

## Croatia Immigration Detention Profile

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### INTRODUCTION

In September 2015, after [Hungary](#) completed a fence along its border with Serbia, the main migration and refugee route through the Balkans shifted to Croatia. By the end of 2015, more than 550,00 people had traversed Croatia, of whom only 24 applied for asylum.<sup>1</sup> In February 2016, Croatia joined [Slovenia](#) in imposing strict daily limits on the number of refugees entering their territories. Croatian authorities have warned that they would block the route across their country if [Austria](#) and [Germany](#) closed their borders.<sup>2</sup>

Even before the onset of the current humanitarian “crisis” in Europe, Croatia was a key transit country for non-citizens attempting to reach Western Europe. It refuses entry to high numbers of people: 9,355 in 2015; 8,645 in 2014; and 10,015 in 2013. In 2015, the number of refusals was the sixth highest in the EU.<sup>3</sup> In addition, in 2015 Croatia apprehended 3,259 undocumented people and ordered 3,910 expulsions.<sup>4</sup> Official sources report that the country placed 258 non-citizens in detention in 2015, of whom 41 were asylum seekers.<sup>5</sup> By comparison, more than 1,500 people were reportedly detained in both 2006 and 2007.<sup>6</sup>

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<sup>1</sup> Ombudsman of Croatia, *Report on the Performance of Activities of the National Preventive Mechanism for 2015*, August 2016, <http://ombudsman.hr/en/reports/send/66-ombudsman-s-reports/792-report-on-the-performance-of-activities-of-the-national-preventive-mechanism-for-2015>.

<sup>2</sup> Jennifer Rankin, "Croatia and Slovenia impose limits on refugee numbers," *The Guardian*, 26 February 2016, <https://www.theguardian.com/world/2016/feb/26/croatia-slovenia-limits-refugee-numbers-europe-greece>.

<sup>3</sup> To compare, in 2015, Italy refused entry to 7,425 non-citizens and Greece to 6,890.

<sup>4</sup> Eurostat, *Database: Enforcement of Immigration Legislation*, last updated 14 July 2016, <http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database>.

<sup>5</sup> Nera Komarić (IOM Croatia), *Email exchange with Izabella Majcher* (Global Detention Project), September 2016; Office of the Ombudswomen, *Report on the performance of activities of the National*

Croatia joined the European Union in 2013 and has transposed relevant EU migration- and asylum-related legislation. The Law on Foreigners was adopted in 2011 and the Law on International and Temporary Protection in 2015. As part of the process of joining the EU, Croatia received funding from Brussels for a number of immigration-related projects. The EU provided eight million Euros for the construction of a specific unit for vulnerable persons within the existing detention centre in Jezevo as well as two border detention facilities, which are supposed to open in early 2017.<sup>7</sup> The EU also provided 120 million Euros for the construction and modernization of 40 border crossing points and the purchase of border control equipment.

Among Croatia's controversial immigration measures are the policy of obliging detainees to pay for their detention and the assignation of unrelated guardians for unaccompanied children.

## LAWS, POLICIES, PRACTICES

The 2011 [Law on Foreigners](#) (*Zakon o strancima*), amended in 2013, regulates the entry, stay and exit of non-citizens from Croatia. The Law on Foreigners transposed the [EU Returns Directive](#) into Croatian legislation and provides for the detention of non-citizens.

Immigration detention is also provided in the country's asylum legislation. In July 2015, Croatia adopted the Law on International and Temporary Protection (LITP) (*Zakon o međunarodnoj i privremenoj zaštiti*), which replaced the 2007 Law on Asylum. The LITP transposed several EU directives in the Croatian legislation, including the [EU recast Reception Conditions Directive](#). The grounds for asylum detention in the LITP mirror those in the Reception Conditions Directive and are reportedly narrower than under the Law on Asylum. The [Croatian Law Centre](#) (HPC) reported that the reform of detention policy was one of the main objectives of the LITP.<sup>8</sup>

**Grounds for detention.** The Law on Foreigners provides for "preliminary" and "regular" detention (called *smještaj u centar*, literally meaning "accommodation in the centre"). According to article 124(1) authorities may place a non-citizen in "preliminary" detention to ensure his presence during the expulsion determination process if he is deemed to pose a threat to national security or has been convicted of a criminal offence. This kind

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*Preventive Mechanism for 2015*, August 2016, <http://ombudsman.hr/en/reports/send/66-ombudsman-s-reports/792-report-on-the-performance-of-activities-of-the-national-preventive-mechanism-for-2015>.

