.*, judgment of 21 December 2011, joined cases C-411/10 and C-493/10, para. 94.

<sup>9</sup> These principles were implemented in Art. 3 para. 2 of the Dublin III Regulation.

<sup>10</sup> CJEU, *Jawo*, judgment of 19 March 2019, C-163/17, para. 89; with regard to beneficiaries of international protection, see also CJEU, *Ibrahim et al*, judgment of 19 March 2019, C-297/17, paras. 86-93 and CJEU, *Hamed and Omar*, order of 13 November 2019, C-540/17 and C-541/17.

Rights<sup>11</sup> at any stage and in any form.<sup>12</sup> According to the case law of the CJEU and the ECtHR, the burden of proof that no rights are violated lies with the transferring authorities.

The **jurisprudence** of the Swiss Federal Administrative Court (FAC) regarding Croatia is very restrictive. The most recent reference judgement<sup>13</sup> dates back to March 2023. In this decision, the court assumes that persons will be granted access to the asylum procedure in Croatia regardless of whether they are transferred to Croatia by means of a take back or take charge procedure. The court denies the existence of systemic deficiencies in the Croatian asylum system and holds the view that a transfer should only be avoided in exceptional cases, provided it can be demonstrated that the general assumption does not apply in the specific individual case.

Considering the numerous disturbing reports from asylum applicants who have travelled to Switzerland via Croatia, publicly available documentation of human rights violations at the border and Switzerland's restrictive practice and jurisdiction, the SRC conducted a **fact-finding mission** to Croatia in October 2024, to assess the situation on the ground. During this mission, interviews were conducted with various NGO, volunteers, asylum applicants and

beneficiaries of international protection, the Swiss embassy, Croatian authorities, the UN Refugee Agency (UNHCR) and the Croatian Office of the Ombudswoman. The report also incorporated various findings from other agencies and organisations.

This report does not address the situation of individuals with Temporary Protection Status. In 2024, this primarily concerns people who fled the war in Ukraine.

All **links** provided were last accessed in December 2024.

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The SRC would also like to thank Solidarité sans frontières and Pro Asyl for the pleasant cooperation and the exchange during the preparation and implementation of the fact-finding mission.

11 Charter of Fundamental Rights of the European Union of 18 December 2000, 2000/C 364/01.

12 "It must be recalled that the prohibition of inhuman and degrading treatment, as laid down in Article 4 of the Charter, corresponds to the prohibition laid down in Article 3 of the ECHR. Therefore, its meaning and scope under Article 52(3) of the Charter is the same as that conferred on it by that Convention." CJEU, *C.K., H.F., A.S.*, judgment of 16 February 2017, C-578/16 PPU, para. 67.

13 FAC, judgement E-1488/2020 of 22 March 2023.

## 2. FIGURES AND STATISTICS

In 2024, 26,776 **asylum applications** were submitted in Croatia.<sup>14</sup> In 2023, 68,114 asylum applications were submitted (with 69,726 irregular border crossings<sup>15</sup>), which represents an enormous increase compared to previous years (2022: 12,872 asylum applications; 2021: 2,930 asylum applications, 2020: 1,932 asylum applications). It should be noted that the number of asylum applications corresponds to the number of people who declare their intention to apply for asylum. The number of people for whom the procedure is formally initiated is much smaller: in 2023, while 68,114 individuals expressed their intention to apply for asylum, only 1,783 applications were formally registered (1,685 new asylum applications and 98 subsequent applications).

Croatia is still a transit country. In 2023, only around half of the registered people reported to a centre, and most people travelled on within three days. According to the Croatian Ministry of Interior (Mol), people remain longer in Croatia in 2024.<sup>16</sup>

In 2023, 159 persons were transferred from Switzerland to Croatia under the **Dublin III Regulation**. There were 897 Dublin transfers from all Dublin member states. In 2024, a total of 1,698 persons were transferred to Croatia under the Dublin III Regulation,<sup>17</sup> of which 354 persons<sup>18</sup> came from Switzerland. This makes Croatia the second most important country for Dublin-Out procedures for Switzerland, after Germany.

According to Croatian law, the asylum decision should be made within six months of the formal registration of the asylum application. According to the Mol, there are no statistics on the actual **duration of the procedure**.<sup>19</sup> The SRC has spoken to people who have received an asylum decision within the stipulated timeframe, as well as to people who have been waiting much longer and in some cases are still waiting for their asylum decision.

Based on the available data, the **protection rate** appears to be very low (32% for 2023). Also, the number of substantive decisions is very low compared to the number of registered asylum applications: 1,783 asylum applications were formally registered in 2023, but only 164 substantive decisions were made. 112 applications were rejected, two people were granted subsidiary protection status and 50 people were recognised as refugees. In 2024, 71 people were recognised as refugees and granted asylum, and nine people were granted subsidiary protection.<sup>20</sup> By the end of November 2024, 230 applications had been rejected.<sup>21</sup> This corresponds to an approximate<sup>22</sup> protection rate of around 25%.<sup>23</sup>

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<sup>14</sup> Mol, [statistics 2024](#).

<sup>15</sup> ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 27.

<sup>16</sup> Mol, interview from October 2024.

<sup>17</sup> Mol, interview from October 2024.

<sup>18</sup> SEM, statistics, 7-50 Dublin, year 2024.

<sup>19</sup> Mol, information from December 2024.

<sup>20</sup> Mol, [statistics 2024](#).

<sup>21</sup> Mol, information from December 2024; the number of rejected asylum applications is not included in the public statistics.

<sup>22</sup> The estimate is due to the fact that figures are available for different periods.

<sup>23</sup> For comparison: In Switzerland, the protection rate of substantively decided applications in 2023 was 78%.

In 2023, 42 judgments on asylum matters were issued by an administrative court (including five favourable decisions and five referrals to the MoI) and 17 judgments by the High Administrative Court (including three favourable decisions). The number of lawsuits is very low, possibly because individuals are discouraged by the lengthy waiting times for first-instance decisions and choose to move on. For asylum seekers who are employed and therefore not entitled to free legal aid, filing a lawsuit is prohibitively expensive.

The SRC has sent enquiries to all **four administrative courts** to find out in how many cases a lawsuit was lodged and in how many cases the courts upheld the asylum decisions in 2024. Replies were only received from the administrative courts in Osijek, Split and Rijeka. The courts in Osijek and Split stated that no lawsuits against asylum decisions were lodged with them in 2024,<sup>24</sup> in Rijeka no judgements were made in 2024, three lawsuits are being processed at the time of the information.<sup>25</sup> The administrative court in Zagreb did not respond to the request.<sup>26</sup> There is no indication that the courts have their own country of origin information (COI) units.

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<sup>24</sup> Administrative Court of Osijek, information from 6 November 2024; Administrative Court of Split, information from 21 January 2025.

<sup>25</sup> Administrative Court of Rijeka, information from 4 December 2024.

<sup>26</sup> Contrary to their obligation under Art. 17 of the Act on the Right of Access to Information, Zakon o pravu na pristup informacijama, NN 25/13, 85/15, 69/22.



### 3. THE CROATIAN ASYLUM PROCEDURE

**Preliminary remark:** After arrival at Zagreb Airport, the situation for persons transferred to Croatia under the Dublin III Regulation is the same as the situation for other asylum applicants in the country. Accordingly, the information on the asylum procedure applies both to persons who submitted their asylum application directly after entering Croatia and remained in the country and to Dublin returnees. Reception at the airport and the different stages of the procedure are discussed in chapter 4.

**Declaration of intention to apply for asylum:** According to the law, the intention to apply for international protection can be expressed during border control at a border crossing, at a police administration office, a police station or a detention centre for foreigners<sup>27</sup>. In exceptional circumstances this can also be done at a reception centre for asylum applicants.<sup>28</sup>

Immediately after declaring the intention to apply for asylum, the law requires that the person's fingerprints are taken (even without consent<sup>29</sup>), the person is photographed, and their identity is established. According to the Croatian police, no force is used when taking fingerprints. However, if an individual refuses to undergo such procedure, their asylum application will not be registered, and they will be detained pending deportation.<sup>30</sup> The route by which the person travelled to Croatia and how they entered the country will also be investigated.

Art. 33 para. 8 LITP<sup>31</sup> stipulates that circumstances relevant for the assessment of the guarantees mentioned in Art. 15 LITP should also be clarified. Art. 15 LITP provides for special procedural and reception guarantees in relation to personal circumstances. These include age, gender, sexual orientation, gender identity, disability, serious illness, mental disorders or the consequences of torture, rape or other serious forms of psychological, physical or sexual violence.

The intention to apply for international protection must be registered by the authorities in the files of the Mol within three days.<sup>32</sup>

**Formal registration of the asylum application:** The asylum application itself is made orally at the reception centre for asylum applicants.<sup>33</sup> This procedure should take place as soon as possible, but no later than 15 days after being registered in the Ministry's files. The formal registration of the asylum application is accompanied by a short interview.

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<sup>27</sup> Also called "reception centre for foreigners".

<sup>28</sup> Art. 33 para. 1-3 LITP.

<sup>29</sup> Art. 33 para. 7 LITP.

<sup>30</sup> Croatian Police, interview from October 2024. The topic of police violence is dealt with in chapter 4.5.2.

<sup>31</sup> Law on International and Temporary Protection (Zakon o međunarodnoj i privremenoj zaštiti, NN 70/2015, 127/2017, 33/2023).

<sup>32</sup> Art. 33 para. 9 LITP.

<sup>33</sup> Art. 34 LITP.

**Documents:** According to the law, asylum applicants and their family members must be issued an applicant card within three days of submitting their application,<sup>34</sup> which confirms the right to stay during the asylum procedure until the final decision<sup>35</sup> is taken.<sup>36</sup> This card is not considered proof of identity. The identity cards for asylum applicants are standardised and do not indicate whether the person in question has been transferred to Croatia under the Dublin III Regulation.

**Regular procedure:** according to the law, the asylum decision should be made within six months, in exceptional cases after 15 or 18 months.<sup>37</sup>

**Accelerated procedure:** this is applied for the reasons mentioned in Art. 41 LITP. The interview on the grounds for asylum takes place in the same manner as the regular procedure. In the accelerated procedure, the asylum decision must be made within two months. If this is not possible, a decision is made in the regular procedure. The accelerated procedure appears to be rarely used, with only two cases in 2023.<sup>38</sup>

Theoretically, the law (Art. 42 LITP) would also provide for **border procedures**, but these are not applied in practice at the moment (December 2024).<sup>39</sup>

According to Art. 15 para. 3 of the LITP, the accelerated procedure and the border procedure do not apply to asylum seekers who are entitled to **special procedural guarantees**. Specifically, victims of torture, rape, or other forms of serious psychological, physical, or sexual violence are mentioned. Here, the question arises regarding the implementation, as there are no identification mechanisms in place. Identifying someone as a person entitled to special procedural guarantees under Art. 15 para. 3 LITP is unlikely to occur before they are assigned to the accelerated procedure, unless the vulnerabilities are clearly visible.

## 3.1. Information

The Mol is required by law<sup>40</sup> to inform asylum applicants within 15 days of their declaration of intent about the procedure for the recognition of international protection, about their rights and obligations in this procedure and about the possibility of contacting UNHCR and other organisations working to protect the rights of refugees.<sup>41</sup> They must also be informed about the possibility of receiving free legal aid. This must be done in a language that they can reasonably be expected to understand and in which they can communicate.

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<sup>34</sup> Art. 62 LITP.

<sup>35</sup> Art. 53 LITP.

<sup>36</sup> However, no such application card is issued if the asylum application is submitted at a border crossing or in a transit zone (Art. 42 LITP) and is examined in the border procedure. The border procedure is not currently used.

<sup>37</sup> Art. 40 LITP, the reasons for the extension can be found in para. 3 and 4.

<sup>38</sup> ECRE/AIDA, [Country Report Croatia, 2023 Update, July 2024](#), p. 63.

<sup>39</sup> ECRE/AIDA, [Country Report Croatia, 2023 Update, July 2024](#), p. 26 and in more detail on p. 61 with reference to the information provided by the Mol on 8 March 2024.

<sup>40</sup> Art. 59 LITP.

<sup>41</sup> UNHCR states that this information is shared and that they are contacted by asylum applicants, who then refer them to other organisations depending on the case (information from December 2024).

At the beginning of the interview, asylum applicants are informed about their obligations in the procedure and during the interview. According to information from the Mol<sup>42</sup>, this is done with the help of an interpreter; the information can also be provided in writing in Albanian, Amharic, Arabic, Bengali, English, Farsi, French, Russian, Tigrinya, Turkish, Urdu and Pashto. According to a survey conducted by the organisation *Borders:none*, 92.6% of respondents stated that they were not aware of their rights.<sup>43</sup>

The situation at **border crossings** is problematic as there is a lack of interpreters. According to the law, asylum applicants should be given relevant information about the procedure by the police at the border in a language they understand. However, there are still problems with access to the asylum procedure<sup>44</sup> and with access to information at the Croatian borders.<sup>45</sup>



### Information in different languages

In 2021, a mobile app was created as part of the project “Legal advice in the asylum procedure 2021”, which provides information on the asylum procedure in various languages (Croatian, Arabic, English, Farsi, Pashto and Turkish).<sup>46</sup> Together with the Mol, UNHCR and CLC have produced information sheets in Arabic, Croatian, English, Farsi, French, Pashto, Somali, Turkish, Spanish, Russian, Ukrainian and Urdu.<sup>47</sup> The website of the Centre for Peace Studies (CPS) provides information on free legal advice and the corresponding coordinates in various languages.<sup>48</sup> In 2020, the Centre for Cultural Activities produced a video with information on legal advice, accommodation and everyday life in Croatia.<sup>49</sup>

- A lot of information and addresses can be found on [this website](#) of the city of Zagreb.
- UNHCR also provides [information sheets](#) for persons with protection status and asylum applicants.
- The CLC provides a [brochure and video material](#).

Upon request, asylum applicants are informed free of charge by organisations or lawyers about legal and procedural aspects of their individual case in a language they understand, provided they have no financial means. The Mol concludes an agreement with these organisations to provide free **legal aid**. This mandate is publicly tendered, and the list of providers can be accessed on the website of the Mol.<sup>50</sup>

<sup>42</sup> ECRE/AIDA, *Country Report Croatia*, 2023 Update, July 2024, p. 83 with reference to the information provided by the Mol on 28 January 2019.

<sup>43</sup> Office of the Ombudswoman, *Report 2023*, p. 258.

<sup>44</sup> See the explanations in chapter 4.5.

<sup>45</sup> ECRE/AIDA, *Country Report Croatia*, 2023 Update, July 2024, p. 81.

<sup>46</sup> ECRE/AIDA, *Country Report Croatia*, 2023 Update, July 2024, p. 83: <https://rhprotection.mup.hr/hr>.

<sup>47</sup> To be found at: <https://help.unhcr.org/croatia/homepage/asylum-in-croatia/>.

<sup>48</sup> [www.cms.hr/hr/pravna-pomoc-azil-i-statusna-pitanja/besplatna-pravna-pomoc](http://www.cms.hr/hr/pravna-pomoc-azil-i-statusna-pitanja/besplatna-pravna-pomoc).

<sup>49</sup> [www.youtube.com/watch?v=xRZ7K0nLt3I](https://www.youtube.com/watch?v=xRZ7K0nLt3I).

<sup>50</sup> Available at <https://shorturl.at/nDrkg>.

## 3.2. Interview on the asylum grounds

After an initial short interview, during which the asylum application is formally registered, a second interview takes place with the Department for International Protection of the Mol, which examines the asylum grounds in detail.<sup>51</sup>

According to information from the CPS<sup>52</sup>, asylum seekers are often invited to this second interview only a day, and sometimes even just hours, before it is scheduled to take place. This violates Croatian administrative law<sup>53</sup>.

The CPS also reports a shortage of professional **caseworkers** in Croatia to process asylum applications. They claim that caseworkers lack proper training and knowledge about the situations and conflicts in the countries from which asylum seekers have fled.<sup>54</sup>

**Free legal aid** is only provided in administrative disputes before Administrative Courts. However, if a lawyer has a power of attorney of the applicant, participation in the procedure, including during the interview with the Mol is possible.<sup>55</sup>

In her 2023 report, the Ombudswoman criticises the fact that not all the asylum applicants' arguments are recorded in writing; these are often summarised. As a result, important aspects are often overlooked, which can easily lead to misunderstandings that have serious consequences for the outcome of the asylum procedure. The **minutes** of the hearings are sometimes incoherent and even incorrect.<sup>56</sup> This makes it difficult for caseworkers to reach correct decisions months after the interview.<sup>57</sup>

## 3.3. Simultaneous translation

The legal requirements for simultaneous translation are outlined in Art. 13 LITP: A prerequisite for employment at the Mol is a good knowledge of spoken and written Croatian and a good knowledge of the language for which a person is being employed. In addition, there mustn't be any circumstances that could prevent employment in the public service or any security concerns. It is stipulated that the interpreter must be reliable and impartial during the proceedings and must interpret truthfully and accurately. There is also a duty of confidentiality. However, beyond this, there is no specific *code of conduct* or defined standards for interpreters. There is no professional training and simultaneous translation is rarely carried out by accredited interpreters.<sup>58</sup>

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<sup>51</sup> Art. 35 LITP; ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 41.

