



COUNTRY REPORT

IMMIGRATION DETENTION IN **CROATIA:** SHRINKING SPACE FOR INDEPENDENT MONITORING

APRIL 2019



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THE GLOBAL DETENTION PROJECT MISSION

The Global Detention Project (GDP) is a non-profit organisation based in Geneva that promotes the human rights of people who have been detained for reasons related to their non-citizen status. Our mission is:

- To promote the human rights of detained migrants, refugees, and asylum seekers;
- To ensure transparency in the treatment of immigration detainees;
- To reinforce advocacy aimed at reforming detention systems;
- To nurture policy-relevant scholarship on the causes and consequences of migration control policies.

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Front cover image: Border police set up a barricade to prevent migrants from crossing between Bosnia and Croatia, 25 October 2018 © Picture Alliance/Anadolu Agency

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GLOSSARY

CAT	Committee against Torture
CPS	Centre for Peace Studies
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
ECRE	European Council on Refugees and Exiles
HPC	Croatian Law Centre
IOM	International Organisation for Migration
LITP	Law on International and Temporary Protection



KEY FINDINGS

- As civil society groups have stepped up their criticism of Croatia's border policies, authorities have begun restricting their access to detention and reception centres.
- Legislation refers to detention as a "restriction on freedom of movement" or as "accommodation."
- Migrants may be detained even before they have received a return decision.
- Grounds for detention in Croatian law appear to be at odds with the grounds permitted under the EU Returns Directive.
- In practice, the administrative court usually confirms detention decisions adopted by the police or the Interior Ministry.
- Non-citizens are obliged to pay for their own detention.
- "Alternatives to detention" are rarely provided.
- Unaccompanied children above the age of 14 are frequently placed in juvenile public care institutions where they reportedly face hostility from other children.
- Besides dedicated detention centres, migrants can also be confined in police stations and in airport transit zones for short periods of time.
- There are no provisions protecting non-citizens who have been released from re-detention.



1. INTRODUCTION

Croatia has long served as a transit country for non-citizens attempting to reach Western Europe. However, the country took on new importance for refugees and migrants in late 2015 following Hungary's construction of a fence along its border with Serbia, which had the effect of shifting the main transit route through Croatia. By the end of 2015, more than 550,000 people had traversed Croatia, of whom only 24 applied for asylum in the country.¹ Faced with a surge in new arrivals, the government responded with a mix of new security policies and ramped up humanitarian assistance, including escorting refugees from the Serbian border to transit reception camps as part of their onward journeys.²

In early 2016, Croatia joined Slovenia in imposing strict daily limits on the number of refugees allowed to enter. Croatia also adopted new legislation³ granting power to the armed forces to support the country's police in protecting state borders.⁴ Public discourse often reflects an ambiguous line between militarisation of borders and solidarity with refugees. For example, in July 2018 Croatia's Interior Ministry asserted, "Croatia will continue to protect its borders. We will not allow illegal migrations, while at the same time we show humanity and solidarity with those who really need help."⁵

Besides widely publicised restrictive measures, there are a number of practices that the country has attempted to keep out of the spotlight. According to many reports (some of which include medical documentation), Croatia systematically carries out pushbacks into

¹ 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>

² D. Župarić-Ilić and M. Valenta, "Opportunistic Humanitarianism and Securitization Discomfort Along the Balkan Corridor: The Croatian Experience," In M. Feischmidt, L. Pries, and C. Cantat (eds.), *Refugee Protection and Civil Society in Europe*, Palgrave, 2019.

³ Croatia adopted the Act on Amendments to the State Border Protection Act, and the Act on Amendments to the Act on Defence.

⁴ Ombudsman of Croatia, "Report on the Performance of Activities of the National Preventive Mechanism for 2016," 2017, <http://ombudsman.hr/en/reports/send/66-ombudsman-s-reports/999-report-on-the-performance-of-activities-of-the-national-preventive-mechanism-for-2016>

⁵ HINA, "Croatia Will Not Allow Illegal Migrations," *Total Croatia News*, 13 July 2018, <https://www.total-croatia-news.com/politics/29729-croatia-will-not-allow-illegal-migrations>. See more broadly, D. Župarić-Ilić and M. Valenta, "Opportunistic Humanitarianism and Securitization Discomfort Along the Balkan Corridor: The Croatian Experience," In M. Feischmidt, L. Pries, and C. Cantat (eds.), *Refugee Protection and Civil Society in Europe*, Palgrave, 2019.