<sup>6</sup> European Commission, *IPA 2011 Croatia Project Fiche*, 2011, [http://ec.europa.eu/enlargement/pdf/croatia/ipa/2011/06\\_reception\\_centre\\_for\\_foreigners.pdf](http://ec.europa.eu/enlargement/pdf/croatia/ipa/2011/06_reception_centre_for_foreigners.pdf).

<sup>7</sup> European Commission, *IPA 2011 Croatia Project Fiche*, 2011, [http://ec.europa.eu/enlargement/pdf/croatia/ipa/2011/06\\_reception\\_centre\\_for\\_foreigners.pdf](http://ec.europa.eu/enlargement/pdf/croatia/ipa/2011/06_reception_centre_for_foreigners.pdf); Vedran Pavlic, "Despite Migrant Crisis, Croatia Still Preparing to Enter Schengen," *Total Croatia News*, 27 Mar 2016, <http://www.total-croatia-news.com/politics/3088-despites-migrant-crisis-croatia-still-preparing-to-enter-schengen>.

<sup>8</sup> Croatian Law Centre, *Country Report: Croatia*, Asylum Information Database (AIDA), December 2015, <http://www.asylumineurope.org/reports/country/croatia>.

of detention, imposed before the issuance of a removal order, resembles “detention in preparation for departure” under [Swiss](#) law, aimed to facilitate the conduct of removal proceedings.

“Regular” detention may be imposed under article 125(1) if removal cannot be carried out immediately and the non-citizen (1) has not left the European Economic Area (EEA) within the deadline set out in the return decision; (2) there reason to a doubt the person in question is a minor; and/or (3) to verify his identity.<sup>9</sup> The person cannot leave Croatia by going to another country within the EEA.<sup>10</sup> The wording of article 125(1) is unclear as to whether these grounds shall be read cumulatively (“and”) or in alternative (“or”). One expert consulted by the GDP explained that the conditions can be fulfilled individually or jointly.<sup>11</sup> In addition, detention can be imposed if a non-citizen cannot be deported immediately and his removal order does not provide for a deadline for departure (article 125(1)). This may occur in situations where he committed a criminal offence or misdemeanor with elements of violence, was issued an unconditional sentence of imprisonment, crossed or attempted to cross the state border in irregular manner, should be refused entry to the country, should be extradited, or send to another EU country, based on a readmission agreement (article 112(2)).

The LITP provides four grounds for asylum detention: 1) to establish the facts and circumstances of an asylum application that cannot be determined without detention, in particular where there is a risk of absconding; 2) to establish and verify identity or nationality; 3) to protect national security or public order; or 4) to prevent abuse of asylum or removal procedures (Article 54(2)).

Under article 54(3) of the LITP it is also possible to detain a non-citizen for the purposes of transfer under the Dublin Regulation if there is a risk of absconding. The factors allowing authorities to determine a risk of absconding include previous attempts to abscond; refusal to submit to verification and establishment of identity; concealing or providing false information on the identity and/or nationality; breaches of the rules in the reception centre; or a lack of consent to a Dublin transfer (article 54(4)).

According to the Croatian Law Centre, the majority of asylum seekers, including those in the Dublin transfer procedures, are not detained. The circumstances in which non-citizens are most frequently detained include when the person submits asylum applications after having been issued a deportation order and leaves or attempts to leave the country when the asylum procedure is still ongoing. However, observers have

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<sup>9</sup> European Migration Network (EMN) National Contact Point for Croatia (International Organization for Migration), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm); International Organization for Migration (IOM), *ASSESSMENT REPORT Health Situation at EU's Southern Borders: Migrant, Occupational, and Public Health: CROATIA*, 2014, [https://publications.iom.int/system/files/pdf/sar\\_croatia.pdf](https://publications.iom.int/system/files/pdf/sar_croatia.pdf).

<sup>10</sup> Nera Komarić (IOM Croatia), *Email exchange with Izabella Majcher* (Global Detention Project), September 2016.

<sup>11</sup> Nera Komarić (IOM Croatia), *Email exchange with Izabella Majcher* (Global Detention Project), September 2016.

noted that detention decisions often appear similar and not be based on individual assessments.<sup>12</sup>

**Children.** The Law on Foreigners provides for the detention of both accompanied and unaccompanied children if it is deemed necessary for a deportation procedure. Children are to be confined separately from other detainees and their rooms shall be appropriate for their age. Members of the same family shall be accommodated together, unless it is not possible due to particularly large number of immigration detainees. Children shall be provided with conditions appropriate to their age and access to education (article 132).