<sup>52</sup> CPS, interview from October 2024.

<sup>53</sup> Art. 62 General Administrative Procedure Act (Zakon o općem upravnom postupku, [NN 47/09, 110/21](#)).

<sup>54</sup> CPS, interview of 23 April 2024 with the DRC, contained in the DRC report, [Landerapport Kroatien, Modtageforhold og adgang til asylproceduren for Dublin returnees](#), June 2024, p. 32, point 37.

<sup>55</sup> CLC, information from October 2024.

<sup>56</sup> Office of the Ombudswoman, [Report 2023](#), p. 266.

<sup>57</sup> CPS, interview from October 2024.

<sup>58</sup> ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 43.

The Mol states<sup>59</sup> that every official action takes place in the presence of an interpreter and that there is no issue with the availability of interpreters. According to the CPS though, the authorities lack qualified interpreters and there is a general shortage of interpreters. For example, there are no interpreters available for Kirundi or Swahili, which means that people from Burundi have to make their statements in French.<sup>60</sup> AYS has also observed that interviews are sometimes not conducted in the language that the applicant understands best.<sup>61</sup> The CPS has intervened in several cases, arguing that some asylum applicants were unable to make detailed statements in the language spoken by the interpreter – such as when the applicant spoke only basic French. In all cases where the CPS intervened, their submissions were rejected.<sup>62</sup>

The Croatian Red Cross (CRC) states<sup>63</sup> that they generally have interpreters for all languages due to AMIF<sup>64</sup> funding. Médecins du Monde (Mdm) has its own interpreters, and the Mol is also supposed to have its own interpreters. However, the CRC mentions that it is sometimes unavoidable to use the same interpreters, though they try to avoid this. Additionally, there is not always both a male and female interpreter available for each language, even though this is particularly important for people claiming **gender-specific persecution**. According to information from the CRC, a solution is being sought for individuals who specifically do not wish to speak to someone of a particular gender.

Asylum applicants report that the Mol and the police often rely on *google translate* leading to significant issues in understanding both the questions being asked and the information being conveyed. The use of *google translate* has also been criticised by the Ombudswoman, who highlights substantial gaps in translation during procedures involving asylum applicants.<sup>65</sup> English is frequently used as an alternative, even though many people lack adequate proficiency in the language.

The Zagreb Administrative Court<sup>66</sup> has ruled that the border police's failure to provide interpreters or telephone translation services constitutes a violation of the law. Specifically, the Aliens Act mandates that third country nationals who do not speak Croatian and are staying in the country illegally must receive translations in a language they understand – a requirement often neglected in practice. The Ombudswoman's Office underscores the importance of ensuring translation services from the outset of proceedings at police stations, as inadequate translation adversely affects the ability of individuals to exercise and protect their rights. To address these issues, the Ombudswoman advocates for the professionalisation of interpreting, the introduction of interpreter training, and, where necessary, the provision of cultural

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59 Mol, information from December 2024.

60 CPS, interview from October 2024.

61 AYS, interview from October 2024.

62 CPS, interview of 23 April 2024, contained in the DRC report, [Landerappoort Kroatien, Modtageforhold og adgang til asylproceduren for Dublin returnees](#), June 2024, p. 32, point 38.

63 CRC, interview from October 2024.

64 The Asylum, Migration and Integration Fund (AMIF) is a financial instrument of the EU that supports the EU member states in implementing European asylum, migration and integration policy.

65 Office of the Ombudswoman, [Report 2023](#), p. 264.

66 Administrative Court of Zagreb, judgement Usl-2165/2023-2 of June 2023.

mediation during simultaneous translation to foster a better understanding of different cultural contexts.<sup>67</sup>

In accordance with the law<sup>68</sup>, a list of interpreters should be published on the website of the Mol. However, this does not appear to be the case in practice.

### **3.4. Country of origin information (COI)**

*The protection rates can be found in chapter 2.*

The country of origin information used by the Mol is not publicly available. There is no dedicated department for managing COI.<sup>69</sup> Caseworkers rely on reports from the EU Agency for Asylum (EUAA) and other relevant sources when assessing individual cases. According to the Mol, country information is updated regularly.<sup>70</sup>

### **3.5. Safe countries of origin**

The Croatian list of safe countries of origin includes the following countries: Albania, Bosnia and Herzegovina, North Macedonia, Kosovo, Montenegro, Serbia, Morocco, Algeria, Tunisia and Türkiye.

According to the Mol, the concept is currently (as of December 2024) not being applied in relation to Türkiye. Asylum applications from Turkish nationals have not been processed under the accelerated procedure since the attempted coup in July 2016.<sup>71</sup> Nevertheless, the country is still on the list.

### **3.6. Safe third countries**

The concept of safe third countries<sup>72</sup> was not applied in 2023 and 2024<sup>73</sup> and no decisions were made based on a person's prior receipt of international protection in a third country (first country of asylum).<sup>74</sup>

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<sup>67</sup> Office of the Ombudswoman, [Report 2023](#), p. 264.

<sup>68</sup> Art. 13 para. 4 LITP.

<sup>69</sup> According to the information of the Mol from December 2024, the establishment of such a department is underway and is expected to start its work in 2025.

<sup>70</sup> Mol, information from December 2024.

<sup>71</sup> Mol, information from December 2024.

<sup>72</sup> Regulated in Art. 45 LITP (safe third country) and Art. 46 LITP (European safe third country).

<sup>73</sup> Mol, information from December 2024.

<sup>74</sup> Regulated in Art. 43 para. 1 no. 2 LITP.

**Bilateral readmission agreements**<sup>75</sup> with Bosnia and Herzegovina as well as Serbia provide a legal framework for returning individuals who have not applied for asylum.<sup>76</sup> However, if an individual expresses an intention to apply for asylum, such returns are considered illegal and constitute pushbacks. But evidence is difficult to obtain in practice, as no written procedure is conducted in the event of a return within 72 hours, if the person is apprehended at the external border, during or immediately after the irregular entry. Under these agreements, it is sufficient for Croatian authorities to request the Bosnian or Serbian police to accept a return, and the police authority concerned agrees. Official figures indicate that between January and October 2023, approximately 2,300 people were returned from Croatia to Bosnia and 290 from Croatia to Serbia. Data for 2024 has not yet been published. The lack of effective legal remedies for returns conducted under these readmission agreements is concerning, as no written records are maintained. The CPS has reason to believe that individuals returned to Bosnia and Herzegovina or Serbia do not receive written expulsion decisions, which would include a right to appeal.<sup>77</sup>

### 3.7. Asylum decision

The asylum decision should be made within six months of the formal registration of the asylum application. However, the Mol does not keep statistics on the actual **duration** of the asylum procedure.<sup>78</sup>

Decisions are delivered in person by the Mol with the presence of an interpreter. In cases of a negative decision, the asylum applicant is provided with information about access to free legal aid (for more information, see chapter 3.8.1).

If an asylum procedure has been suspended, Art. 39 para. 4 LITP allows for an asylum decision to be made without conducting an interview. This provision may also apply to Dublin returnees. However, since such decisions are made without a substantive examination, it should be possible to reopen the procedure through a subsequent application.<sup>79</sup>

### 3.8. Legal remedies

In the case of a negative asylum decision, the deadline for filing a lawsuit with an administrative court is generally **30 days**. However, if the decision was issued in the accelerated procedure<sup>80</sup> or the application was deemed inadmissible, the deadline is **eight days**. Lawsuits must be submitted in **Croatian**. If a lawsuit is submitted in another language, the judge

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<sup>75</sup> Agreements between governments on the transfer and acceptance of persons whose entry or stay is illegal.

<sup>76</sup> Readmission agreements with neighbouring countries date from before Croatia's accession to the EU. The agreement with Bosnia and Herzegovina is from 2011 and with Serbia from 2009. Another agreement exists with Slovenia.

<sup>77</sup> CPS, interview of 23 April 2024, contained in the DRC report, Landerappport Kroatien, Modtageforhold og adgang til asylproceduren for Dublin returnees, June 2024, p. 34, point 56.

<sup>78</sup> Mol, information from December 2024.

<sup>79</sup> CPS, interview from October 2024.

<sup>80</sup> Art. 41 para. 5 LITP.

may arrange for a translation. Oral hearings may be conducted if necessary, including online hearings.<sup>81</sup>

There are **four administrative courts** in Croatia: Zagreb, Split, Rijeka and Osijek. The High Administrative Court, which acts as the second instance, is located in Zagreb.

Lawsuits to administrative courts have a **suspensive effect** if the decision was made under the regular procedure. However, decisions made under the accelerated procedure do not have a suspensive effect unless explicitly applied for. Suspensive effect cannot be granted if the applicant has been in Croatia for an extended period without submitting their asylum application in a timely manner without a justifiable reason.<sup>82</sup> A further appeal to the Higher Administrative Court has no suspensive effect,<sup>83</sup> interim measures can be requested, but are rarely granted.<sup>84</sup>

### 3.8.1. Legal aid

According to the law<sup>85</sup>, asylum applicants have the right to legal support, once their asylum decision has been issued, provided they lack sufficient financial means or property of significant value. This applies regardless of whether the decision was made under the regular or accelerated procedure. Free legal aid must be applied for, meaning asylum applicants must contact a lawyer or an NGO, as legal assistance is not provided automatically. The Mol informs applicants of their right to free legal aid when the decision is issued and provides them with a list of legal aid providers.

Legal aid includes assistance in preparing lawsuits, representation in administrative disputes at the first instance and exemption from paying costs associated with administrative disputes at the first instance.<sup>86</sup> There are two types of free legal aid: primary and secondary.<sup>87</sup> **Primary legal aid** includes the preparation of submissions and representation before public law bodies, the ECtHR and international bodies, as well as legal aid for out-of-court dispute resolution. **Secondary legal aid** allows exemption from court proceeding costs and expert opinions. However, individuals earning more than 441 euros per month are excluded from free secondary legal aid. This limit is relatively low considering that the Decree on the minimum wage for 2024 set a net minimum wage at 677 euros. Therefore, even a single person working for a minimum wage won't be eligible for free secondary legal. Despite significant increases in lawyers' fees and the expected 20% rise in the minimum wage, the threshold for granting secondary free legal aid remains unchanged.<sup>88</sup>

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<sup>81</sup> Administrative Court of Rijeka, information from 4 December 2024.

<sup>82</sup> Art. 51 para. 2 with reference to Art. 41 para. 1 no. 6 LITP.

<sup>83</sup> ECRE/AIDA, *Country Report Croatia*, 2023 Update, July 2024, p. 22.

<sup>84</sup> CPS, information from December 2024.

<sup>85</sup> Art. 59 para. 4 and 5 LITP, Art. 60 LITP [there is also a Law on free legal aid in Croatia (Zakon o besplatnoj pravnoj pomoći, NN 143/2013, 98/2019), but asylum applicants can only refer to this in proceedings that are not regulated in more specific laws, such as the LITP (ECRE/AIDA p. 46)].

<sup>86</sup> Art. 60 para. 2 LITP.

<sup>87</sup> *Liberties Rule of Law Report 2024*, Croatia, p. 109.

<sup>88</sup> CPS, interview from October 2024.



According to the AIDA report for 2023<sup>89</sup>, there are no issues with the **compensation** for legal aid. However, compensation is limited to the drafting of complaints/lawsuit and attendance hearings. Additional submissions by lawyers, such as responses to the Mol's replies to complaints or applications regarding new country-of-origin information, are deemed unnecessary by the court, and therefore not compensated, stance criticised by attorneys. Moreover, the continuation of a case to the second appeal instance is not compensated, even though lawyers are legally required to continue representing a case for up to 30 days after resignation if there is a risk of a legal violation.<sup>90</sup>

Under Art. 60 para. 4 of the LITP, legal aid providers include lawyers and legal experts from associations (e.g. NGO) who are registered with the Ministry responsible for judicial matters. This registration process is publicly advertised, and a list is published on the Mol's website.<sup>91</sup> The list also includes lawyers from three NGO, namely the Croatian Law Centre<sup>92</sup>, Borders:none<sup>93</sup> and the Civil Rights Project Sisak.<sup>94</sup>

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<sup>89</sup> ECRE/AIDA, *Country Report Croatia*, 2023 Update, July 2024, p. 48.

<sup>90</sup> ECRE/AIDA, *Country Report Croatia*, 2023 Update, July 2024, p. 49.

<sup>91</sup> Available at <https://shorturl.at/nDrkg>.

<sup>92</sup> [www.hpc.hr/en/who-we-are/](http://www.hpc.hr/en/who-we-are/).

<sup>93</sup> [www.instagram.com/bordersnone/](https://www.instagram.com/bordersnone/).

<sup>94</sup> [www.crpsisak.hr/en/](http://www.crpsisak.hr/en/).

## 4. ACCESS TO THE ASYLUM PROCEDURE

§ The denial of access to the asylum procedure constitutes a violation of Art. 3 of the Refugee Convention<sup>95</sup> and can lead to a violation of the principle of non-refoulement, which is laid down in Art. 33 of the Refugee Convention and in Art. 19 of the EU Charter of Fundamental Rights.<sup>96</sup>

### 4.1. Reception for Dublin returnees at airport

For the year 2024, 3,304 people were announced for transfer to Croatia by the beginning of October, of which 1,394 were actually transferred. In the first 10 months of 2024, there were 23 charter flights from Switzerland to Croatia with a total of 293 people.<sup>97</sup>

According to the impressions of Croatian interviewees consulted on this topic, Switzerland predominantly transfers very vulnerable individuals, seriously ill persons, and large families to Croatia. According to the CRC, incoming Dublin returnees are often transferred without their belongings. Those affected report that they were not given sufficient time to pack their suitcases before being transferred.<sup>98</sup>

The CRC is informed by the Mol about the number of announced Dublin transfers and later receives additional details about the number of people actually expected.<sup>99</sup> Upon arrival in Croatia, the border police at the airport verify whether the individual has already submitted an asylum application. If not, the transferred person is registered at the airport.

Asylum applicants are then accommodated in a reception centre. According to the CPS<sup>100</sup>, Dublin returnees who are not classified as vulnerable must travel from the airport to the reception centre on their own, at their own expense, though they should be provided with directions. Individuals with special needs are sometimes transported to the centre by the police, but this practice is inconsistent. Medical staff are not present at the airport to receive Dublin returnees. Reports from AYS and CRC also indicate<sup>101</sup> that Dublin returnees are generally required to make their own way to the reception centre. According to information provided by the Mol, the mode of transport to the reception centre varies depending on capacity: some

<sup>95</sup> [Convention relating to the Status of Refugees of 28 July 1951.](#)

<sup>96</sup> [Charter of Fundamental Rights of the European Union of 18 December 2000, 2000/C 364/01.](#)

<sup>97</sup> Mol, interview from October 2024.

<sup>98</sup> CRC, interview from October 2024.

<sup>99</sup> CRC, interview from October 2024.

<sup>100</sup> CPS, interview of 23 April 2024, contained in the DRC report, [Landerapport Kroatien, Modtageforhold og adgang til asylproceduren for Dublin returnees](#), June 2024, p. 28 ff.

<sup>101</sup> AYS, CRC, interviews from October 2024.

arrivals are transported by border police, others travel independently, and occasionally, staff from the reception centre pick up returnees at the airport.<sup>102</sup>

MdM conducts an initial medical examination for new arrivals at the reception centre, which includes assessments for mental health conditions.

## 4.2. Transmission of information

§ Art. 31 and 32 of the Dublin III Regulation oblige transferring Member States to provide the receiving Member State with information on the special needs of the transferred person. The Implementing Regulation for the Dublin Regulation<sup>103</sup> contains standard forms<sup>104</sup> that Member States must use to indicate the special needs of Dublin returnees and also regulates how Member States should transmit health data prior to a Dublin transfer.

MdM has identified issues with the transmission of health information from the transferring Dublin country. This might lead to delays in the continuation of treatment and care, which poses significant challenges, particularly for individuals with serious illnesses.<sup>105</sup> The problem appears to stem from the level of detail in the information provided by the transferring country, as Croatian authorities forward the information they receive to MdM. However, the information from the transferring country is often superficial. MdM recommends that medical documents be handed directly to the individuals concerned.<sup>106</sup> This approach would not only facilitate continuity of care but also respect the individuals' privacy and personal interests.

👉 In the event of a transfer, it would be useful if all medical reports were handed over to the persons concerned. It is helpful if the most important information and diagnoses are translated into English and previous treatments are listed.

## 4.3. Situation of Dublin returnees

If the transferred person has **not** previously **applied for asylum in Croatia**, their asylum application will be registered upon arrival at the airport in Zagreb.

<sup>102</sup> Mol, interview from October 2024.

<sup>103</sup> Commission Implementing Regulation (EU) No 118/2014 of 30 January 2014 amending Regulation (EU) No 1560/2003 lays down detailed rules for the application of Council Regulation (EU) No 343/2003.

<sup>104</sup> Annex VI and IX of the Dublin Implementing Regulation.