Serbia and Bosnia and Herzegovina—in which force is frequently applied.⁶ The Croatian Ombudsman found that such practices could violate Article 3 of the [European Convention on Human Rights](#), which prohibits torture and ill-treatment.⁷ According to a 2019 Amnesty International report, given that EU funds have been granted to Croatia for the purpose of border security, the EU is complicit in these systematic and violent pushbacks.⁸

As the allegations of violent pushbacks on the borders have multiplied, authorities have tried to discourage public scrutiny of the country's migration practices and attempted to undermine the credibility of such reports. The Croatian Ombudsperson, for example, has been denied access to migrant-related information and civil society groups helping refugees have been accused by the Interior Ministry of "facilitating illegal migration." Their volunteers have been harassed, confined for hours by police without any charges, and threatened with criminal prosecution for speaking out about police violence. Hate speech against migrants—often fuelled by the media—has become widespread and the offices of organisations helping refugees have been vandalised.⁹

Since early 2017, the number of rejections of asylum applications submitted by Syrians and Iraqis has soared, based on a "security obstacle" identified by the Security and Intelligence Agency. It appears that the use of a "security obstacle" relies on a broad interpretation of the legal provisions and is not subject to independent supervision.¹⁰

Croatia refuses entry to large numbers of people—around 9,000-10,000 annually. It apprehends approximately 3,000 people without proper documentation (figures that are similar to those in [Norway](#) and [Romania](#)) and orders around 4,000 to leave its territory—approximately half of whom are forcibly expelled. In 2016, the number of people applying for asylum increased tenfold, presumably due to strict border controls in destination countries.¹¹ However, numbers subsequently began to decrease, particularly after the EU-Turkey deal was reached in March 2016.¹² In 2015, 210 applied for asylum; in 2016, 2,225; in 2017, 975; and in 2018, 800. While the number of applications has not returned to pre-2016 levels, they

⁶ Medecins sans Frontiers (MSF), "Games of Violence" 3 October 2017, <https://www.msf.org/sites/msf.org/files/serbia-games-of-violence-3.10.17.pdf>; Amnesty International, "Croatia 2017/2018," 2018, <https://www.amnesty.org/en/countries/europe-and-central-asia/croatia/report-croatia/>; Human Rights Watch (HRW), "Asylum Seekers Forced Back to Serbia," 2017, <https://www.hrw.org/news/2017/01/20/croatia-asylum-seekers-forced-back-serbia>; Border Violence Monitoring, <https://www.borderviolence.eu>

⁷ Ombudsman of Croatia, "Report on the Performance of Activities of the National Preventive Mechanism for 2016," 2017, <http://ombudsman.hr/en/reports/send/66-ombudsman-s-reports/999-report-on-the-performance-of-activities-of-the-national-preventive-mechanism-for-2016>

⁸ Amnesty International, "Pushed to the Edge: Violence and Abuse Against Refugees and Migrants Along Balkan Route," March 2019, <https://www.amnesty.org/en/documents/eur05/9964/2019/en/>

⁹ EU Fundamental Rights Agency (FRA), "Migration: Key Fundamental Rights Concerns, Quarterly Bulletin," Nov-Dec 2018, <https://fra.europa.eu/en/publication/2019/migration-key-fundamental-rights-concerns-quarterly-bulletin-1>

¹⁰ Are You Syrious (AYS) and Centre for Peace Studies (CMS), "Report on Arbitrary and Unlawful Practices by the Interior Ministry and the Security and Intelligence Agency of the Republic of Croatia Related to (Non)Approval of International Protection or Status of Foreigners in Croatia," April 2017, <https://bit.ly/2Kj9fqS>

¹¹ Eurostat, "Database: Enforcement of Immigration Legislation," <http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database>

¹² FRONTEX "Western Balkans Quarterly, Quarter 4, October–December 2015," 2016, https://frontex.europa.eu/assets/Publications/Risk_Analysis/WB_Q4_2015.pdf

are still relatively low, and in 2018 the figures were comparable to Iceland, which registered 775 asylum applications that year.¹³ In 2018, 928 non-citizens were detained in Croatia.¹⁴

Croatia joined the European Union in 2013 and has transposed relevant EU migration- and asylum-related legislation. 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 EUR for the construction of a specific unit for vulnerable persons within the existing detention centre in Ježevo as well as two border detention facilities, which were opened between 2016 and 2017.¹⁵ The EU also provided 120 million EUR for the construction and modernisation of 40 border crossing points and the purchase of border control equipment.

¹³ Eurostat, "Database: Enforcement of Immigration Legislation," <http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database>

¹⁴ Croatian Law Centre, "AIDA Country Report: Croatia 2018," *European Council on Refugees and Exiles (ECRE)*, March 2019, <http://www.asylumineurope.org/reports/country/croatia>. However, it is not excluded that some of detainees placed in the two transit centres in Tovarnik and Trilj were detained for a period shorter than three days.