The LITP provides that persons belonging to vulnerable categories may be detained if an individual assessment proves that detention is suited to their special circumstances and needs (article 54(7)). Vulnerable persons include children, the elderly, persons with health issues or disabilities, pregnant women, single parents with children, victims of torture or rape or FGM (article 4(14)). According to article 54(8) of the LITP, unaccompanied children may be detained for a “short duration” and separately from adults if an individual assessment proves that such detention is necessary.

Unaccompanied children can be placed in public institutions for children and juveniles, reception centres for asylum seekers (if they apply for asylum), orphanages (if they are below 14), or detention centres.<sup>13</sup> According to the Croatian Law Centre, juvenile facilities accommodate underage persons with behavioural difficulties and thus the custodial conditions should not be deemed suitable for unaccompanied foreign children.<sup>14</sup>

Croatia has been criticised for assigning unrelated guardians to unaccompanied children when they have been apprehended together.<sup>15</sup> The [European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#) (CPT) informed Croatia that accommodation of children with unrelated adults triggers a risk of exploitation and urged authorities to review that practice.<sup>16</sup> The GDP has observed similar practices in other nearby European countries, including [Bulgaria](#).

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<sup>12</sup> Croatian Law Centre, *Country Report: Croatia*, Asylum Information Database (AIDA), December 2015, <http://www.asylumineurope.org/reports/country/croatia>.

<sup>13</sup> International Organization for Migration (IOM), *ASSESSMENT REPORT Health Situation at EU's Southern Borders: Migrant, Occupational, and Public Health: CROATIA*, 2014, [https://publications.iom.int/system/files/pdf/sar\\_croatia.pdf](https://publications.iom.int/system/files/pdf/sar_croatia.pdf), Croatian Law Centre, *Country Report: Croatia*, Asylum Information Database (AIDA), December 2015, <http://www.asylumineurope.org/reports/country/croatia>.

<sup>14</sup> Croatian Law Centre, *Country Report: Croatia*, Asylum Information Database (AIDA), December 2015, <http://www.asylumineurope.org/reports/country/croatia>.

<sup>15</sup> European Commission, *IPA 2011 Croatia Project Fiche*, 2011, [http://ec.europa.eu/enlargement/pdf/croatia/ipa/2011/06\\_reception\\_centre\\_for\\_foreigners.pdf](http://ec.europa.eu/enlargement/pdf/croatia/ipa/2011/06_reception_centre_for_foreigners.pdf).

<sup>16</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *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 4 to 14 May 2007*, CPT/Inf (2008)29, October 2008, <http://www.cpt.coe.int/en/states.htm>.

According to the statistics collected by the European Commission, 39 children were detained in 2010, 25 in 2009, 27 in 2008, 96 in 2007, and 61 in 2006.<sup>17</sup> Important to note, however, is that authorities only considered children under the age of 14 as minors, thus older children were not included in the statistics.<sup>18</sup>

In early 2016 a new unit for vulnerable persons opened within the Jezevo detention centre. With a capacity of 24, the unit has a living room and a playroom for children and employs psychologists and educators (see also the Infrastructure).<sup>19</sup>

**Length of detention.** Authorities may arrest a non-citizen for up to 24 hours to ensure his presence during expulsion procedures, cancellation of short-term stay, or cancellation of the postponement of deportation. A non-citizen issued a deportation order can be arrested for up to 48 hours (Law on Foreigners, article 123(1)-(2)).

Under the Law on Foreigners (article 124(3)) “preliminary” detention can last up to three months. “Regular” detention can be ordered for six months (article 125(3)). Detention may be then extended by 12 months if the non-citizen 1) refuses to provide personal or other information and documents required for removal (forced return) or provided false information; or 2) prevents or stalls the removal (forced return) in some other way. An extension can also be made if (3) there is a reasonable expectation that competent bodies of another state will provide necessary travel and other documents required for deportation during this period (article 126).

Under article 54(9) of the LITP, detention of asylum applicants can last up to three months, which may be “exceptionally” extended by another three months. According to the Croatian Law Centre, in general detention is rarely prolonged beyond the initial three months.<sup>20</sup> Non-citizens detained pending Dublin transfer can be confined for up to six weeks (article 54(10)).