<sup>105</sup> MdM, interview from October 2024 and ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 58.

<sup>106</sup> MdM, interview from October 2024.

If a person whose asylum application has already been **rejected** submits a new application for asylum, this is categorised as a subsequent application.

For persons who have applied for asylum in Croatia but travelled onward while their procedure was still **pending**, the procedure was likely suspended. To resume the process, they must reapply for international protection upon their return.<sup>107</sup> This is considered a resumption of the original procedure, rather than a subsequent application. However, if an asylum decision was made in absentia, a subsequent application must be submitted (see also chapter 3.7).

If individuals who **explicitly withdrew** their asylum application before traveling onward submit a new application, it is considered a subsequent application.<sup>108</sup> This approach contradicts<sup>109</sup> Art. 18 para. 2 Dublin III Regulation.<sup>110</sup>

## 4.4. Subsequent applications

A subsequent application is an application for asylum submitted after a legally binding decision has already been made. Subsequent applications must be submitted **in writing**<sup>111</sup> to the Mol directly in the reception centre; the language is not specified. According to Art. 47 para. 3 LITP, the subsequent application must be comprehensible and contain the relevant facts and evidence that arose after the decision became final or were not submitted during the initial procedure for legitimate reasons. Paragraph 4 of the same Article stipulates that the admissibility of the subsequent application will be examined based on the facts and evidence presented, in conjunction with those used in the previous proceedings.

The Mol is required to decide on the admissibility of a subsequent application within 15 days of receipt.<sup>112</sup> A personal interview is not necessarily conducted during this process.<sup>113</sup> Subsequent applications deemed **inadmissible** are not examined further.<sup>114</sup> The **lawsuit** against such a decision can be lodged with an administrative court within eight days.<sup>115</sup> This generally has no suspensive effect, although suspensive effect can be applied for.<sup>116</sup> Free legal aid may be granted for bringing the lawsuit at the first instance administrative dispute level.<sup>117</sup> According to the CPS, **Dublin returnees** may face challenges accessing the asylum procedure

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<sup>107</sup> ECRE/AIDA, *Country Report Croatia*, 2023 Update, July 2024, p. 57.

<sup>108</sup> Art. 4 para. 8 no. 13 in conjunction with Art. 39 para. 4 LITP.

<sup>109</sup> See also ECRE/AIDA, *Balkan route reversed*, December 2016, p. 30.

<sup>110</sup> In the cases falling within the scope of paragraph 1(c), when the Member State responsible had discontinued the examination of an application following its withdrawal by the applicant before a decision on the substance has been taken at first instance, that Member State shall ensure that the applicant is entitled to request that the examination of his or her application be completed or to lodge a new application for international protection, which shall not be treated as a subsequent application as provided for in Directive 2013/32/EU. In such cases, Member States shall ensure that the examination of the application is completed.

<sup>111</sup> If a person is illiterate, this can also be done orally.

<sup>112</sup> Art. 47 para. 2 LITP.

<sup>113</sup> Art. 35 para. 8, no. 3 LITP.

<sup>114</sup> Art. 43 para. 2 LITP.

<sup>115</sup> Art. 43 para. 3 LITP.

<sup>116</sup> Art. 51 para. 1 no. 3 LITP.

<sup>117</sup> CLC, information from November 2024.

if their first asylum application was rejected. In such cases, it is highly likely that their new application will be deemed inadmissible.<sup>118</sup>

If a subsequent application is deemed **admissible**, the asylum application is substantively examined, and the previous decision revoked.<sup>119</sup> The examination is conducted under an accelerated procedure.<sup>120</sup> This means that the Mol should decide on the application within two months.<sup>121</sup>

In 2023, nine of 98 subsequent applications were deemed inadmissible. In 2024, 31 out of 35 follow-up applications were inadmissible by the end of November.<sup>122</sup>

## 4.5. Situation at the border

### 4.5.1. Dugi Dol

The Dugi Dol centre began operations in November 2023. It is located within the jurisdiction of the Karlovac police, a region where the majority of irregular border crossings occur. The plan is for all individuals found within the Karlovac police district who express an intention to apply for international protection to be transported to Dugi Dol for registration.

The centre was established because the police stations in the area lack the capacity to register the increasing number of asylum applicants.<sup>123</sup> The facility – which consists of a collection of 126 containers – is situated in a remote forested area near the village of Dugi Dol.<sup>124</sup> It theoretically has the capacity to accommodate 500 people. However, in October 2024, the centre is used exclusively for registration, not accommodation. Registered individuals are subsequently transferred to another centre. The Dugi Dol centre is not intended for prolonged stays and in the view of the SRC unsuitable for such use. The facilities are basic: each container has eight bunks, electricity is supplied by generators, and there is no running water. Sanitary needs are met by mobile systems. The remote location and limited access routes raise concerns about fire safety and emergency evacuation.

**Children** are also registered in Dugi Dol; according to the police<sup>125</sup>, a guardian is involved in these cases. People who need urgent **medical care** are taken to Karlovac Hospital.

According to the police,<sup>126</sup> people who are apprehended at the border are only kept in Dugi Dol for a few hours. However, the CPS has received reports of individuals being held there for several days. Due to the lack of access to the camp by Croatian NGO, these claims cannot be

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<sup>118</sup> CPS, interview of 23 April 2024, contained in the DRC report, [Landerapport Kroatien, Modtageforhold og adgang til asylproceduren for Dublin returnees](#), June 2024, p. 32, point 33.

<sup>119</sup> Art. 47 para. 5 LITP.

<sup>120</sup> Art. 41 para. 1 no. 5 LITP.

<sup>121</sup> Art. 41 para. 1 LITP.

<sup>122</sup> Mol, information from December 2024.

<sup>123</sup> Mol, police authority, interview from October 2024. The centre must also be seen as a step towards the screening and asylum border procedure provided for under the EU pact on migration and asylum.

<sup>124</sup> A [newspaper report](#) from February 2024 shows pictures of the camp.

<sup>125</sup> Mol, police authority, interview from October 2024.

<sup>126</sup> Mol, police authority, interview from October 2024.

verified. While individuals can move freely within the fenced area surrounding the accommodation containers, they are not permitted to leave the premises.

Between the centre's opening in November 2023 and October 2024, 2,903 registrations were conducted at Dugi Dol. The **registration** process includes photographing individuals, taking their fingerprints, and completing a form with personal details and information about their journey. According to the police<sup>127</sup>, this process is conducted with the assistance of interpreters via phone. The police state that no coercion is used when fingerprints are taken. However, if someone refuses to provide fingerprints, it is assumed that no asylum application has been made, as fingerprinting is a prerequisite for filing an application. In such cases, the person is sent to a detention centre for foreigners. Upon completing the registration, a certificate is issued, and the person is transferred to one of two reception centres for asylum applicants – Zagreb or Kutina.

Croatian NGO criticise<sup>128</sup> that they are being denied **access** to the Dugi Dol container centre.

#### 4.5.2. Pushbacks and police violence at the border

Allegations of violence by the Croatian police have persisted for years and are well-documented.<sup>129</sup>

In 2019, the Croatian president confirmed on Swiss television the use of force at the border.<sup>130</sup> In 2021, journalists captured video evidence<sup>131</sup> of brutal violence perpetrated by state special forces against asylum applicants, substantiating longstanding allegations.<sup>132</sup> In October 2021, the responsible EU Commissioner expressed her concern about the reports of illegal and violent pushbacks at the EU's external borders.<sup>133</sup> At the end of 2021, the Council of Europe's Anti-Torture Committee criticised the use of force by the Croatian authorities during

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<sup>127</sup> Mol, police authority, interview from October 2024.

<sup>128</sup> E.g. CPS, JRS.

<sup>129</sup> For detailed information on this topic, see: SRC, [Polizeigewalt in Bulgarien und Kroatien: Konsequenzen für Dublin-Überstellungen](#), 13 September 2022. E.g. No name kitchen, [Burned borders – a no name kitchen investigation on illegal Croatian police practices](#), October 2024; PRAB, [Pushbacks at Europe's borders: a continuously ignored crisis](#), January 2024, p. 9 ff.; Human Rights Watch, [Croatia: Ongoing, Violent Border Pushbacks](#) | Human Rights Watch, 3 May 2023. May 2023; the reports of the Anti-Torture Committee of the Council of Europe ([Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 10 to 14 August 2020](#), 3 December 2021). December 2021); the Border Violence Monitoring Network (e.g. [Croatian authorities leading choreographed violence near Cetingrad from 21 October 2020](#); [monthly reports: Torture and cruel, inhumane and degrading treatment of refugees and migrants in Croatia in 2019 from 15 January 2020](#), from which: "More than 80% of our case reports collected in 2019 contained one or, in most cases, multiple features of violence indicating either torture or cruel, inhumane and degrading treatment."); CPS, e.g. [Report on violent and illegal expulsions of children and unaccompanied children of 29 May 2020](#)); [bordermonitoring.eu](#). Various media reports, a selection: The Guardian, [Croatian police accused of 'sickening' assaults on migrants on Balkans trail](#), 21 October 2021; Rundschau, [Video-Beweis: Kroatische Polizisten prügeln Migranten aus der EU](#), 6 October 2021; The Guardian, [Croatian border police accused of sexually assaulting Afghan migrant](#), 7 April 2021; Der Spiegel, ["Sie haben wie blind auf mich eingeschlagen"](#), 18 November 2020; Heute, [So brutal soll Kroatiens Polizei Migranten zurichten](#), 25 October 2020; Heute, [Yilmaz klagt: "Österreich ließ Bosnien im Stich"](#), 30 September 2020; Deutschlandfunk, [Polizeigewalt auf der Balkanroute "Sie brechen Arme, Beine, Köpfe"](#), 31 July 2019; Save the children, [Hundreds of children report police violence at EU borders](#), 24 December 2018. December 2018, the report also concerns violence experienced at various EU borders, including Bulgaria and Croatia, excerpt: "According to children's testimonies, some border guards at different borders in the Western Balkans region used pepper sprays on them, took their phones and broke them, stole money from them, forced them to remove clothes and shoes, and set dogs on them."

<sup>130</sup> SRF, Tagesschau from 9 July 2019, [Kroatiens Präsidentin Grabar-Kitarović zur Balkanroute](#).

<sup>131</sup> Lighthouse Reports, Der Spiegel, ARD Studio Vienna, ARD Monitor, «Libération», Novosti, RTL Croatia, SRF Rundschau and Pointer.

<sup>132</sup> Rundschau, [Video-Beweis: Kroatische Polizisten prügeln Migranten aus der EU](#), 6 October 2021.

<sup>133</sup> Deutsche Welle, [Ylva Johansson: Extremely concerned about reports of illegal pushbacks](#), 7 October 2021.

pushbacks.<sup>134</sup> Despite substantial evidence and interventions by international organisations, reports of pushbacks and police violence at the Croatian border have persisted.<sup>135</sup> In October 2023, the UN Committee against Racism (CERD) called on Croatia to cease collective expulsions and refoulement and to investigate incidents of excessive use of force.<sup>136</sup>

According to the PRAB<sup>137</sup> report from January 2024,<sup>138</sup> 653 people reported being victims of physical abuse during pushbacks at the Croatian-Bosnian border between September and December 2023. Additionally, 990 people stated that they had experienced degrading treatment. In Bosnia and Herzegovina, PRAB collected statements from 412 people (35% of those interviewed) who were denied access to asylum procedures in Croatia. The Border Violence Monitoring Network (BVMN) also collected numerous testimonies in 2024 describing the violent treatment of people by Croatian authorities at the border with Bosnia and Herzegovina. Testimonies detail concerning practices, including Croatian police forcing individuals into the river separating Croatia and Bosnia-Herzegovina. Other accounts describe humiliating treatment such as forced nudity and beatings. Many witnesses reported theft and destruction of their belongings by Croatian police, and some described the use of police dogs against them. Hate speech and islamophobic insults were also reported as part of this violent treatment.<sup>139</sup> Fewer organisations were present at the Croatian Bosnian border in 2024. The Danish Refugee Council (DRC) ceased its operations there in March 2024. Its final factsheet<sup>140</sup> from February 2024<sup>141</sup> documented 384 pushbacks in the first two months of 2024.<sup>142</sup> Save the Children is still on site. During the first eight months of 2024, it provided support to 1,504 refugees and migrants, which included 291 children out of whom 186 unaccompanied, who reported being pushed back to Bosnia and Herzegovina by Croatian police. Worryingly, on several occasions in late July and August 2024, children and adults encountered described the police using humiliating and harsh practices, such as verbal abuse, forced removal of clothing,<sup>143</sup> taking away personal belongings and violence.<sup>144</sup> In October 2024, *No Name Kitchen* published a report regarding incidents at the border.<sup>145</sup>

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<sup>134</sup> Council of Europe, [Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \[CPT\] from 10 to 14 August 2020](#), 3 December 2021. Following specific accusations regarding the Croatian authorities' treatment of people seeking protection, President Zoran Milanović called experts from the Anti-Torture Committee "pests", see Spiegel, [Kroatischer Präsident Milanović beleidigt Kontrolleure als »Schädlinge«](#), 3 December 2021.

<sup>135</sup> See e.g. Human Rights Watch, [Croatia: Ongoing, Violent Border Pushbacks](#), 3 May 2023; The Guardian, [How a Syrian refugee is standing up to brutal Croatian pushbacks in court](#), 25 December 2023; The Guardian, [Croatian police accused of burning asylum seekers' phones and passports](#), 10 October 2024; [https://x.com/Kid\\_Pex/status/1852032126733967606](https://x.com/Kid_Pex/status/1852032126733967606), 31 October 2024.

<sup>136</sup> UN Committee against Racial Discrimination CERD, [Concluding observations on the combined 9th to 14th periodic reports of Croatia : Committee on the Elimination of Racial Discrimination](#), 2 October 2023.

<sup>137</sup> The initiative "Protecting Rights at Borders" (PRAB) initiative is made up of protection and legal aid organisations that focus on respecting human rights at the EU's external and internal borders. The PRAB partners have a well-established presence in the countries of operation, which enables direct access to the victims of pushbacks, as well as many years of experience in strategic litigation.

<sup>138</sup> PRAB, [Pushbacks at Europe's borders: a continuously ignored crisis](#), p. 9 ff.

<sup>139</sup> BVMN, [Monthly Report, August 2024](#), published in October 2024.

<sup>140</sup> All factsheets are available [here](#).

<sup>141</sup> Available [here](#).

<sup>142</sup> The number of pushbacks given should be read with caution for various reasons: On the one hand, a large number of unreported cases is to be expected, and on the other hand, the evidence is often very difficult. On the other hand, there are also likely to be multiple counts, which means that it is possible that the same person was involved in several incidents.

<sup>143</sup> E.g. women had to take off their hijab.

<sup>144</sup> Save the Children in North West Balkans, Balkans Migration and Displacement Hub, [Refugees and Migrants at the Balkans Route, Regional Overview January – August 2024](#).

<sup>145</sup> No Name Kitchen, [Burned Borders: A No Name Kitchen Investigation on Illegal Croatian Police Practices](#), published on 10 October 2024, the report was covered by The Guardian on the same day, The Guardian, [Croatian police accused of burning asylum seekers' phones and passports](#).

The CPS noted fluctuations in reports of violent incidents at the border, with fewer pushbacks reported during the summer of 2024 as traffic along the Balkan route declined. However, allegations of violent pushbacks increased again at the end of summer. The CPS also reported contact with individuals who had been readmitted to Bosnia and Herzegovina despite having applied for asylum. Unfortunately, the departure of the DRC in spring 2024 has led to a lack of systematic documentation of such incidents.

UNHCR states that it cannot confirm allegations of specific incidents at the border, as most incidents occur at the 'green border,' and UNHCR is not an investigative body. They refer individuals reporting rights violations at the border to official complaint channels and advocate for strengthening the Independent Monitoring Mechanism (IMM). While the newly launched IMM website allows complaints to be submitted online, UNHCR noted that it is too early to assess its effectiveness.<sup>146</sup>

PRAB points out that the mandate of the Croatian Ombudswoman in relation to violence at the border is often obstructed, so that she is de facto unable to fulfil the role assigned to her by the Constitution.<sup>147</sup>

### 4.5.3. Independent Monitoring Mechanism

The Independent Monitoring Mechanism (IMM) for monitoring the behaviour of police officers in the field of migration was established in June 2021.<sup>148</sup> The IMM's official purpose is to contribute to the respect of fundamental rights by monitoring police actions in border management, irregular migration, and international protection, with a focus on compliance with the principles of non-refoulement, the prohibition of collective expulsion, and the prohibition of torture and other forms of ill-treatment.

The IMM consists of a **Coordination Committee** of five members: Ms Iris Goldner Lang, a professor of law at the University of Zagreb, and one representative from each of the following organisations: Academy of Medical Sciences of Croatia; Croatian Academy of Legal Sciences; Centre for Dialogue Culture and from the Croatian Red Cross, although the person responsible there left the committee several months ago. The Coordination Committee is responsible for deciding on the implementation of activities carried out by<sup>149</sup> the direct executors (eight members, two persons on behalf of each of the listed organisations). The **Advisory Board**<sup>150</sup> consists of representatives of the following organisations: DG Home (EU)<sup>151</sup>, UNHCR, the Office of the Ombudswoman and the Office of the Ombudswoman for Children, FRA, FRONTEX, EUAA and IOM. The Advisory Board makes recommendations to the IMM. They have proposed

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<sup>146</sup> UNHCR, interview from October 2024, further information can be found in chapter 4.5.3.