¹⁵ European Commission, "IPA 2011 Croatia Project Fiche," 2011, http://ec.europa.eu/enlargement/pdf/croatia/ipa/2011/06_reception_centre_for_foreigners.pdf; V. 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>



2. LAWS, POLICIES, PRACTICES

2.1 Key norms. The 2011 *Law on Foreigners (Zakon o strancima)*, amended in 2013 and 2017, 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 possible under 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 was amended in 2017 and transposed several EU directives in 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 previous Law on Asylum. The *Croatian Law Centre* (HPC) reported that the reform of detention policy was one of the main objectives of the LITP.¹⁶

As in Slovenia's legislation, both the Law on Foreigners (Articles 124 and 125) and the LITP (Article 54) speak of detention as a "restriction on freedom of movement" or "accommodation" in the country's detention centre.

2.2 Grounds for detention. The Law on Foreigners provides for both "preliminary" and "regular" detention. According to Article 124(1), authorities may place a non-citizen in "preliminary" detention to ensure their presence during the expulsion determination process if they are deemed to pose a threat to national security or have been convicted of a criminal offence. This kind of detention, imposed before the issuance of a removal order, resembles "detention in preparation for departure" under *Swiss* law, which is aimed to facilitate the conduct of removal proceedings.

According to Article 125(1), "regular" detention may be imposed if: removal cannot be carried out immediately and the non-citizen has not left the country within the deadline set out in the return decision; the removal order does not provide for a deadline for departure;¹⁷ there is a serious reason to doubt that the person in question is a minor; or there is a need to verify the individual's identity. These grounds sit uneasily with the grounds permitted under the Returns Directive, namely the risk of absconding and hampering a return process.

¹⁶ Croatian Law Centre, "Country Report: Croatia," Asylum Information Database (AIDA), December 2015, <http://www.asylumineurope.org/reports/country/croatia>

¹⁷ This is the case, under Article 112(2), when the person committed a criminal offence, misdemeanour 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 sent to another EU country, based on a readmission agreement.

In practice, migrants are most often detained because of their irregular entry and the need to establish their identity.¹⁸ The former does not appear to have a clear basis in the Law on Foreigners and may lead to systematic detention.

2.3 Asylum seekers. The LITP provides four grounds for the detention of asylum seekers: 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 the individual's identity or nationality; 3) to protect national security or public order; or 4) to prevent abuse of the procedure if, on the basis of objective criteria including the possibility of accessing the international protection approval procedure, there is a well-founded suspicion that the intention to apply for international protection expressed during the expulsion procedure was aimed at preventing the expulsion from continuing (Article 54(2)). This last ground was used to justify 37 percent of detention orders in 2017.¹⁹

Under Article 54(3) of the LITP it is also possible to detain a non-citizen for the purposes of transfer under the [EU Dublin Regulation](#) if there is a risk of absconding. The factors allowing authorities to determine a risk of absconding include previous attempts to arbitrarily leave Croatia, refusal to submit to the verification and establishment of identity, concealing or providing false information on their identity and/or nationality, breaching the reception centre's rules, being registered in the [Eurodac system](#), and opposing a Dublin transfer (Article 54(4)).

Reportedly, most asylum seekers are not detained. However, those that are are most frequently detained when they apply for asylum after having received a deportation order or when they attempt to leave the country before the completion of their asylum procedure. In 2017, 134 asylum seekers were detained in Ježevo detention centre; in 2016, 50 were detained.²⁰

2.4 Children. Under the Law on Foreigners, accompanied and unaccompanied children may be detained only if it is deemed necessary for a deportation procedure. The detention of children cannot be extended beyond the initial six-month period. Children are to be confined separately from other detainees and their rooms shall be appropriate for their age. Members of the same family should be accommodated together, unless it is not possible due to a particularly large number of immigration detainees. Children should be provided with conditions appropriate to their age as well as an access to education (Article 132). According to the LITP, if an individual assessment proves that their detention is necessary, unaccompanied children may be detained for the "shortest duration" and they must be held separately from adults (Article 54(8)).