**Procedural guarantees.** Detention prior to removal is ordered by police (Law on Foreigners, article 127(1)), while the Interior Ministry or police can order detention of asylum seekers (LITP, article 54(11)). The Law on Foreigners stipulates that a non-citizen shall be immediately informed about reasons for his arrest (article 127(3)). With respect to asylum seekers, the HPC reports that the staff of the Ministry of Interior informs asylum seekers orally about the reasons for their detention and—if necessary—an interpreter reads the decision to them. However detention decisions tend to use

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<sup>17</sup> European Commission, *IPA 2011 Croatia Project Fiche*, 2011, [http://ec.europa.eu/enlargement/pdf/croatia/ipa/2011/06\\_reception\\_centre\\_for\\_foreigners.pdf](http://ec.europa.eu/enlargement/pdf/croatia/ipa/2011/06_reception_centre_for_foreigners.pdf).

<sup>18</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *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 4 to 14 May 2007*, CPT/Inf (2008)29, October 2008, <http://www.cpt.coe.int/en/states.htm>.

<sup>19</sup> Croatian Law Centre, *Country Report: Croatia*, Asylum Information Database (AIDA), December 2015, <http://www.asylumineurope.org/reports/country/croatia>.

<sup>20</sup> Croatian Law Centre, *Country Report: Croatia*, Asylum Information Database (AIDA), December 2015, <http://www.asylumineurope.org/reports/country/croatia>.

complex legal language and the majority of asylum seekers do not understand the reasons for their detention.<sup>21</sup>

According to both the Law on Foreigners (article 127(3)) and LITP (article 54(12)), an appeal against a detention decision is not permissible but detainees may lodge a complaint to an administrative court. The court must decide on the complaint after an oral hearing and within 15 days.

Under the Law on Foreigners an administrative court is also involved in the extension of the period of detention. The administration of the detention centre adopts a decision extending detention and provides it to administrative court. The court has 15 days to annul or confirm the extension (article 127(2)-(5)).

In 2014 the [UN Committee against Torture](#) noted with concern that free legal aid is not provided in procedures related to the decision on detention and urged Croatia to afford such aid.<sup>22</sup> Asylum seekers in detention are in theory entitled to free legal aid. However, the HPC reports that they frequently face obstacles in accessing this aid. There have been cases where the administrative court didn't approve free legal aid and thus lawyers were not paid for their work. In addition, NGOs that offer legal assistance are not entitled to represent individuals before the courts.<sup>23</sup>

**Alternatives to detention.** According to the Law on Foreigners (article 125(2)) and LITP (article 54(6)) detention may be ordered when less coercive measures are deemed insufficient. Article 136(3) of the Law on Foreigners lists non-custodial measures, including deposit of travel documents, bail, residence restrictions, and regular reporting to police station. The LITP enumerates the same measures, except bail (article 54(5)).

Nine persons were granted an alternative measure to detention in 2013; 6 in 2012; 4 in 2011; 10 in 2010; and 13 in 2009. The low number of persons granted alternatives to detention may be explained by the fact that Croatia is a transit country and authorities consider the majority of non-citizens as displaying a risk of absconding.<sup>24</sup>

**Criminalization.** People convicted of irregular entry can be sentenced to 30-day imprisonment and fine up to 10,000 HRK (1,330 Euros) (Act on the Monitoring of State Borders, article 42). An undocumented non-citizen may be sentenced for up to 60 days

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<sup>21</sup> Croatian Law Centre, *Country Report: Croatia*, Asylum Information Database (AIDA), December 2015, <http://www.asylumineurope.org/reports/country/croatia>.

<sup>22</sup> Committee against Torture, *Concluding observations on the combined fourth and fifth periodic reports of Croatia*, CAT/C/HRV/CO/4-5, 18 December 2014, <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/HRIndex.aspx>.

<sup>23</sup> Croatian Law Centre, *Country Report: Croatia*, Asylum Information Database (AIDA), December 2015, <http://www.asylumineurope.org/reports/country/croatia>.

<sup>24</sup> European Migration Network (EMN) National Contact Point for Croatia (International Organization for Migration), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

or obliged to pay a fine of 3,000-7,000 HRK (between 400 – 930 Euro) (Law on Foreigners, article 222(2)).<sup>25</sup>

**Regulation of detention conditions.** The Law on Foreigners uses the term “Reception Centre for Foreigners” (*Prihvatni centar za strance*) when referring to the immigration detention facility (article 124).