<sup>147</sup> PRAB report, *Pushbacks at Europe's borders: a continuously ignored crisis*, January 2024, p. 16.

<sup>148</sup> IMM website: [www.nmn.hr/o-nama/7](http://www.nmn.hr/o-nama/7); the basis for the activities of the IMM is the Agreement on cooperation in the implementation of the independent mechanism for monitoring the protection of fundamental rights in the actions of police officers of the MoI in the field of border management, illegal migration and international protection of 4 November 2022.

<sup>149</sup> So-called *field visits* to police stations, border crossings, the green border, reception centres for foreigners, etc.

<sup>150</sup> [www.nmn.hr/medjunarodna-i-privremena-zastita/11](http://www.nmn.hr/medjunarodna-i-privremena-zastita/11).

<sup>151</sup> [https://commission.europa.eu/about-european-commission/departments-and-executive-agencies/migration-and-home-affairs\\_en](https://commission.europa.eu/about-european-commission/departments-and-executive-agencies/migration-and-home-affairs_en).



various improvements, including unannounced visits to the border.<sup>152</sup> The IMM, however, argues that they would work analogue to the Schengen Evaluation Mechanism and that a visit would always be announced 24 hours in advance.<sup>153</sup>

The IMM's second term of office ran until May 2024 and was automatically renewed.<sup>154</sup> As of October 2024, there is no head of the IMM; this used to be the director of the CRC, Mr Robert Markt, who has left the IMM.<sup>155</sup> The same individuals were represented in the IMM during the first, second, and current third terms of office, the mandate has never been publicly advertised again.

The IMM's last *field visit* was carried out in December 2023. There is a **report** on the period from June to December 2023, dated July 2024, which was only published at the end of September 2024.<sup>156</sup> It states that there were 50 monitoring activities, which, according to the CPS, is nowhere near 50 actual *field visits*.<sup>157</sup>

The functioning of the IMM is regularly called into question. One **criticism** is the lack of independence, as the MoI itself chooses who will monitor them. The advance announcements of "unannounced" visits are another sign of the mechanism's ineffectiveness.<sup>158</sup> According to the PRAB report, there is a lack of clarity about whether the mechanism is functioning properly, whether it has considered the recommendations of its Advisory Board at the end of the first one-year cycle or how the persistently high number of pushbacks is being addressed, particularly in terms of ensuring justice for victims and accountability for perpetrators of violence.<sup>159</sup> Another criticism of the IMM is its failure to consider documentation from other organisations.<sup>160</sup> Given that there are guidelines<sup>161</sup> and *best practices* for such mechanisms, the SRC finds it difficult to understand why the Croatian IMM is not functioning better, especially as basic requirements such as independence and regular, unannounced field visits are not being met.

The IMM website has recently introduced the option of **reporting** inappropriate behaviour by members of the police force.<sup>162</sup> It should be noted that the mechanism does not claim to be a complaints or supervisory authority.<sup>163</sup> The monitoring mechanism has no mandate to investigate pushback cases, nor to ensure that access to justice is facilitated.<sup>164</sup> In this respect, it is unclear what happens if an incident is reported on the specified website. On 3 December

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<sup>152</sup> CPS, interview from October 2024.

<sup>153</sup> CPS, interview from October 2024.

<sup>154</sup> UNHCR, interview from October 2024.

<sup>155</sup> His name still appears on the IMM website though.

<sup>156</sup> This was no longer on the [IMM website](#) at the beginning of November 2024 and then reappeared in December 2024.

<sup>157</sup> CPS, interview from October 2024.

<sup>158</sup> The criticism is also supported by the guidelines of the EU Agency for Fundamental Rights: FRA, [Monitoring fundamental rights during screening and the asylum border procedure – A guide on national independent mechanisms](#), 19 September 2024.

<sup>159</sup> PRAB report, [Pushbacks at Europe's borders: a continuously ignored crisis](#), January 2024, p. 16.

<sup>160</sup> CPS, interview from October 2024.

<sup>161</sup> FRA, [Monitoring fundamental rights during screening and the asylum border procedure – A guide on national independent mechanisms](#), 19 September 2024.

<sup>162</sup> [www.nmn.hr/?id=9&lng=en](http://www.nmn.hr/?id=9&lng=en).

<sup>163</sup> [www.nmn.hr/sto-radimo/13](http://www.nmn.hr/sto-radimo/13).

<sup>164</sup> PRAB report, [Pushbacks at Europe's borders: a continuously ignored crisis](#), January 2024, p. 16.

2024, the SRC supported a person in reporting an incident at the border, and on 4 December 2024, the SRC submitted a request to make contact in the prescribed form. In neither case had an acknowledgement of receipt been sent or contact been made by 31 January 2025.

#### 4.5.4. Legal remedies

A central problem in connection with pushbacks and police violence at the Croatian border is the lack of effective legal remedies and the de facto impunity of the perpetrators.

Although there are numerous allegations of torture and violence and, according to information from the CPS, 18 criminal charges have been filed for illegal expulsion and/or violence against refugees and migrants, no charges have been brought in any of the reported cases. As a result, in none of these cases have the perpetrators been identified, prosecuted or punished. The failure to conduct effective proceedings violates the procedural aspect of Art. 3 ECHR because it prevents the possible establishment of a serious violation of Art. 3 ECHR.<sup>165</sup> According to the CPS, there are structural deficiencies in the Croatian judicial system, meaning that criminal complaints filed by persons seeking protection against members of the police authorities are not effectively investigated.<sup>166</sup> The CPS has been monitoring the problem of pushbacks and incidents of violence by the police for years, reporting inefficient investigations as well as lengthy and inconclusive proceedings, resulting in impunity for the perpetrators.<sup>167</sup> In its 2021 report, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) also criticises the lack of effective investigations into cases of suspected ill-treatment by police officers and the toleration of ill-treatment by senior officers. The report also highlights profound shortcomings in terms of the thoroughness and independence of the investigations that were carried out.<sup>168</sup>

The Rule of Law Report 2024 by the Civil Liberties Union for Europe<sup>169</sup> (Liberties) also states that access to legal remedies in cases of pushbacks and the use of violence against people seeking protection is extremely difficult. Criminal proceedings initiated in cases of violence, theft, destruction of property etc. would rarely lead to an effective investigation in accordance with the criteria established by the ECtHR. Despite numerous allegations of violence against refugees and migrants over the past eight years, there have been no charges, identification, prosecution or sanctioning of the reported perpetrators.<sup>170</sup>

According to the Croatian Police Act, a natural or legal person may submit a complaint regarding the work of a police officer or an organisational unit. The complaint must be made to the competent police station, police directorate or to the internal control service in writing or

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<sup>165</sup> CPS, Dublin regulation and its application in Croatia, chapter "Criminal procedures relating to international protection seekers", 22 September 2023; CPS, interview of 23 April 2024, contained in the report of the DRC, [Landerapport Kroatien, Modtageforhold og adgang til asylproceduren for Dublin returnees](#), June 2024, p. 33 f., point 50.

<sup>166</sup> CPS, Dublin regulation and its application in Croatia, chapter "Criminal procedures relating to international protection seekers", 22 September 2023.

<sup>167</sup> CPS, interview from October 2024; CPS, [Thousands of refugee testimonies but not a single effective investigation](#), 2 April 2021.

<sup>168</sup> Council of Europe, [Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \[CPT\] from 10 to 14.8.2020](#), published on 3 December 2021, para. 64, p. 39.

<sup>169</sup> [www.liberties.eu/en/about/organisation](http://www.liberties.eu/en/about/organisation).

<sup>170</sup> [Liberties Rule of Law Report 2024](#), p. 113.

by phone.<sup>171</sup> The management of the competent organisational unit is obliged to inform the applicant of the measures taken within 30 days of receiving the complaint.

However, this requires **legal representation** from a lawyer authorised to represent in criminal and civil matters. NGOs are not authorised to provide this representation and therefore cannot offer direct support. In order to be represented by a lawyer, the person concerned must have the financial means, which, in most cases, asylum applicants do not have. Additionally, the fee for compensation cases is calculated based on the amount of compensation, and due to the minimal chances of success for these complaints, it is difficult to find representation at all. Pro Asyl<sup>172</sup> supports several well-documented cases<sup>173</sup> and reports enormous hurdles in accessing legal remedies. The mandated lawyer in Croatia estimates the chances of success as minimal. The complications begin even before actual representation, when the power of attorney is granted: if the person concerned does not speak Croatian, a translation must be organised in order to sign the power of attorney. The translator must then also sign and confirm that the person concerned has understood the power of attorney. The entire process must be filmed for the power of attorney to be valid.<sup>174</sup>



In December 2020, the CPS filed a criminal complaint in cases of pushbacks for serious criminal offences that the public prosecutor's office must investigate ex officio, including abuse of power, organised crime, torture, inhumane treatment, rape, unlawful deprivation of liberty and robbery. However, in April 2023 – almost two and a half years later – no decision had yet been made to officially open an investigation. In response, the CPS, in collaboration with a lawyer, filed a complaint with the Constitutional Court, alleging an ineffective and inadequate investigation. Following the complaint, there were signs of progress, but the lawyer was repeatedly denied access to the files, which constitutes a violation of criminal procedure law. As a result, the CPS filed another complaint and informed the Ombudswoman's Office. This complaint and the one to the Constitutional Court are still pending in December 2024.



In the case of an Afghan man who was shot by the police in Croatia in 2019 and is now in a wheelchair as a result, the CPS filed a complaint with the civil court in Zagreb in November 2022 to obtain compensation. Despite the urgency of the matter and several urgent applications, the court has not yet (December 2024) scheduled a hearing.<sup>175</sup>

The Liberties Rule of Law Report 2024<sup>176</sup> points out **further obstacles** to accessing legal remedies, such as a lack of familiarity with the legal system, language problems and illegal expulsions from the country. The Croatian public prosecutor's office consistently rejects

<sup>171</sup> More information can be found on this [website](#).

<sup>172</sup> [www.proasyl.de/en/](http://www.proasyl.de/en/).

<sup>173</sup> Pro Asyl, [Pro Asyl supports people affected by pushbacks and police violence in Croatia](#), 9 June 2022.

<sup>174</sup> Pro Asyl, information from 10 August 2022.

<sup>175</sup> Both cases are supported by Pro Asyl: [Pro Asyl supports victims of pushbacks and police violence in Croatia](#), 9 June 2022.

<sup>176</sup> [Liberties Rule of Law Report 2024](#), p. 158 ff.

criminal charges against authorities, even when there is conclusive evidence. The Mol denies any wrongdoing without providing any justification or evidence for an impartial investigation. Internal investigations by the Ministry are not independent and are not disclosed to the public or the Ombudswoman. The limited number of investigations underlines the government's lack of will to combat violence and uphold the rule of law.

There is the option of contacting the **Ombudswoman's** Office with a complaint against the police. Art. 4 of the Law on the Ombudswoman describes one of the tasks of the Ombudsman's Office as follows: The Ombudswoman shall promote and protect human rights and freedoms and the rule of law by investigating complaints about unlawful practices and irregularities in relation to the work of government bodies, bodies of local and regional self-government units, legal entities with sovereign powers and legal and natural persons in accordance with special laws.<sup>177</sup>

The lack of effective legal remedies and inadequate investigations lead to **impunity** for perpetrators. Even in the cases documented by *lighthouse reports*, the police officers were only suspended for three months and then allowed to return to duty.<sup>178</sup> The investigations were closed in early February 2025.<sup>179</sup>

The lack of criminal prosecution has also been criticised by the **ECtHR**, which condemned Croatia in the case of *M.H. and others*<sup>180</sup> for, among other things, failing to carry out effective investigations.<sup>181</sup> Despite the judgement, which obliged Croatia to conduct an effective investigation into the case, the investigation was closed in May 2024. Once again, key pieces of evidence were not collected, and the facts of the case were not fully clarified. No one has been brought to justice. The family has filed a constitutional complaint.<sup>182</sup> According to the CPS, ineffective investigations into cases of police misconduct are not isolated incidents, but part of a systemic practice.<sup>183</sup> Cover-ups within the Mol, mutual protection among police officers and the destruction of evidence allow impunity for those responsible. For this reason, the CPS and the Human Rights House Zagreb have submitted a new submission<sup>184</sup> to the Committee of Ministers of the Council of Europe with recommendations for implementing the judgement.<sup>185</sup>

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<sup>177</sup> [English Version of the Ombudswoman Act](#).

<sup>178</sup> CPS, interview from October 2024.

<sup>179</sup> [Deutschlandfunk, Kroatien – Ermittlungen wegen Gewalt bei Pushbacks eingestellt](#), 6. Februar 2025.

<sup>180</sup> ECtHR, *M.H. and Others v. Croatia*, judgment of 18 November 2021, nos. 15670/18 and 43115/18. In the judgment, the ECtHR dealt with the case of a family that was deported without an individual procedure. According to the applicants, the family was pushed back by the Croatian authorities in November 2017 after crossing the border from Serbia, despite having applied for asylum. On their way back to Serbia, the family followed the train tracks and one of the children, the 6 year-old girl Madina, was hit by a train and died as a result of the incident.

<sup>181</sup> ECtHR, *M.H. and Others v. Croatia*, judgment of 18 November 2021, nos. 15670/18 and 43115/18; Pro Asyl, [Menschenrechtsgerichtshof verurteilt Kroatien wegen illegaler Pushbacks](#), news from 27 November 2021; Verfassungsblog, Hanaa Hakiki, *M.H. v. Croatia: Shedding Light on the Pushback Blind Spot*, 29 November 2021; The Guardian, 'They treated her like a dog': tragedy of the six-year-old killed at Croatian border, 8 December 2017.

<sup>182</sup> CPS, [Despite the ECHR Judgment, Criminal Complaint by Madina's Family Dismissed Again; Family Submits New Constitutional Appeal](#), media release of 25 June 2024.

<sup>183</sup> See also, for example, CPS, [Thousands of refugee testimonies but not a single effective investigation](#), 2 April 2021.

<sup>184</sup> [Communication of 26 July 2024](#)

<sup>185</sup> CPS, [The Death of Six-Year-Old Madina Remains Unpunished](#), media release of 29 July 2024.

#### 4.5.5. Conclusion

There are still serious allegations of pushbacks and the use of force by the Croatian police at the EU's external border. Due to the frequency and verifiability of violent pushbacks at the Croatian external border, the state must take responsibility for these incidents. The use of force by state authorities against people seeking protection in a vulnerable situation must be regarded as a violation of Art. 3 ECHR considering the case law of the ECtHR<sup>186</sup>, and the pushbacks as a violation of the prohibition of refoulement. These are breaches of mandatory international law (*ius cogens*).

Complaints funded by civil society are pending at courts for years. Perpetrators can expect impunity and the pathway for legal remedies in Croatia is ineffective. The lack of investigation and prosecution of pushbacks and incidents of violence by authorities and the associated impunity for perpetrators is unacceptable. It should be seen as an indication that these offences are at least tolerated by the state. Violations of the law at the border are perpetrated and tolerated by state authorities; they cannot be viewed independently of the situation inside the country.

The creation of a monitoring mechanism (IMM) is to be welcomed in principle. However, the SRC is of the opinion that the design of this mechanism is inadequate and unsuitable. For example, the IMM lacks both independence and the possibility of conducting unannounced visits to the border. Even the visits announced 24 hours in advance are hardly carried out in practice.

Since it cannot be ruled out that the pushbacks also affect Dublin returnees, this risk must be an obstacle to transfers. According to CJEU case law, the fact that a state carries out blanket refusals or detentions at its border does not in itself constitute an obstacle to a transfer. However, if the person is at risk of being subjected to such practices after a transfer, which would result in a violation of Art. 3 ECHR (or Art. 4 EU Charter of Fundamental Rights), this is an obstacle to a transfer.<sup>187</sup>

In the SRC's view, allegations of police violence must be thoroughly investigated by migration authorities and treated as serious evidence against the presumption of compliance with international law. Based on the allegations and the lack of an investigation, it cannot simply be assumed that the Croatian police are willing and able to provide protection. Added to this is the loss of trust for people who have experienced violence by the Croatian police. A return can lead to re-traumatisation.<sup>188</sup> **From the SRC's point of view, it is not reasonable to expel a person to a country from whose authorities they have suffered abuse, while suggesting that they seek protection there. If a violation of Art. 3 ECHR cannot be ruled out in the event of a transfer, removal is also inadmissible.**

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<sup>186</sup> E.g. ECtHR, *Bouyid v. Belgium*, judgment of 28 September 2015, no. 23380/09; ECtHR, *Dembele v. Switzerland*, judgment of 24 September 2013, no. 74010/11, para. 47; ECtHR, *A.P. v. Slovakia*, judgment of 28 January 2020, no. 10465/17, para. 62.

<sup>187</sup> Cf. CJEU judgment of 29 February 2024, C-392/22, in which the CJEU states that the fact that a state carries out blanket refusals or detentions at its border does not in itself constitute an obstacle to a transfer. However, if, following a transfer, the person runs the risk of being subjected to such practices, which would result in a violation of Art. 3 ECHR (or Art. 4 EU Charter of Fundamental Rights), this would prevent a transfer.

<sup>188</sup> CPS, interview of 23 April 2024, contained in the DRC report, *Landerapport Kroatien, Modtageforhold og adgang til asylproceduren for Dublin returnees*, June 2024, p. 33 f., point 50.

## 5. RECEPTION CONDITIONS

According to Art. 55 LITP, material reception conditions include accommodation in reception centre, food and clothing provided as benefits in kind, coverage of public transport costs as part of the asylum procedure and financial support.

The Mol determines the conditions for meeting material reception requirements, while the reception centre decides on the right to financial support.

Material reception conditions may be reduced in cases of subsequent applications. However, according to the CRC, no distinctions are made in practice; all persons accommodated in a reception centre receive the same benefits.<sup>189</sup>

### 5.1. Accommodation

After a person expresses their intention to apply for asylum, they should receive a registration certificate within three days. This certificate contains the address of a reception centre and specifies a deadline by which the person must report there. Upon arrival at the centre, the individual should be granted access to material reception conditions. Asylum applicants have the right to accommodation until a legally binding asylum decision is made, provided they do not have the means to maintain an adequate standard of living.<sup>190</sup>

The Department for Reception and Accommodation of Asylum Applicants, under the Croatian Mol, is responsible for providing accommodation. According to Art. 56 LITP and the Regulation on Material Reception Conditions, accommodations should consider gender, age, the situation of persons with special needs and the family unit.<sup>191</sup> In theory, women should be accommodated in separated rooms, in 2023 however, the CPS encountered many cases where women were accommodated together with men.<sup>192</sup> Art. 12 of the Ordinance on Material Reception Conditions emphasises the necessity of adapting accommodation conditions to meet the needs of applicants and providing psychosocial assistance, particularly for asylum seekers **with special needs**.

There are two reception centres for asylum applicants, one in Zagreb (officially 600 places) and one in Kutina (officially 300 places).<sup>193</sup>

The **Kutina reception centre** is theoretically intended for families and people with special needs. However, the criteria used to allocate people to specific centres remain unclear.

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<sup>189</sup> CRC, interview from October 2024 and Art. 56 para. 3 LITP.

<sup>190</sup> Art. 7 para. 1 of the Regulation on material reception conditions (Pravilnik o ostvarivanju materijalnih uvjeta prihvata NN 135/2015, 61/2019).

<sup>191</sup> Art. 6 para. 1 of the Regulation on material reception conditions (Pravilnik o ostvarivanju materijalnih uvjeta prihvata NN 135/2015, 61/2019).

<sup>192</sup> CPS, interview of 23 April 2024, contained in the DRC report, [Landerapport Kroatien, Modtageforhold og adgang til asylproceduren for Dublin returnees](#), June 2024, p. 30, point 17.

<sup>193</sup> ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 87.

According to the CPS, the Kutina centre lacks both specialised accommodation facilities and appropriately trained staff.<sup>194</sup> It should also be noted that access to specialised services is easier in Zagreb, as it is the capital. Therefore, it may be more advantageous for some individuals with special needs to be accommodated at the Zagreb centre.<sup>195</sup>

In October 2024, 180 people were accommodated in Kutina.<sup>196</sup> The ombudswoman urgently recommended that the Mol provide a larger number of toilets in the centre.<sup>197</sup>

The **reception centre in Zagreb** is a former hotel (Hotel Porin), where individuals are accommodated in four-persons rooms, each with a private bathroom and shower. There are 182 rooms. The centre was opened in 2011 and renovated in 2018/2019. At the time of the visit in October 2024, 572 people were accommodated in the centre.<sup>198</sup> The centre management in Zagreb identifies maintenance, cleaning and hygiene as the primary challenges.<sup>199</sup> AYS repeatedly receives reports regarding cockroaches, poor hygiene and bedbugs in the centre. Additionally, the insufficient availability of washing machines has been criticised.<sup>200</sup>

UNHCR describes the situation in reception centres for asylum seekers in October 2024 as in line with international standards.<sup>201</sup> The CPS also states that reception conditions are acceptable at the current capacity utilisation. However, the situation could deteriorate quickly if numbers increase, as evidenced in 2023.<sup>202</sup> During that year, a significant rise in asylum applicants led to accommodation bottlenecks. Some people had to sleep on mattresses in corridors, and 27 temporary containers were installed.<sup>203</sup> The hygiene conditions were abysmal.<sup>204</sup> At least it was possible to prevent asylum applicants from being homeless.

Additional locations for reception centres are currently being sought, also in view of the implementation of the EU pact on migration and asylum<sup>205</sup>. However, the search for suitable locations is proving difficult due to resistance from the local population.<sup>206</sup>

The CRC states that they are in close dialogue with the Mol and MdM. This collaboration allows for adjustments to accommodation arrangements, ensuring that individuals are housed in the most appropriate centres when needed.<sup>207</sup>

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<sup>194</sup> CPS, interview from October 2024.

<sup>195</sup> AYS and MdM, interviews from October 2024.

<sup>196</sup> Mol, Zagreb centre management, interview from October 2024.

<sup>197</sup> Office of the Ombudswoman, [Report 2023](#), recommendation 125.

<sup>198</sup> Mol, Zagreb centre management, interview from October 2024.

<sup>199</sup> Mol, Zagreb centre management, interview from October 2024.

<sup>200</sup> AYS, interview from October 2024.

<sup>201</sup> UNHCR, interview from October 2024.

<sup>202</sup> CPS, interview from October 2024.

<sup>203</sup> Mol, Zagreb centre management, interview from October 2024.

<sup>204</sup> Office of the Ombudswoman, [Report 2023](#).

<sup>205</sup> European Commission, [Pact on Migration and Asylum](#).

<sup>206</sup> Mol, Zagreb centre management, interview from October 2024.

<sup>207</sup> CRC, interview from October 2024.

Asylum seekers are accommodated in reception centres in separate rooms with their **family** members (if applicable). Those who come alone, without family, are accommodated in rooms with other people based on factors such as nationality, language, gender or specific needs.<sup>208</sup>

**Unaccompanied children over the age of 16** can be accommodated at a reception centre if no alternative options are available, but they will be assigned a guardian. The Ministry of the Interior and the Ministry of Social Affairs are responsible for the accommodation of children and must adhere to the guidelines of the protocol for dealing with unaccompanied minors. Decisions are made based on the best interests of the child. The CRC pays particular attention to the situation of children and informs the relevant authorities if it considers the accommodation to be inadequate. In December 2024, the CRC observed that children over 16 usually stayed in the centre for only one to two days before continuing their journey to other countries.

Since the pandemic-related restrictions of 2020, only UNHCR, CRC and MdM are given **access to the centres**. The CRC and MdM projects are primarily financed by AMIF funds.<sup>209</sup> The denial of access for other NGO is seen as problematic by the Office of the Ombudswoman,<sup>210</sup> by UNHCR<sup>211</sup> and by NGO<sup>212</sup> themselves. The Jesuit Refugee Service (JRS) applied several times in collaboration with other NGO but was denied access to the centre in Porin.<sup>213</sup>

The CRC offers various activities and psychosocial support,<sup>214</sup> while MdM provides and coordinates medical care, organises and accompanies people to medical appointments. MdM also provides mental health support, including psychiatric consultations. Six people from the CRC work in Kutina and 16 people work<sup>215</sup> in Zagreb. They are present every weekday from 8 am to 8 pm, and on weekends from 8 am to 2 pm. MdM has the same presence times in Zagreb. Staff from the Mol are also present every day, from 8 am to 4 pm during the week and from 8 am to 2 pm at weekends. All procedures are carried out on site. Security personnel are on site around the clock.<sup>216</sup>

If an asylum applicant wishes to spend the night outside the centre, they must inform the centre management. Otherwise, asylum applicants are required to return to the centre by 11 pm. According to Art. 55 para. 4 of the LITP, asylum applicants may reside at any address in Croatia at their own expense, provided they have obtained prior consent from the Ministry. In October 2024, 104 individuals undergoing the asylum procedure were accommodated privately.<sup>217</sup>

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<sup>208</sup> CRC and Mol, information from December 2024.

<sup>209</sup> Funding as a project can lead to problems, as the situation in summer 2023 showed: From May to August 2023, MdM had to suspend its services due to funding problems. During this time, a local doctor was assigned to the centres by the authorities. Thanks to funding from Switzerland's [Rapid Response Fund](#), work was able to continue at the end of the summer. MdM states that conditions have been chaotic in the meantime. This shows the uncertainty regarding the stability and continuity of medical care. In May 2024, MdM was allocated funding for three years from the AMIF fund (interview with MdM on 9 May 2024, included in the DRC report, [Landerapport Kroatien, Modtageforhold og adgang til asylproceduren for Dublin returnees](#), June 2024, p. 38, point 16).

<sup>210</sup> Office of the Ombudswoman, interview from October 2024 and [report 2023](#), recommendation 123.

<sup>211</sup> UNHCR, interview from October 2024.

<sup>212</sup> CPS and JRS, interviews from October 2024.

<sup>213</sup> JRS, interview from October 2024.

<sup>214</sup> A detailed list of activities can be found on p. 95 of the [AIDA report](#) for 2023.

<sup>215</sup> Two of them are not financed by AMIF.

<sup>216</sup> CRC, interview from October 2024.

<sup>217</sup> Mol, Zagreb centre management, interview from October 2024.



The two centres mentioned above are available for accommodation by the state. Although specific accommodation needs should be taken into account, these can only be met within the existing possibilities. For example, in cases of spousal violence, one person may be accommodated in Kutina and the other in Zagreb; no other protective measures are available. Although there are women's shelters in Croatia, accommodation there is rare, and capacity is limited.<sup>218</sup>

The Ombudswoman's report for 2023 mentions that civil society organisations point out that psychological trauma is not sufficiently considered in regard to accommodation.<sup>219</sup>

## 5.2. Social benefits

The prerequisites for receiving **financial support include** staying in the reception centre for at least 25 consecutive days during the month for which the payment is to be made,<sup>220</sup> as well as a lack of personal funds.<sup>221</sup> The financial support amounts to 20 euros per person per month.<sup>222</sup>

According to the MoI, **clothing** is provided during accommodation in the reception centre in compliance with legal requirements.<sup>223</sup>

**Food** is provided by the reception centre.<sup>224</sup> Asylum applicants accommodated in the reception centre are entitled to three meals a day. The law stipulates that an adapted diet should be provided for individuals with special needs if prescribed by a doctor. Pregnant women, mothers, and children under the age of 16 are also entitled to an afternoon snack.<sup>225</sup> There are **kitchens** in both centres where residents could theoretically prepare their own meals. However, it is reported that the kitchen in the centre in Zagreb is currently (October 2024) not open. This has been described as challenging by the residents, as they need the kitchen to make tea between meals, heat up baby food, or prepare meals for those who work during the centre's mealtimes. Additionally, residents in the Zagreb centre state that electronic devices such as kettles are not allowed in their rooms.

The kitchen in the smaller centre in Kutina is reportedly open.

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<sup>218</sup> CRC, interview from October 2024.

<sup>219</sup> Office of the Ombudswoman, [Report 2023](#).

<sup>220</sup> Art. 24 para. 2 of the Regulation on material reception conditions (Pravilnik o ostvarivanju materijalnih uvjeta prihvata NN 135/2015, 61/2019).

<sup>221</sup> Art. 23 of the Regulation on material reception conditions (Pravilnik o ostvarivanju materijalnih uvjeta prihvata NN 135/2015, 61/2019).

<sup>222</sup> ECRE/AIDA, [Country Report Croatia, 2023 Update](#), July 2024, p. 89.

<sup>223</sup> EUAA: [Information on procedural elements and rights of applicants subject to a Dublin transfer to Croatia](#), question 1.2 and Art. 20 of the Regulation on material reception conditions (Pravilnik o ostvarivanju materijalnih uvjeta prihvata NN 135/2015, 61/2019).

<sup>224</sup> EUAA: [Information on procedural elements and rights of applicants subject to a Dublin transfer to Croatia](#), question 1.2; Head of centre Zagreb, interview from October 2024.

<sup>225</sup> Art. 20 of the Regulation on material reception conditions (Pravilnik o ostvarivanju materijalnih uvjeta prihvata NN 135/2015, 61/2019).

### 5.3. Health care

For asylum applicants who require **special reception and/or procedural guarantees**, in particular victims of torture, rape or other serious forms of psychological, physical or sexual violence, the law ensures the provision of appropriate medical care.<sup>226</sup>

For asylum applicants who do not fall into this category, health care as defined by law includes emergency medical care and necessary treatment of illnesses and serious mental disorders. The scope of these services is regulated in Art. 6 of the Ordinance on Health Care.<sup>227</sup>

MdM conducts an initial medical assessment upon arrival; according to MdM, this is currently (October 2024) carried out for every newly arriving asylum applicant. The initial examination is a brief general health check with some questions about medical history. This process is not always conducted systematically; if there are fewer human resources available, this examination is especially used for the initial assessment of particularly vulnerable people.<sup>228</sup>

The MdM team at the **centre in Zagreb** is present every weekday from 8 am to 8 pm, and on weekends from 8 am to 2 pm and takes care of medical care and mental health. They organise appointments with specialists if required. MdM works together with a local health centre. They also accompany people to these appointments, collaborating with a taxi company and interpreters. The team currently consists of two doctors (one full-time, one part-time), two psychologists, a psychiatrist (once a week) and five interpreters for Arabic, Farsi, Urdu, Pashto, Russian, French and Spanish. MdM works in particular in the area of vulnerable groups with health issues, identifying and supporting them. An additional doctor has been working for MdM since June 2024, which is a positive development, but MdM emphasises that they are at the limit of their capacity. If the number of asylum applicants increases, this could easily lead to an overload and gaps in medical care, as MdM's capacities are funded on a project basis and cannot be drastically increased. MdM finds it particularly challenging that many Dublin returnees are seriously ill people.<sup>229</sup>

A nurse employed by the MoI is stationed at the **Kutina centre**. A doctor from MdM visits the centre in Kutina on average once a week. MdM's number of visits per week to the Kutina centre can be adjusted in the event of increased occupancy or needs. If the medical care needs of an individual increase, there is also the possibility that the person will be transferred to the Zagreb centre, where MdM has a stronger presence and there are more opportunities for specialist appointments in the capital city.

**Mental health support** is also provided by MdM. However, MdM states that the number of psychologists and psychiatrists is not sufficient and that they are trying to increase it. In severe cases, referral to psychiatric clinics is possible, but these clinics also struggle with

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<sup>226</sup> Art. 57 LITP.

<sup>227</sup> Regulation on health care for applicants for international protection and foreign nationals under temporary protection (Pravilnik o standardima zdravstvene zaštite tražitelja međunarodne zaštite i stranca pod privremenom zaštitom, [NN 28/2020](#)).

<sup>228</sup> MdM, interview of 9 May 2024, contained in the DRC report, [Landerapport Kroatien, Modtageforhold og adgang til asylproceduren for Dublin returnees](#), June 2024, p. 36, point 4.

<sup>229</sup> MdM, interview from October 2024; confirmed by AYS and the CPS, interviews from October 2024.

their resources. In addition, they do not employ interpreters. Hospitalisation in specialised institutions is limited. According to the management of the Zagreb centre, most people return to the centre after about three days.<sup>230</sup> The need for treatment is huge; it is estimated that half of the centre's residents would require psychiatric treatment. The CPS points out that people with mental health problems are usually only treated with medication and not therapy.<sup>231</sup> A striking number of Dublin returnees need psychiatric treatment.

The CPS generally views health care during the asylum procedure as problematic, as there is not enough capacity available. Despite the good work of the organisations involved, there are cases that require many resources, leading to a lack of capacity elsewhere.<sup>232</sup> In general, it should be noted that health care services in Croatia are not meeting the demand, and waiting times for treatment are very long, even for locals.<sup>233</sup>

**Language barriers** are one of the biggest obstacles to accessing adequate medical support. If no interpreter can be found for a language, help must be sought from family members or other asylum applicants, which restricts privacy and affects the quality of medical or psychological support.<sup>234</sup>

According to the MdM, **women** applying for international protection still face challenges regarding access to specialised gynaecological care, as the possibility of referring them to local outpatient care services is largely limited due to a general shortage of such specialists throughout the country.<sup>235</sup>

National law<sup>236</sup> stipulates that the scope of health care for **vulnerable groups** is somewhat broader and that seriously ill asylum applicants and persons with disabilities are entitled to appropriate health care. The CPS is not aware of how this requirement is interpreted or implemented in practice. The CPS is not aware of any case in which a vulnerable asylum applicant has received additional support.<sup>237</sup> The JRS also states that no specialised therapies are available.<sup>238</sup> According to the CPS, the level of psychological support for people suffering from **trauma**, post-traumatic stress disorder (PTSD) and similar conditions is insufficient, as more professional and individualised support is required in these cases.<sup>239</sup> There is the Rehabilitation Centre for Stress and Trauma (RCT)<sup>240</sup> in Zagreb, which offers psychosocial

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<sup>230</sup> Mol, Zagreb centre management, interview from October 2024.