The 2013 Rules of the stay in the Reception centre for foreigners ([Pravila boravka u prihvatnom centru za strance](#) 66/2013), adopted by the Interior Ministry, detail some rules on conditions of detention. Accordingly, men and women shall be accommodated separately, except from families. Rooms for men can confine up to 12 persons, while rooms for women have a maximum capacity of 4 (article 7). Upon admission to the centre, non-citizens shall undergo medical examination and they have access to emergency health care during the period of their detention (articles 12-13). Detainees shall receive bed linen and towels, washed once per week (articles 11 and 15). They shall receive at three meals per day, including one warm (article 20). They are allowed at least two hours in the open air (article 19). Non-citizens are entitled to two visits per week, receiving packages and access to paid telephone (articles 22-23).

The head of the centre may decide on the stricter police supervision if the detainee has left the centre or is deemed to try to do so, attacked other detainees or the personnel, harms himself, damages the centre, or persistently refuses orders of police officers. Stricter police supervision is carried out in “dedicated premises” with restriction of the right to receive visits or use his deposited money (article 29-30).

**Cost of detention.** In 2013 the total cost of detention, not including medical costs, amounted to almost 2.6 million HRK (around 340,000 Euro).<sup>26</sup> Like in the [Czech Republic](#), detainees are obliged to pay for their detention. The cost of detention per day is 150 HRK (around 20 Euro). If a detainee does not have any resources to cover these costs, his detention is paid from the state budget (Law on Foreigners, article 133-135).<sup>27</sup>

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<sup>25</sup> EU Fundamental Rights Agency, *Criminalisation of migrants in an irregular situation and of persons engaging with them*, March 2014, <http://fra.europa.eu/en/publication/2014/criminalisation-migrants-irregular-situation-and-persons-engaging-them>.

<sup>26</sup> European Migration Network (EMN) National Contact Point for Croatia (International Organization for Migration), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>27</sup> Croatian Law Centre, *Country Report: Croatia*, Asylum Information Database (AIDA), December 2015, <http://www.asylumineurope.org/reports/country/croatia>.

## DETENTION INFRASTRUCTURE

As of 2016, Croatia operated one dedicated immigration detention centre, located in **Ježevo**.<sup>28</sup> Officially called the Reception Centre for Foreigners, the centre opened in 1996 on the premises of a former motel.<sup>29</sup> The centre is managed by the Border Management Unit within the Police Directorate of the Ministry of Interior and the staff of the centre consists mainly of police officers.<sup>30</sup>

The Jezevo centre can confine up to 140 persons. While its standard capacity used to be 116 persons,<sup>31</sup> in early 2016 a new unit for vulnerable persons opened. The unit can confine up to 24 persons, including unaccompanied children, families with children and persons with health problems.<sup>32</sup> There is a living room and a playroom for children and psychologists and educators visit the unit.<sup>33</sup> The EU paid more than two million Euros for the construction of this unit, which was meant to ensure “more humane treatment for unaccompanied minors and other vulnerable groups of aliens during the removal procedure and would enhance the probability of their readmission to the countries of origin.”<sup>34</sup>

According to an account of the conditions of detention in the Jezevo facility given by the HPC in 2015, the conditions were compliant with the regulation of the conditions of detention (see above “Regulation of detention conditions”). Every detainee is provided with a bed and there is sufficient space between beds and to store personal item. Men and women are kept separately. The centre is regularly cleaned and there is sufficient number of showers and toilets. The centre features a library with books in various languages and a spacious common room with a TV but there is no access to internet.

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<sup>28</sup> Lana Tučkorić (Croatian Law Centre), *Email exchange with Izabella Majcher* (Global Detention Project), September 2016; Nera Komarić (IOM Croatia), *Email exchange with Izabella Majcher* (Global Detention Project), September 2016; European Migration Network (EMN) National Contact Point for Croatia (International Organization for Migration), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm); No Borders, *Detention in Croatia*, 2015, <https://noborderserbia.files.wordpress.com/2015/03/zine-detention-in-hr.pdf>.

<sup>29</sup> European Commission, *IPA 2011 Croatia Project Fiche*, 2011, [http://ec.europa.eu/enlargement/pdf/croatia/ipa/2011/06\\_reception\\_centre\\_for\\_foreigners.pdf](http://ec.europa.eu/enlargement/pdf/croatia/ipa/2011/06_reception_centre_for_foreigners.pdf).