<sup>231</sup> CPS, interview from October 2024.

<sup>232</sup> CPS, interview from October 2024.

<sup>233</sup> Mol, Zagreb centre Management, Swiss Embassy and MdM, interviews from October 2024.

<sup>234</sup> MdM, Physical and mental health of applicants for international protection in the Republic of Croatia – New trends, observations, challenges and recommendations, 2023, p. 22.

<sup>235</sup> MdM, Physical and mental health of applicants for international protection in the Republic of Croatia – New trends, observations, challenges and recommendations, 2023, p. 23, reconfirmed by MdM in December 2024.

<sup>236</sup> Art. 9 of the Ordinance on Health Care for Applicants for International Protection and Foreigners under Temporary Protection (Pravilnik o standardima zdravstvene zaštite tražitelja međunarodne zaštite i stranca pod privremenom zaštitom, NN 28/2020).

<sup>237</sup> CPS, interview of 23 April 2024, contained in the DRC report, Landerappport Kroatien, Modtageforhold og adgang til asylproceduren for Dublin returnees, June 2024, p. 30, point 19.

<sup>238</sup> JRS, interview from October 2024.

<sup>239</sup> ECRE/AIDA, Country Report Croatia, 2023 Update, July 2024, p. 106.

<sup>240</sup> <https://rctzg.hr/>.

counselling and support services. However, there is also very limited capacity there, with only around 50 people per year able to benefit from this service.<sup>241</sup>

MdM observes that **Dublin returnees** are often re-traumatised. The transfer and interruption of ongoing treatment can be destabilising for their mental health, which ultimately affects their physical health. MdM reports that Dublin returnees often experience a deterioration in their health and tend to be more vulnerable to health problems.<sup>242</sup> In 2022 and 2023, the number of persons transferred to Croatia under the Dublin III Regulation increased significantly. In numerous cases, relevant medical documents were not transmitted or did not reach the right place, jeopardizing the continuity of treatment and leading to significant delays.<sup>243</sup> This is also mentioned by MdM in its report on the physical and mental health of asylum applicants in Croatia.<sup>244</sup> According to MdM, the health situation of Dublin returnees is often challenging: the onward journey prolongs the migration phase, exacerbating the uncertainty about the future, increasing the risks associated with migration, and limiting access to medical care. MdM particularly highlights the worrying situation for people separated from their families during the transfer, as well as for those with severe mental disorders (e.g., psychotic disorders, PTSD, suicide risk) and physical illnesses. Asylum applicants who have experienced previous traumatic events are at higher risk of re-trauma and worsening symptoms of depression, anxiety, and PTSD.<sup>245</sup> Dublin transfers that involve the threat or use of violence also have a devastating impact on mental health.

## 5.4. Labour

During the asylum procedure, employment still requires a permit, but this is usually granted after three months, as asylum applicants are allowed to work three months after submitting their application.<sup>246</sup>

To register with the Croatian Labour Office, an identity card with information on residence status and a personal “identification number” (OIB) are required. As people receive such a number during the asylum procedure, this does not represent an administrative hurdle.<sup>247</sup>

If the asylum procedure concludes with the granting of status, a work permit is no longer required because people with status are allowed to work without a specific permit.<sup>248</sup>

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<sup>241</sup> SOSF, information from December 2024.

<sup>242</sup> Interview with MdM on 9 May 2024, contained in the DRC report, [Landerapport Kroatien, Modtageforhold og adgang til asylproceduren for Dublin returnees](#), June 2024, p. 38, point 18.

<sup>243</sup> ECRE/AIDA, [Country Report Croatia, 2023 Update](#), July 2024, p. 26.

<sup>244</sup> MdM, [Physical and mental health of applicants for international protection in the Republic of Croatia – New trends, observations, challenges and recommendations](#), 2023, p. 25.

<sup>245</sup> MdM, [Physical and mental health of applicants for international protection in the Republic of Croatia – New trends, observations, challenges and recommendations](#), 2023, p. 18.

<sup>246</sup> Art. 61 para. 1 LITP.

<sup>247</sup> AYS, interview from October 2024.

<sup>248</sup> More on this in chapter 8.4.

## 5.5. Education

According to the law, asylum applicant children have the same right to education as Croatian citizens.<sup>249</sup> For pupils who have insufficient knowledge of Croatian, the school is obliged to organise **preparatory classes** for language skills. If necessary, supplementary lessons in individual subjects are provided. However, there are months-long waiting times for access to the preparatory classes.<sup>250</sup> The Ombudswoman for children also criticises<sup>251</sup> that some children must attend preparatory courses at other schools causing them to miss lessons at their actual schools. Furthermore, she criticises the lack of support in learning the language and with writing tasks.<sup>252</sup> The planned 70 hours of Croatian lessons are not nearly enough to follow regular school lessons. Although it is possible to attend the preparatory class twice, even 140 hours of language lessons are insufficient.<sup>253</sup> In addition, these preparatory classes are taught by Croatian teachers who normally teach Croatian children and are not used to teaching Croatian as a second language. There is also no teaching material for Croatian as a second language for children.<sup>254</sup>

According to the law, access to **school education** should be granted within 30 days of application and at least until a legally binding removal decision has been made.<sup>255</sup> In Zagreb, school enrolment can be guaranteed within 30 days,<sup>256</sup> in Kutina this is not always the case.<sup>257</sup>

According to the Ministry of Science and Education, individuals must present the following **documents** to be accepted into the education system: A certificate of status, a certificate of residence, an identification document (birth certificate, identity card, passport or an equivalent document from the Croatian Mol) and a document certifying previous education. Many children are unable to produce the latter certificate, in which case a notarised declaration must be submitted, and the child must take an entrance test to determine the appropriate class placement.<sup>258</sup>

The Mol also employs social workers who accompany the children to school. However, it is the CRC that acts as a link between the schools and the residents of the centre.<sup>259</sup>

According to the Ombudswoman for Children's report for 2023, asylum applicant children continued to face difficulties in the education system. In practice, significant problems arise for children from the age of 15, as reported by various NGO<sup>260</sup> and the Ombudswoman for

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<sup>249</sup> Art. 58 para. 1 LITP.

<sup>250</sup> AYS, interview from October 2024; ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 99.

<sup>251</sup> Ombudswoman for Children: [Report on the work of the Ombudswoman for Children in 2023](#), p. 184.

<sup>252</sup> Ombudswoman for Children: [Report on the work of the Ombudswoman for Children in 2023](#), p. 184.

<sup>253</sup> AYS, interview from October 2024; Ombudswoman for Children: [Report on the work of the Ombudswoman for Children in 2023](#), p. 184.

<sup>254</sup> AYS, interview from October 2024.

<sup>255</sup> Art. 58 para. 3 LITP.

<sup>256</sup> Mol, Zagreb centre management and AYS, interviews from October 2024.

<sup>257</sup> AYS, interview from October 2024.

<sup>258</sup> ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 99.

<sup>259</sup> Mol and CRC, interviews from October 2024.

<sup>260</sup> JRS and AYS, interviews from October 2024.

Children<sup>261</sup>: As compulsory schooling in Croatia ends at the age of 15, children who have not finished school by then are assigned to the high school for adult education, which must be paid. On one hand, asylum applicants cannot afford to attend these schools; on the other hand, these are evening courses that are not appropriate for children. The financial obstacle in particular means that children over the age of 15 in Croatia effectively no longer have access to education. Furthermore, some schools refuse to accept children from the asylum sector, which leads to delays in school enrolment. In general, starting school in classes with much younger classmates is difficult in terms of socialisation, isolation and integration.<sup>262</sup>

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<sup>261</sup> Ombudswoman for Children: [Report on the work of the Ombudswoman for Children in 2023](#), p. 184.

<sup>262</sup> Ombudswoman for Children: [Report on the work of the Ombudswoman for Children in 2023](#), p. 184; ECRE/AIDA, [Country Report Croatia, 2023 Update](#), July 2024, p. 150.

## 6. PEOPLE WITH SPECIAL NEEDS

§ Art. 24 para. 1 EU Procedures Directive<sup>263</sup> requires Member States to assess, within a reasonable period of time after the submission of the asylum application, whether the applicant is in need of special procedural guarantees. The EU Procedures Directive and the EU Reception Directive<sup>264</sup> recognise that vulnerable asylum applicants<sup>265</sup> require special procedural guarantees and have special reception needs. They should also be accommodated as quickly as possible in facilities that take appropriate account of their vulnerability. They should also receive appropriate medical support. Therefore, Art. 24 para. 1 of the Procedures Directive requires Member States to assess, within a reasonable period of time after the application, whether the applicant is entitled to special procedural guarantees.

According to Art. 4 para. 14 LITP, **vulnerable groups** include persons who are unable to work, children (accompanied and unaccompanied), elderly and infirm persons, seriously ill persons, persons with disabilities, pregnant women, single parents with minor children, persons with mental disorders, victims of human trafficking and victims of torture, rape and other forms of psychological, physical or sexual violence, such as victims of female genital mutilation.<sup>266</sup> Art. 4 para. 15 LITP also states that asylum applicants who are not fully able to exercise their rights or fulfil their obligations without assistance due to their personal circumstances require special procedural and reception guarantees. These are mentioned in Art. 15 LITP, but the type of support to which they are entitled is not further specified.

There is no specific department responsible for vulnerable groups within the Mol, but in the centres of Zagreb and Kutina there are social workers and social pedagogues from the Mol who are specially trained in working with vulnerable persons.<sup>267</sup>

Regarding vulnerability assessments, protocols that regulate when, how and by whom such information should be provided exist only in specific cases, such as when dealing with unaccompanied children<sup>268</sup> and the identification, assistance and protection of victims of human trafficking<sup>269</sup>. But no general protocols exist on dealing with persons with special needs.

<sup>263</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast).

<sup>264</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast).

<sup>265</sup> However, it is worth recalling that, according to the ECtHR, asylum applicants are generally members of a "particularly disadvantaged and vulnerable group of society in need of special protection", ECtHR, *M.S.S. v. Belgium and Greece*, judgment of 21 January 2011, no. 30696/09.

<sup>266</sup> Original text and google translation:

*14. Ranjive skupine su osobe lišene poslovne sposobnosti, djeca, djeca bez pratnje, starije i nemoćne osobe, teško bolesne osobe, osobe s invaliditetom, trudnice, samohrani roditelji s maloljetnom djecom, osobe s duševnim smetnjama te žrtve trgovanja ljudima, žrtve mučenja, silovanja ili drugog psihičkog, fizičkog i spolnog nasilja, kao što su žrtve sakaćenja ženskih spolnih organa.*

14. Vulnerable groups are persons lacking legal capacity, children, unaccompanied children, elderly and infirm persons, seriously ill persons, persons with disabilities, pregnant women, single parents with minor children, persons with mental disorders and victims of human trafficking, victims of torture, rape or other psychological, physical and sexual violence, for example victims of female genital mutilation.

<sup>267</sup> ECRE/AIDA, *Country Report Croatia, 2023 Update*, July 2024, p. 104.

<sup>268</sup> Protocol on the treatment of unaccompanied children – foreign nationals, no date.

<sup>269</sup> Protocol on the identification, help and protection of victims of human trafficking, no date.

In practice, the **identification** of vulnerable persons is difficult unless the vulnerability is obvious. There is no system in Croatia for the early identification of victims of violence or other forms of abuse.<sup>270</sup> The identification of persons with special needs is done in different ways, this can be during the interview with the Mol or through MdM or the CRC, who pass on information to MdM. MdM passes on the information or indication to the Mol, if the persons need special accommodation services, for instance. From the SRC's point of view, it must be assumed that many special needs are not recognised. The reason for this is not the quality of the work of the organisations involved, but their limited capacities.

The Ombudswoman's report mentions that civil society organisations point out that psychological **trauma** is not sufficiently taken into account during the international protection procedure.<sup>271</sup>

*Standard Operational Procedures* (SOP) for cases of **sexual or gender-based violence** came into force in 2021.<sup>272</sup> These apply to asylum applicants accommodated in the centres in Zagreb and Kutina. They relate not only to violence within the centres, but also to incidents of violence in the country of origin or during flight. There is a working group coordinated by UNHCR and the Mol, in which NGO such as the CLC participate. Trends, awareness-raising and preventative measures are discussed there, and further training is organised.<sup>273</sup> There is also a case management team that coordinates measures in individual cases. Usually, the person concerned needs to agree to proposed measures. However, in a situation where there is suspicion that criminal offence that is prosecuted ex officio has been committed, state bodies are obliged to report that in accordance with national legislation. These can be, for example, life-threatening situations, criminal offenses against sexual freedom, criminal offenses related to human trafficking or criminal offenses against the family and children. However, regarding the victim's referral to health care, psychosocial assistance, legal assistance and a safe house, the victim must give her/his consent to share information about the case with the mentioned services.<sup>274</sup>

In 2022, the Government Office for Gender Equality, in collaboration with the Mol and UNHCR, published a brochure to inform victims of gender-based violence about available protection options and services. The brochure is primarily aimed at migrant women, asylum applicants and refugees. However, it also acknowledges that gender-based violence can also be perpetrated against men.<sup>275</sup>

There is also a protocol for the identification, support and protection of victims of human trafficking.<sup>276</sup>



Information leaflet of the Government Office for Gender Equality and Mol: [Victims of Gender based violence](#).

<sup>270</sup> ECRE/AIDA, *Country Report Croatia*, 2023 Update, July 2024, p. 108.

<sup>271</sup> Office of the Ombudswoman, *Report 2023*, p. 266.

<sup>272</sup> ECRE/AIDA, *Country Report Croatia*, 2023 Update, July 2024, p. 108, the SOP are not publicly available.

<sup>273</sup> UNHCR, information from December 2024.

<sup>274</sup> CLC, information from October 2024.

<sup>275</sup> The brochure is available in eight languages (Arabic, Croatian, [English](#), Farsi, French, Kurdish, Turkish and Urdu).

<sup>276</sup> The protocol can be found [here](#).



## 7. DETENTION

Croatia has three **detention centres** for foreign nationals: Ježevo (95 places), Trilj (62 places) and Tovarnik (62 places).<sup>277</sup>

According to Art. 54 para. 2 LITP, the freedom of movement of asylum applicants may be restricted if this is deemed necessary, considering all the facts and circumstances of the individual case. The **reasons** for this are given in paragraphs 1-7: Risk of absconding; identification and verification of identity; protection of national security and public order; prevention of the spread of infectious diseases; prevention of danger to persons and property; several consecutive attempts to leave Croatia during the procedure; and, under certain conditions, for the purpose of carrying out a forced removal. Previous attempts to leave Croatia are relevant for the assessment of the risk of absconding.<sup>278</sup> Restrictions on freedom of movement can be imposed by means of various measures<sup>279</sup>, with detention being the last resort.<sup>280</sup> Legal representatives criticise that the detention decisions often lack justification specific to the individual case and fail to explain why alternative measures were not applied.<sup>281</sup>

In **practice**, the main reasons for detaining asylum applicants are cases where individuals apply for international protection after receiving a removal order or where they have left or attempted to leave Croatia before the asylum procedure was completed.<sup>282</sup>

The law explicitly allows for the detention of **vulnerable persons** if an individual case assessment determines that this form of accommodation is appropriate.<sup>283</sup>

The **duration** of detention should depend on the duration of the relevant reason for detention but should not exceed three months. In exceptional cases, this period may be extended by another three months to a maximum total duration of six months.

The Act on Foreigners<sup>284</sup> permits the temporary detention of a third-country national for up to 48 hours to verify identity or ascertain the details of an illegal border crossing or stay. If these cannot be established or forced removal is not possible within this timeframe, detention may be extended by 24 hours.

If a person in administrative detention expresses the intention to apply for **international protection**, they must either be released and transferred to an open centre (Zagreb or Kutina) or served with a new decision restricting their freedom of movement based on one of the legal grounds for detention. The CPS reports that individuals in detention have contacted them by

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<sup>277</sup> ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 110.

<sup>278</sup> Art. 54 para. 4 LITP.

<sup>279</sup> Enumeration in Art. 54 para. 5 LITP.

<sup>280</sup> Art. 54 para. 6 LITP.

<sup>281</sup> ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 125.

<sup>282</sup> ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 110.

<sup>283</sup> Art. 54 para. 7 LITP.

<sup>284</sup> Art. 211 [Law on Foreigners](#) (Zakon o strancima NN 133/2020, 114/2022, 151/2022).

telephone, claiming they were denied access to the asylum procedure.<sup>285</sup> Asylum applicants in detention have the same right to free legal aid as in normal asylum proceedings.<sup>286</sup> In 2020, during her investigative proceedings, the Ombudswoman found that individuals involved in these proceedings were not adequately informed of their entitlement to free legal aid.<sup>287</sup>

There have been past issues with **access to lawyers** and the lack of privacy during lawyer interviews. While the CRC has regular access to detention centres for foreign nationals, other NGO, such as the CPS, have been denied access for years.



The CPS reported cases involving the detention of several Chechens, where the grounds for detention were unclear and where detention exceeded the maximum six month duration.<sup>288</sup>

There is no automatic **review of detention decisions**. However, a review can be requested within eight days at the administrative court,<sup>289</sup> which should then decide within 15 days following an interview with the detained person.

During visits to detention centres, the Ombudswoman's Office found that communication and procedures were often conducted in English or through *google translate*, which was inadequate for properly assessing the facts and circumstances. The Ombudswoman recommended that the Mol ensure adequate translation services during the detention of migrants and asylum applicants. Furthermore, in recent years, the Ombudswoman has not been granted access to all data concerning the treatment of irregular migrants, which is why she has issued warnings and recommendations to ensure such access is provided. It was also recommended that detention rooms in all border police stations be operationalised, and their conditions upgraded to meet international and national standards.<sup>290</sup>

UNHCR has access to the detention centres and should announce visits in advance.<sup>291</sup> UNHCR also visits police stations. However, the reports on the visits are not public.<sup>292</sup>

## 7.1. Conditions

According to the Detention Centre Ordinance<sup>293</sup>, each detention room must offer an area of 4m<sup>2</sup> per person and have access to daylight. Each person is entitled to their own bed and

<sup>285</sup> ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 114 with reference to the information provided by CPS on 30 January 2024; upon request, CPS confirmed in October 2024 that this will continue to occur in 2024.

<sup>286</sup> ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 125.

<sup>287</sup> ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 118.

<sup>288</sup> ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 114 with reference to the information provided by CPS on 30 January 2024.

<sup>289</sup> Art. 54 para. 12 LITP.

<sup>290</sup> Office of the Ombudswoman, interview from October 2024 and [report 2023](#), recommendation 127-129.

<sup>291</sup> ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 123 f.

<sup>292</sup> UNHCR, interview from October 2024.

<sup>293</sup> Prison Ordinance, [Pravilnik o boravku u Prihvatnom centru za strance i načinu izračuna troškova prisilnog udaljenja NN [145/2021](#), [155/2022](#), [137/2023](#)].

there must be sufficient space and distance between beds as well as adequate space to store personal belongings. Men and women are accommodated separately, except in the case of families. Family members not housed in the same room within the centre are permitted to attend daily meetings. Upon arrival at the centre and during their stay, detainees are required to use the clothing, bedding and toiletries provided to them. Three meals a day and two hours of outdoor exercise are provided. There is no internet in the detention centres.

A **medical assessment** must be carried out for each person upon admission. If the person does not speak English, a telephone interpreter must be engaged. Psychosocial support is offered in cooperation with the CRC. MdM does not operate on-site at the detention centres and lacks detailed information about the healthcare services available within these centres.<sup>294</sup>

There are no mechanisms in place or planned for identifying persons with **special needs** in the detention centres.

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<sup>294</sup> MdM, interview of 9 May 2024, contained in the DRC report, Landerapport Kroatien, Modtageforhold og adgang til asylproceduren for Dublin returnees, June 2024, p. 38, point 19.

## 8. SITUATION AFTER STATUS RECOGNITION

In Croatia, there are **two types of status** for asylum seekers: refugee status and subsidiary protection.<sup>295</sup> The duration of refugee status is five years, while subsidiary protection is granted for three years. An application for a residence permit must be submitted to the competent police authority<sup>296</sup> and issued within 30 days.<sup>297</sup> The residence permit may be revoked if a person leaves Croatia or remains outside the country for more than six months without informing the Mol.<sup>298</sup>

The grounds for the **cessation** of international protection status are outlined in Art. 49 para. 1 (asylum) and para. 2 (subsidiary protection) LITP. The conditions for **revoking** asylum are specified in Art. 50 LITP.



Information leaflet of different ministries and offices of the Ombudspersons:  
[The rights of people under international and temporary protection.](#)

### 8.1. Accommodation

According to Art. 67b LITP, individuals granted international protection are entitled to remain in the reception centres for up to 60 days<sup>299</sup> until the authorities secure alternative accommodation for them.<sup>300</sup> This requires that the individuals submit an application to the competent regional office of the Croatian Institute for Social Work within eight days of registering their right of residence. If the application is delayed by more than three months, the deadline cannot be reinstated.

The Ministry of Physical Planning, Construction and State Assets is responsible for accommodating individuals with international protection. Subsidised accommodation is provided for two years<sup>301</sup> and can be extended for another two years in specific cases.<sup>302</sup> Individuals may request accommodation in the city where they work, though this is not guaranteed. Accommodation in the same city will only be provided if there is a strong reason; otherwise, individuals may be housed elsewhere, if it allows a feasible daily commute to work.<sup>303</sup>

<sup>295</sup> Cf. art. 64 ff. LITP.

<sup>296</sup> Art. 75 para. 1 LITP.

<sup>297</sup> Art. 12 para. 1 Ordinance on Forms (Pravilnik o obrascima i zbirkama podataka u postupku odobrenja međunarodne i privremene zaštite, NN 85/2016).

<sup>298</sup> Art. 65 para. 3 LITP.

<sup>299</sup> Sometimes even longer, as the search for housing is becoming increasingly difficult (CPS, interview from October 2024).

<sup>300</sup> CRC, interview from October 2024.

<sup>301</sup> Art. 67 LITP; accommodation is financed by AMIF funds.

<sup>302</sup> Art. 67 para. 14 LITP.

<sup>303</sup> CPS, Information from December 2024.

**Exclusion** from the right to accommodation is detailed in Art. 67 para. 8 of the LITP, which includes, among other reasons, absences of more than 30 days (no. 4).

According to the CPS, two years of housing support could theoretically be sufficient if other integration measures were effective. In this context, the CPS points to the problem of language courses and the lack of recognition of qualifications. In addition, the CPS reports discrimination and prejudice when people try to rent their own apartment after the two years have expired.<sup>304</sup>

Once the two years of housing support (or four years in exceptional cases) conclude, there is no further accommodation support, potentially leading to homelessness. The JRS reports that despite their efforts, individuals with protection status often face refusals from landlords, resulting in precarious housing situations.<sup>305</sup>

**Homeless shelters** do exist in Croatia, they are accessible to both locals and asylum seekers. To gain access, individuals must apply through social services and undergo a medical examination. Some shelters are only available for nighttime use, while others, operated by charitable organisations, offer more flexible access. Both types of shelters, however, are inadequate and short-term solutions.<sup>306</sup>

According to the JRS, there are currently not many cases of homelessness, but the problems on the housing market have increased in recent years as prices have risen. This is primarily due to the increase in Airbnb's,<sup>307</sup> and the numerous work visas, where employers provide a place to sleep in return for wage deductions. Considerably higher rental income can be generated through shared flats and money deductions per place to sleep.<sup>308</sup>

## 8.2. Social benefits

Once protection status has been recognised, individuals are entitled to state support in the event of unemployment, analogous to Croatian citizens.<sup>309</sup> The minimum amount is 150 euro per month.<sup>310</sup> According to the JRS, however, this support is not sufficient.<sup>311</sup>

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<sup>304</sup> ECRE/AIDA, *Country Report Croatia*, 2023 Update, July 2024, p. 147 with reference to the information from CPS dated 30 January 2024.

<sup>305</sup> JRS, Interview from October 2024.

<sup>306</sup> CPS, information from December 2024; see also SRC, *Situation of asylum seekers and beneficiaries of protection with mental health problems in Croatia*, p. 11.

<sup>307</sup> Cf. e.g. *Stuttgarter Zeitung*, *Wohnungsnot in Kroatien: Kroatien bläst zum Kampf gegen die Wohnungsnot*, 1 September 2024.

<sup>308</sup> JRS, interview from October 2024.

<sup>309</sup> Law on Compulsory Health Insurance and Health Care [Zakon o obveznom zdravstvenom osiguranju i zdravstvenoj zaštiti stranaca u Republici Hrvatskoj, NN 80/2013, 15/2018, 26/2021, 46/2022], esp. Art. 21.

<sup>310</sup> The exact amount can be calculated on this [website](#).

<sup>311</sup> JRS, interview from October 2024.

## 8.3. Health care

The Croatian Act on Compulsory Health Insurance and Health Care<sup>312</sup> stipulates that recognised refugees, persons with subsidiary protection and their family members have the right to health care to the same extent as persons with health insurance who are subject to compulsory health insurance.<sup>313</sup>

There are differences in terms of insurance between people who are employed and those who are unemployed.

**Employed persons:** individuals with protection status who are employed are insured through their work with a health insurance fund. However, unlike Croatian nationals, their family members cannot gain access to statutory health insurance through the insured individual. Instead, the state budget, via the Ministry of Health, covers the costs for unemployed family members. If a person with protection status loses their job, they are no longer insured through the Croatian Health Insurance Fund.

**Unemployed persons:** Unemployed individuals with protection status are not insured through the Croatian Health Insurance Fund. They do not receive a health insurance card or insurance number (MBO) and are therefore not registered in the central health system (CEZIH). Instead, their insured status is demonstrated using a residence permit. Treatment costs for these persons are covered by the Ministry of Health. This means that doctors must send the corresponding invoices, including a copy of the residence permit and the associated medical documents, to the Ministry of Health and receive their compensation in this way.<sup>314</sup> However, compensation from the Ministry of Health takes more time, which is why doctors prefer to bill the health insurance company.<sup>315</sup> These requirements lead to some problems in practice and can significantly hinder or even make access to medical care impossible.<sup>316</sup> Not all persons working in the health care sector are familiar with the rights of beneficiaries of international protection. In the patient registration systems of hospitals, there is no option for the entry of the category for beneficiaries of international protection, there is only the option of commenting in the general section “notes”. Health care facilities are not familiar with the procedures for issuing referrals and prescriptions for beneficiaries of international protection.<sup>317</sup> There are also regular difficulties in dispensing medicines to beneficiaries of international protection in pharmacies.<sup>318</sup>

NGO suspect that some doctors may falsely claim to be fully booked to avoid complications with Ministry of Health reimbursement or due to **discrimination** against individuals from the asylum sector.<sup>319</sup>

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<sup>312</sup> Law on Compulsory Health Insurance and Health Care (Zakon o obveznom zdravstvenom osiguranju i zdravstvenoj zaštiti stranaca u Republici Hrvatskoj, NN 80/2013, 15/2018, 26/2021, 46/2022).

<sup>313</sup> ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 152.

<sup>314</sup> ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 153.

<sup>315</sup> CPS, interview from October 2024.

<sup>316</sup> Office of the Ombudswoman, [report 2023](#); AYS, interview from October 2024.

<sup>317</sup> ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 153.

<sup>318</sup> CPS, interview from October 2024; ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 154.

<sup>319</sup> ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 153.

**Children** are not integrated into their parents' insurance status. Instead, their health care is tied to their asylum status, and they are generally insured through the Ministry of Health.

The Croatian health care system is overburdened, with **long waiting times** for all patients, including locals. The system suffers from a shortage of doctors and medical staff, and many specialists are leaving the country.

**Language** remains a significant barrier even after protection status is granted, further hindering access to health care. The JRS reports that without interpreters, doctor visits are often futile. For this reason, the JRS frequently accompanies individuals to appointments to provide translation services.<sup>320</sup>

Apart from the low capacity of the RCT (see chapter 5.3), there are virtually no **mental health care** options for persons with protection status in Croatia. Treatment in the public health care system is usually offered in psychiatric hospitals/psychiatric departments of general hospitals and, to a lesser extent, in public health institutes (where outpatient addiction treatment and preventive measures are usually provided). However, all these options only exist on paper. The lack of interpreters is also cited here as one of the main obstacles to accessing treatment, and there is also too little capacity for locals in this area of health care.<sup>321</sup>



The CPS has set up the Network for Improving Access to Health Services, which is made up of representatives of civil society organisations, public institutions at local and state level and experts in the field of integration. Information material and brochures can be found here: [Access to health care for third country nationals](#).<sup>322</sup>

## 8.4. Labour

Beneficiaries of international protection have the right to work in Croatia. In principle, they have the same rights as Croatian nationals. No specific work permit or registration is required.<sup>323</sup> The main problem with access to the labour market is language barriers, which are difficult to overcome due to the lack of language courses.<sup>324</sup> Another problem is the recognition of foreign qualifications and diplomas.

Labour is currently needed in Croatia. In 2024, 206,529 work visas<sup>325</sup> were issued for foreign workers, half of them for people from Nepal, India, Bangladesh and the Philippines, the other half is issued for people from ex-Yugoslavian countries. However, wages in the in-demand labour segment (food delivery, taxi driving etc.) are low and are often not enough to provide an

<sup>320</sup> JRS, interview from October 2024.

<sup>321</sup> The SRC statements on health care in the report on the [situation of mentally ill asylum applicants and beneficiaries of protection](#) from December 2021, chapter 5.2, still apply.

<sup>322</sup> Additional information can be found [here](#) and [here](#).

<sup>323</sup> Art. 68 para. 1 LITP.

<sup>324</sup> ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 147.

<sup>325</sup> [Croatia Week, New employment rules for foreign workers in Croatia](#), 7 February 2025.

adequate standard of living.<sup>326</sup> At the same time, prices for food and housing are rising.<sup>327</sup> The CPS also notes that there is an increase in enquiries regarding various violations of workers' rights and discrimination at work.<sup>328</sup>

AYS offers job search support, workshops and assistance in putting together a CV. The program is currently financed by the City of Zagreb funds.



Information brochure from UNHCR together with others on the [right to work](#).

One problem mentioned by various parties is access to daycare for **children**. Apart from the fact that there are not enough places available for locals either, a birth certificate is required for enrolment, which people from the asylum sector are often unable to produce.<sup>329</sup> Accordingly, these children are then denied access to daycare services, which prevents one parent from working.

## 8.5. Education

There are several problems in the education system: problems with preparatory classes for children (see the explanations in chapter 5.5); lack of preparation of schools; insufficient number of teachers; problems in accessing higher education; problems in exercising most of the rights that regular students enjoy, such as the right to subsidised accommodation and food and the possibility of receiving a scholarship; difficulties in the recognition of foreign qualifications and diplomas, as well as a lack of tailored procedures for the recognition of qualifications when documents don't exist.

For children aged 15 and over, the same problems arise as already described in chapter 5.5.

## 8.6. Family reunification

The right to family reunification is regulated in Art. 66 LITP and applies equally to persons with asylum and subsidiary protection status.<sup>330</sup> In Croatia, there are no deadlines for submitting an application for family reunification. There are also no minimum income requirements.

<sup>326</sup> AYS and Swiss Embassy, interviews from October 2024.

<sup>327</sup> At the end of April 2023, the Trade Union of State and Municipal Employees in Croatia announced that employees in the judiciary were demanding a pay rise of 400 euros. They argued that the current salary of 600 euros was not enough to cover the basic cost of living, especially given the additional pressure of inflation. Strikes broke out at the beginning of 2024, as Croatian judges considered the government's salary increase of 580 euros to be insufficient ([Liberties Rule of Law Report 2024](#), p. 107 f.).

<sup>328</sup> CPS, interview from October 2024.

<sup>329</sup> AYS, interview from October 2024.

<sup>330</sup> See also the [CLC information sheet](#).



The following **family members**<sup>331</sup> of beneficiaries of international protection can benefit from family reunification:

- Spouses or unmarried partners living in a partnership that can be considered a civil partnership according to Croatian regulations;
- minor children of married or unmarried partners; minor adopted children; minor children and adopted children of a married, unmarried or civil partner who exercises parental care;
- adult unmarried children who are unable to care for themselves due to their state of health;
- parents or other legal representative of a child;
- first-degree relatives in the direct ascending line with whom he or she has lived in a common household if it is established that he or she is dependent on the care of the person joining him or her.

Family reunification with another related person is also possible if there are special personal or serious humanitarian reasons and these can be proven.<sup>332</sup>

In practice, family reunification in Croatia is a lengthy and bureaucratic process that requires authorised persons to seek assistance.<sup>333</sup> For family reunification, the person abroad must contact the relevant Croatian diplomatic representation. If initial authorisation for temporary residence has been granted, the individual must visit the embassy to provide biometric data. Additional requirements must also be met, including a valid travel document and an extract from some sort of criminal record.<sup>334</sup> UNHCR confirms that the process for family reunification is complex, due to the cost, the lengthy procedures, and requirements that may be inaccessible to refugees' family members. For example, submitting finger prints prior to arriving in Croatia is often difficult, as refugees' family members may lack the means or the documents required to travel to a Croatian embassy, which are not present in many countries.<sup>335</sup> A report from the "COMP4SEE – Complementary pathways for Southeast Europe" project on family reunification, in which the CLC participated for Croatia, proposes various simplifications and improvements for the family reunification process. These include reducing requirements and bureaucratic procedures and providing better information for those affected.<sup>336</sup>

The family reunification procedure usually takes between six and nine months.<sup>337</sup> The trip must be paid for by the family members themselves.<sup>338</sup>



[Information leaflet](#) from UNHCR and the CLC on family reunification.