<sup>30</sup> Croatian Law Centre, *Country Report: Croatia*, Asylum Information Database (AIDA), December 2015, <http://www.asylumineurope.org/reports/country/croatia>; European Migration Network (EMN) National Contact Point for Croatia (International Organization for Migration), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>31</sup> Croatian Law Centre, *Country Report: Croatia*, Asylum Information Database (AIDA), December 2015, <http://www.asylumineurope.org/reports/country/croatia>; European Migration Network (EMN) National Contact Point for Croatia (International Organization for Migration), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm).

<sup>32</sup> Lana Tučkorić (Croatian Law Centre), *Email exchange with Izabella Majcher* (Global Detention Project), September 2016.

<sup>33</sup> Croatian Law Centre, *Country Report: Croatia*, Asylum Information Database (AIDA), December 2015, <http://www.asylumineurope.org/reports/country/croatia>.

<sup>34</sup> European Commission, *IPA 2011 Croatia Project Fiche*, 2011, [http://ec.europa.eu/enlargement/pdf/croatia/ipa/2011/06\\_reception\\_centre\\_for\\_foreigners.pdf](http://ec.europa.eu/enlargement/pdf/croatia/ipa/2011/06_reception_centre_for_foreigners.pdf).



Detainees are not allowed to use their mobile phones, which are seized upon admission to the facility, but there are two public phones that can be used at the detainees' own cost.<sup>35</sup> The CPT previously criticized this policy.<sup>36</sup>

Following its 2007 visit to the Jezevo centre, the CPT noted some improvements in conditions of detention as compared with its previous visit in 2003. Following refurbishment, the dormitories had appropriate lighting and ventilation. However the dormitories were too small. In particular, seven dormitories for men had 12 beds on a surface of some 30 square metres. In turn each of the three women's dormitories measured around 11.5 square metres and contained four beds and a fully partitioned sanitary annexe. Beds were the only piece of furniture in the dormitories, detainees were not provided with any personal lockable space for their personal items. The CPT also reported that some of the showers were not working or did not have enough hot water.<sup>37</sup>

Detainees have access to urgent medical health assistance. Since January 2014 the infirmary has been inoperative and the health care is provided by the physician and nurse visiting the centre twice a week. On this basis the Ombudsman found that health care was inadequate and urged the Ministry of Health to ensure adequate infirmary.<sup>38</sup> In 2014, the UN Committee against Torture noted with concern that there is a lack of provisions for medical treatment, outside of emergency treatment, and for psychological counseling for asylum seekers. The Committee urged Croatia to provide medical treatment and psychological counseling for detained asylum seekers.<sup>39</sup>

During the day detainees can move freely within the centre. In 2007 the CPT observed the progress done since its 2003 visit in terms of the availability of activities offered. In particular a spacious common room and football pitch were constructed. Detainees were not allowed to wear their own clothes, which were removed upon the admission. Rather they wore sportswear provided by the centre. The CPT encouraged the authorities to review this practice.<sup>40</sup>

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<sup>35</sup> Croatian Law Centre, *Country Report: Croatia*, Asylum Information Database (AIDA), December 2015, <http://www.asylumineurope.org/reports/country/croatia>.

<sup>36</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *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 4 to 14 May 2007*, CPT/Inf (2008)29, October 2008, <http://www.cpt.coe.int/en/states.htm>.

<sup>37</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *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 4 to 14 May 2007*, CPT/Inf (2008)29, October 2008, <http://www.cpt.coe.int/en/states.htm>.

<sup>38</sup> Ombudsman of Croatia, *Summary Report of the Ombudsman for 2014*, March 2015, <http://ombudsman.hr/en/reports/send/66-ombudsman-s-reports/735-summary-of-the-annual-report-of-the-ombudsman-for-2014>; Office of the Ombudswomen, *Report on the performance of activities of the National Preventive Mechanism for 2015*, August 2016, <http://ombudsman.hr/en/reports/send/66-ombudsman-s-reports/792-report-on-the-performance-of-activities-of-the-national-preventive-mechanism-for-2015>.

<sup>39</sup> Committee against Torture, *Concluding observations on the combined fourth and fifth periodic reports of Croatia*, CAT/C/HRV/CO/4-5, 18 December 2014, <http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/HRIndex.aspx>.

<sup>40</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Croatian Government on the visit to Croatia carried out by the European Committee*

The CPT reported that staff received little specialized training and did not interact with detainees. Some of the staff openly carried batons.<sup>41</sup> More recently, the Ombudsman has reported that there is no specific box or forms to make complaints.<sup>42</sup>

Lawyers, UNHCR, family members and non-governmental organizations—including the Croatian Law Centre, the Jesuit Refugee Service, and the Croatian Red Cross—have access to the Jezevo centre.<sup>43</sup> The Croatian Law Centre provides free legal assistance to the detainees. Reportedly, no other private actors are involved in running of the centre.<sup>44</sup>

**Zagreb International Airport transit zone facility.** For many years, foreign nationals refused entry to Croatia and who were due to be deported were confined in the airport transit lounge, possibly in some cases for periods lasting more than day. In 2007 the CPT was informed that a new facility was opened at the airport, where non-citizens refused entry can be confined for up to 48 hours. At that time, the facility consisted of a room of 21 square metres, with two bunk beds. Reportedly, the facility had heating and adequate access to natural and artificial lighting.<sup>45</sup> The Global Detention Project was unable to find more recent information about this transit zone facility before publication of this profile. .

**Transit detention centres.** In addition to the unit for vulnerable persons in the Jezovo centre, the EU provided funding (approximately six million Euros) for the construction of two transit detention centres, located in Trilj (at the border with Bosnia) and Tovarnik (at the border with Serbia). The centres were to have a capacity of 60 and confine undocumented non-citizens in the process of deportation. The centres were meant to open in 2014 but as of late 2016 they remained unopen.<sup>46</sup> Sources in Croatia informed

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*for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 14 May 2007, CPT/Inf (2008)29, October 2008, <http://www.cpt.coe.int/en/states.htm>.*

<sup>41</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *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 4 to 14 May 2007, CPT/Inf (2008)29, October 2008, <http://www.cpt.coe.int/en/states.htm>.*

<sup>42</sup> Ombudsman of Croatia, *Summary Report of the Ombudsman for 2014*, March 2015, <http://ombudsman.hr/en/reports/send/66-ombudsman-s-reports/735-summary-of-the-annual-report-of-the-ombudsman-for-2014>.

<sup>43</sup> Croatian Law Centre, *Country Report: Croatia*, Asylum Information Database (AIDA), December 2015, <http://www.asylumineurope.org/reports/country/croatia>.

<sup>44</sup> Lana Tučkorić (Croatian Law Centre), *Email exchange with Izabella Majcher* (Global Detention Project), September 2016.

<sup>45</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *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 4 to 14 May 2007, CPT/Inf (2008)29, October 2008, <http://www.cpt.coe.int/en/states.htm>.*

<sup>46</sup> European Migration Network (EMN) National Contact Point for Croatia (International Organization for Migration), *The use of detention and alternatives to detention in the context of immigration policies*, November 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm); International Organization for Migration (IOM), *ASSESSMENT REPORT Health Situation at EU's Southern Borders: Migrant, Occupational, and Public Health: CROATIA*, 2014,

the GDP that they were supposed to open in early 2017.<sup>47</sup> According to the Border Directorate, the centres will have rooms for daily activities, isolation cells, and rooms for children to play.<sup>48</sup>

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[https://publications.iom.int/system/files/pdf/sar\\_croatia.pdf](https://publications.iom.int/system/files/pdf/sar_croatia.pdf); Hina, "Minister says new reception centres for migrants being built in Trilj and Tovarnik," *Dalje*, 3 September 2015, <http://en.dalje.com/2015/09/minister-says-new-reception-centres-for-migrants-being-built-in-trilj-and-tovarnik/>; Vedran Pavlic, "Despites Migrant Crisis, Croatia Still Preparing to Enter Schengen," *Total Croatia News*, 27 Mar 2016, <http://www.total-croatia-news.com/politics/3088-despites-migrant-crisis-croatia-still-preparing-to-enter-schengen>.

<sup>47</sup> Lana Tučkorić (Croatian Law Centre), *Email exchange with Izabella Majcher* (Global Detention Project), September 2016; Nera Komarić (IOM Croatia), *Email exchange with Izabella Majcher* (Global Detention Project), September 2016.

<sup>48</sup> Croatian Law Centre, *Country Report: Croatia*, Asylum Information Database (AIDA), December 2015, <http://www.asylumineurope.org/reports/country/croatia>.

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