<sup>331</sup> Art. 4 No. 18 LITP.

<sup>332</sup> ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 141.

<sup>333</sup> JRS, interview from October 2024; ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 140.

<sup>334</sup> JRS, interview from October 2024. Further requirements can be found in Art. 59 of the Croatian Aliens Act (Zakon o strancima NN 133/2020, 114/2022, 151/2022).

<sup>335</sup> UNHCR, interview from October 2024.

<sup>336</sup> COMP4SEE – [Complementary pathways for Southeast Europe, Recommendations for the improvement of the national family reunification system](#).

<sup>337</sup> ECRE/AIDA, [Country Report Croatia](#), 2023 Update, July 2024, p. 142.

<sup>338</sup> CRC, interview from October 2024.

## 8.7. Integration

Integration is cited as a major challenge by various stakeholders.<sup>339</sup>

Pursuant to Art. 76 para. 5 LITP, the Office for Human Rights and Rights of National Minorities is tasked with coordinating the efforts of all ministries, NGO, and other bodies involved in the integration process. This coordination is intended to occur within the framework of the Standing Commission for the Implementation of the Integration of Foreigners into Croatian Society and its associated working group, which develops proposals for national strategic documents in this area. However, since Croatia has not had an Action Plan on Integration since 2019, the Commission is currently inactive.<sup>340</sup>

The UN Committee against Racial Discrimination CERD in its concluding observations on Croatia's combined ninth to fourteenth period<sup>341</sup> recommended that Croatia adopt measures – including the development and implementation of a policy framework – to promote the full participation and integration of migrants, asylum applicants and beneficiaries of protection into society, including through the provision of language training, vocational training and employment opportunities.

There is no current integration plan at national level; the last one expired at the end of 2019.<sup>342</sup> The city of Zagreb has a **local action plan**.<sup>343</sup> As part of this,<sup>344</sup> and with the support of UNHCR, a *Welcome Centre* was opened by the City of Zagreb in October 2024 to serve as a 'one-stop shop' providing information for third-country nationals in one central location. The centre is the first facility of its kind in Croatia.<sup>345</sup>



In the course of this, various information brochures will be made available in different languages,<sup>346</sup> among others from the CPS: How and why should refugees and migrants be involved in political and decision-making processes?

The City of Zagreb's action plan sets various goals in the areas of information and exercising rights, social rights and health care, language acquisition and education, cultural inclusion, preparation for the labour market, strengthening local integration and fostering cooperation at various levels in the field of integration. To achieve these goals, the plan outlines measures

<sup>339</sup> E.g. JRS, AYS, CPS, CLC, interviews from October 2024.

<sup>340</sup> CPS, information from December 2024.

<sup>341</sup> UN Committee against Racial Discrimination CERD, Concluding observations on the combined ninth to fourteenth periodic reports of Croatia, 2 October 2023, No. 26 [a].

<sup>342</sup> ECRE/AIDA, Country Report Croatia, 2023 Update, July 2024, p. 19.

<sup>343</sup> Action plan of the City of Zagreb for the implementation of the Charter for the Integration of Cities for 2023 and 2024.

<sup>344</sup> Action Plan of the City of Zagreb, Measure 1.1.2.

<sup>345</sup> [https://migrant-integration.ec.europa.eu/news/croatia-one-stop-shop-and-multilingual-materials-migrant-integration\\_en](https://migrant-integration.ec.europa.eu/news/croatia-one-stop-shop-and-multilingual-materials-migrant-integration_en).

<sup>346</sup> <https://zagreb.hr/publikacije/201615>.

that involve civil society; for example, the provision of cultural mediation,<sup>347</sup> the provision of humanitarian support in the event of large numbers of migrants<sup>348</sup> or language courses.<sup>349</sup>

A steering committee of the CPS project *Thinking of the integration process as mutual inclusion, ZinCING*, consisting of two CPS employees and eight people with different legal statuses in Croatia (refugees, foreign students, foreign employees) analysed the implementation of integration measures from the perspective of the people to whom the integration measures are directed. The result is a shadow report consisting of eight short reports. They highlight, for example, difficulties with access to higher education and students' rights, access to work and health care. Each report is followed by a list of recommendations for public institutions.<sup>350</sup>



Guide from the Croatian Government, [Guide through integration – Basic Information for the Integration of Foreigners into Croatian Society](#).

### 8.7.1. Language

The problems of inadequate interpretation and the insufficient number of interpreters go beyond the asylum procedure. Please refer to chapter 3.3 for detailed explanations of these issues.

The AIDA report for 2023 mentions that the CPS, the RCT, the JRS and AYS all report persistent difficulties in terms of access to language courses,<sup>351</sup> which are the basis for successful integration. In the meantime, the situation has improved somewhat due to the action plan<sup>352</sup> and the associated provision of funds in the city of Zagreb, reports AYS.<sup>353</sup> AYS offers free language courses. Together with the language school Croaticum AYS organises language courses for the level B1 for asylum applicants and beneficiaries of international protection. Therefore, AYS collects a list of interested people and Croaticum volunteers provide the entire course.<sup>354</sup>

The JRS also reports additional funding for language courses and translation services for visits to the authorities, which should not only be available to asylum seekers but also to labour migrants.<sup>355</sup> However, this only applies to the city of Zagreb. Outside of Zagreb, the situation regarding language courses (and other integration measures) is difficult. There are hardly any offers and support, especially in rural areas.

According to the JRS, once protection status has been recognised, there are problems with visits to the authorities and access to various rights, as these require knowledge of

<sup>347</sup> Action Plan of the City of Zagreb, Measure 1.2.2.

<sup>348</sup> Action Plan of the City of Zagreb, Measure 2.2.1.

<sup>349</sup> Action Plan of the City of Zagreb, Measure 3.2.4.

<sup>350</sup> CPS, *Shadow report on the implementation of integration measures in Croatia*, October 2023.

<sup>351</sup> ECRE/AIDA, *Country Report Croatia*, 2023 Update, July 2024, p. 148 with reference to the respective statements.

<sup>352</sup> Action Plan of the City of Zagreb, Measure 3.2.4.

<sup>353</sup> AYS, interview from October 2024.

<sup>354</sup> AYS, information from December 2024.

<sup>355</sup> JRS, interview from October 2024.

the language and the system. The situation is difficult regarding health care, in particular psychological/psychiatric care is mostly pointless without interpretation.<sup>356</sup> Corresponding explanations can be found in chapter 8.3.



[Link for free access to Croatian courses](#) from Croaticum (source language English or Spanish).

## 8.7.2. Discrimination / racism

AYS and other NGO report discrimination against asylum seekers, particularly regarding health care. The specific problems are discussed in chapter 8.3. There are reports of attacks by young people against migrants and various racist attacks on people with a migration background.<sup>357</sup>

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<sup>356</sup> JRS, interview from October 2024.

<sup>357</sup> E.g. DW, [Kroatien auf dem Weg in die Einwanderungsgesellschaft](#), 20 October 2024; Die Welt, [Vier Angriffe auf migrantische Essenslieferanten](#), 9 November 2024.

## 9. THE SITUATION OF NGO IN THE ASYLUM SECTOR

The Liberties Rule of Law report<sup>358</sup> refers to the statements of the Human Rights House Zagreb regarding the human rights situation. It highlights the ongoing lack of political support for human rights defenders and their organisations, noting that they are often subjected to pressure or intimidation through media coverage, social networks and comments on media portals – especially those working to protect and promote the human rights of migrants and refugees. The Ombudswoman’s 2022 Annual Report states that 61% of the civil society organisations surveyed encountered obstacles that restricted their activities; 44% through verbal attacks, harassment, intimidation and smear campaigns, 18% through the criminalisation of their work and 15% through physical attacks or damage to property.

NGO that were founded in 2015, when a particularly large number of refugees arrived at the Croatian border, witnessed a gradual change in behaviour on the part of the Croatian police. NGO began documenting the violations of the law at Croatia’s borders and publicly denouncing the authorities for arbitrary refoulement and collective expulsions as well as intimidation and violence against refugees and migrants. The previously close co-operation with the local police and border guards turned into open hostility. With the increase in allegations of rights violations, the Croatian authorities have launched a targeted campaign to undermine the credibility of these reports by discrediting the organisations working for the rights of migrants and refugees. This includes attempts to publicly defame and delegitimise the organisations’ activities. For example, it was claimed that they had helped migrants and refugees to enter Croatia “illegally” and attempted to undermine the country’s efforts to join the Schengen area. This includes the intimidation and harassment of staff and volunteers, some of whom have been detained at police stations without formal charges being laid. There have been direct threats due to criticism of police activities at the border.<sup>359</sup>



Another example of disproportionate criminalisation of civil society protest is the case of Vladimir Arinichev:<sup>360</sup> This is a peace activist who fled Russia and whose application for asylum was rejected in the first instance, although the decision recognised that he would in principle meet the criteria for being granted asylum. However, the application was rejected based on the opinion of the Security and Intelligence Service (SOA), which categorised him as a threat to national security. This was based on Russia’s claim that he was a terrorist. In response to this decision, Vladislav Arinichev organised a peaceful protest in Zagreb wearing a T-shirt with a provocative print. As a result, he was arrested and provisionally sentenced for insulting a state authority. Despite the minor nature of the offence, the Croatian authorities held him in a detention centre for foreigners for three months.

<sup>358</sup> Liberties Rule of Law Report 2024, p. 148.

<sup>359</sup> Amnesty International, [Punishing compassion solidarity on trial in fortress Europe](#).

<sup>360</sup> Further information: [www.cms.hr/hr/azil-i-integracijske-politike/borac-za-slobodu-lisen-slobode-u-rusiji-ali-i-u-hrvatskoj](http://www.cms.hr/hr/azil-i-integracijske-politike/borac-za-slobodu-lisen-slobode-u-rusiji-ali-i-u-hrvatskoj) and [www.cms.hr/hr/azil-i-integracijske-politike/hrvatska-mora-mirovnog-aktivista-vladislava-arinicheva-pustiti-na-slobodu](http://www.cms.hr/hr/azil-i-integracijske-politike/hrvatska-mora-mirovnog-aktivista-vladislava-arinicheva-pustiti-na-slobodu).

## 10. EXCURSUS: THE SWISS PRACTICE OF DUBLIN TRANSFERS

Various interview partners have pointed out that there is a prevailing impression that Switzerland primarily returns very vulnerable people to Croatia, especially seriously ill people, older people and large families. Various actors raised concerns that this is problematic because the Croatian system is fragile when it comes to accommodating persons with special needs, particularly in the areas of accommodation, medical care and other services, and is not very resilient. Furthermore, it was mentioned several times that transfers from Switzerland seem to be carried out in a particularly harsh manner. Those directly affected report being tied up, picked up in the middle of the night and experiencing traumatic events. **In the view of the SRC, this practice of the Swiss authorities is disproportionate to the goal of carrying out a Dublin transfer.** The National Commission for the Prevention of Torture (NCPT) has also criticised the disproportionate nature of measures related to Dublin transfers.<sup>361</sup> In 2024, the SRC received an increasing number of worrying reports from doctors and psychiatrists in Switzerland who report that people are being picked up directly from treatment and clinics – including closed departments and contrary to the advice of the medical staff treating them – and then transferred to Croatia or other Dublin countries. **The SRC strongly condemns this practice. In the view of the SRC, picking up people from ongoing treatment to carry out an administrative measure is disproportionate.**

Dublin transfers from Switzerland to Croatia are carried out exclusively by charter flights (special flights). The NCPT has also criticised Switzerland's transfer methods specifically regarding special flights to Croatia in the past. In 2023, the Commission found that in at least five cases, returnees who were willing to travel were also present on special flights to Croatia. During two special flights to Zagreb accompanied by the Commission, persons willing to travel were tied up with a Kerberos belt despite cooperative behaviour.<sup>362</sup>

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<sup>361</sup> NCPT, [Report to the Federal Department of Justice and Police \(FDJP\) and the Conference of Cantonal Justice and Police Directors \(KKJPD\) concerning the monitoring of the enforcement of immigration law from January to December 2023](#), 22 April 2024, nos. 61, 62, 77.

<sup>362</sup> NCPT, [Report to the Federal Department of Justice and Police \(FDJP\) and the Conference of Cantonal Justice and Police Directors \(KKJPD\) concerning the monitoring of the enforcement of immigration law from January to December 2023](#), 22 April 2024, no. 62.

# 11. CONCLUSION AND DEMANDS

§ The CJEU states that it is not sufficient to consider only the consequences of physical transfer of the person concerned from one Member State to another when assessing Dublin decisions; instead, all possible consequences arising from the transfer must be considered.<sup>363</sup>

A transfer can only be carried out if there is no risk of being subjected to inhuman or degrading treatment under Art. 3 ECHR – either upon arrival in the other Member State due to the reception conditions<sup>364</sup> or due to the transfer itself.<sup>365</sup> If there is a real and proven risk that the applicant's state of health would deteriorate significantly and lastingly because of the transfer itself or as a result of the transfer, the transfer violates Art. 3 ECHR.

The SRC's fact-finding mission to Croatia essentially confirmed the problem areas that had already been detected in advance.<sup>366</sup> Pushbacks, access to specialised health care and the lack of interpreters seem to be the most relevant problems in the context of the Croatian asylum procedure.

However, there are also positive aspects: At the time of this report, the accommodation of asylum seekers is ensured, and the cooperation between authorities and NGO appears to be functioning well in this area.

It should be noted that capacity limits in Croatia are quickly reached when numbers increase. As a result, problems regarding all services can be expected, similar to the situation in summer 2023.<sup>367</sup> In view of the general bottlenecks in the Croatian health care system, the transfer of people with special needs should be avoided.

An important point that the SRC believes has been unjustly neglected by the authorities and courts of sending countries in the Dublin context is the persistent allegations and documented systematic practices of inhuman and degrading treatment, as well as systematic violations of the non-refoulement principle at Croatia's external EU borders. **Accordingly, contrary to the position of the SEM and the FAC, the basic presumption that Croatia is complying with its obligations under international law cannot be upheld. For persons who have experienced violence at the hands of the Croatian police, the SRC is of the opinion that deportation to Croatia is unreasonable.**

<sup>363</sup> CJEU, *C.K., H.F., A.S.*, judgment of 16 February 2017, C-578/16 PPU, para. 76.

<sup>364</sup> CJEU, *Jawo*, judgment of 19 March 2019, C-163/17.

<sup>365</sup> CJEU, *C.K., H.F., A.S.*, judgment of 16 February 2017, C-578/16 PPU.

<sup>366</sup> SRC, *Police violence in Bulgaria and Croatia: Consequences for Dublin transfers*, September 2022; SRC, *Report on the situation of mentally ill persons in Croatia*, December 2021.

<sup>367</sup> See the *Ombudswoman's report 2023*.



In view of the available information and in accordance with the standards set by the ECtHR<sup>368</sup> and the CJEU<sup>369</sup>, Member States are obliged to assess on a case-by-case basis the situation an individual would face in the event of a transfer to Croatia.

**The SRC recommends refraining from transferring Dublin returnees to Croatia. In particular, the SRC calls for the cessation of transfers of vulnerable individuals who depend on regular healthcare, as well as those who have been victims of police violence in Croatia.**

If a transfer is nevertheless found to be legal and reasonable after a detailed examination of the facts of the individual case, the SRC demands that the Croatian authorities be fully informed of the medical needs, as provided for in the Dublin III Regulation.<sup>370</sup>

**If a transfer is deemed to be legal after a thorough examination of the individual case, the SRC demands that the principle of proportionality be respected during the transfer.** The persons concerned must be given the opportunity to travel under appropriate conditions and must be informed about the transfer procedures. They should also be allowed to pack their belongings and carry important documents and medication in their hand luggage. Persons with medical conditions should be provided with sufficient medication for several weeks, as well as medical certificates translated at least into English. This would ensure that, in addition to the transfer of medical data, the transferees themselves possess the relevant documents.

Forced transfers, where people are taken from their accommodation in the middle of the night with a police presence without prior notice, must be avoided in the view of the SRC. This practice leads to (re)traumatisation and does not respect the principle of proportionality. **The SRC also strongly demands that the transfer of persons undergoing ongoing treatment or from medical institutions must be avoided.**

<sup>368</sup> ECtHR, *M.S.S. v. Belgium and Greece*, judgment of 21 January 2011, no. 30696/09, paras. 352, 359.

<sup>369</sup> CJEU *N.S. and M.E.*, judgment of 21 December 2011, joined cases C-411/10 and C-493/10, para. 94.

<sup>370</sup> Art. 31 and 32 of the Dublin III Regulation.



As Switzerland's leading refugee organisation and the umbrella organisation for aid agencies and organisations working in the areas of flight and asylum, the **Swiss Refugee Council (SRC)** stands for a Switzerland that welcomes refugees, protects them effectively, upholds their fundamental and human rights, promotes their participation in society and treats them with respect and openness. In this role, it defends and strengthens the interests and rights of those in need of protection and promotes understanding of their living conditions. With its proven expertise, the SRC shapes the public discourse and influences the social and political framework.

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