In practice, most unaccompanied children are placed in orphanages (if they are below the age of 14) or in public care institutions for children and juveniles (if they are above the age of 14). In the past, asylum-seeking children were placed in reception centres for asylum seekers but currently authorities place them in one of these two kinds of care institutions. Several concerns have been expressed regarding these centres. Reportedly, their primary

¹⁸ European Council on Refugees and Exiles (ECRE) and Asylum Information Database (AIDA), "Balkan Route Reversed: The Return of Asylum Seekers to Croatia Under the Dublin System," December 2016, http://www.asylumineurope.org/sites/default/files/resources/balkan_route_reversed.pdf

¹⁹ Croatian Law Centre, "AIDA Country Report: Croatia 2017," *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/croatia>

²⁰ Croatian Law Centre, "AIDA Country Report: Croatia 2017," *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/croatia>

function is to treat children with behavioural difficulties, meaning that they are not suitable for unaccompanied foreign children. The facilities lack interpreters, employees do not have the capacity or resources to adequately care for and support unaccompanied foreign children, and they have been subject to hostility from other children.²¹

Croatia has also been criticised for assigning unrelated guardians to unaccompanied children when they have been apprehended together.²² The [European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#) (CPT) informed Croatia that the accommodation of children with unrelated adults triggers a risk of exploitation and urged the country's authorities to review this practice.²³ The GDP has observed similar practices in other nearby European countries, including [Bulgaria](#).

In early 2016 a new unit for vulnerable persons was opened within the Ježevu 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: 3. Detention Infrastructure).²⁴

According to the Border Directorate of the Interior Ministry, in 2018, 110 accompanied children were detained in Croatia (of whom 41 were in Tovarnik, 37 in Trilj, and 32 in Ježevu). There were reportedly no unaccompanied children in detention. The average length of child detention in 2018 was 36 days in Tovarnik, 17 days in Ježevu, and 15 days in Trilj.²⁵ In 2017, 68 children were detained in Ježevu (20 girls and 48 boys), five of whom were unaccompanied. The average detention period for children in Ježevu was 13 days, but for unaccompanied children it was substantially higher—44 days. That same year, 27 children were detained for an average of 24 hours in the Tovarnik centre. Further, five children were also detained in the Trilj centre, where the average duration of detention was 12 days.²⁶

2.5 Other vulnerable groups. 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, and victims of torture, rape, or FGM (Article 4(14)).

2.6 Length of detention. Authorities may arrest a non-citizen for up to 24 hours to ensure their presence during expulsion procedures, cancellation of a short-term stay, or cancellation of a 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)).

²¹ Croatian Law Centre, "AIDA Country Report: Croatia 2017," *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/croatia>

²² European Commission, "IPA 2011 Croatia Project Fiche," 2011, http://ec.europa.eu/enlargement/pdf/croatia/ipa/2011/06_reception_centre_for_foreigners.pdf

²³ 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>

²⁴ Croatian Law Centre, "Country Report: Croatia," *Asylum Information Database (AIDA)*, December 2015, <http://www.asylumineurope.org/reports/country/croatia>

²⁵ Croatian Law Centre, "AIDA Country Report: Croatia 2018," *European Council on Refugees and Exiles (ECRE)*, March 2019, <http://www.asylumineurope.org/reports/country/croatia>

²⁶ Croatian Law Centre, "AIDA Country Report: Croatia 2017," *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/croatia>

Under the Law on Foreigners (Article 124(3)) “preliminary” detention can last up to three months, while “regular” detention can be ordered for up to six months (Article 125(3)). Detention may be then extended by a further 12 months if the non-citizen: 1) refuses to provide personal or other information and documents required for removal (forced return) or provides 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). Hence, preliminary and regular detention may cumulatively last longer than the 18-month “exceptionally” extended time limit established in the EU Returns Directive. However, because the preliminary detention in Croatian legislation is not inconsistent in itself with the Returns Directive, the total length of detention in Croatia does not breach the Directive’s provisions.

Under Article 54(9) of the LITP, the detention of asylum applicants can last up to three months, which may be “exceptionally” extended by another three months. According to the HPC, detention is rarely prolonged beyond the initial three months and, on average, asylum seekers are detained for one month.²⁷ Non-citizens detained pending a Dublin transfer can be confined for up to six weeks from the establishment of the responsibility of another member state under the Dublin rules (Article 54(10)).

The average length of immigration detention in 2018 was 25 days in Tovarnik, 24 days in Ježevo, and 12 days in Trilj. Asylum seekers were detained in average for three months.²⁸

After being released, non-citizens are not protected from re-detention.²⁹

2.7 Procedural guarantees. Detention prior to removal is ordered by the police (Law on Foreigners, Article 127(1), while the Interior Ministry or police can decide on the detention of asylum seekers (LITP, Article 54(11)).

The Law on Foreigners stipulates that upon arrest, non-citizens should immediately be informed of the reasons for their arrest and the possibility of contacting a diplomatic or consular mission (Article 123(3)). With respect to asylum seekers, the HPC reports that Interior Ministry staff inform 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 complex legal language and the majority of asylum seekers do not understand the reasons for their detention.³⁰

According to both the Law on Foreigners (Article 127(3)) and the (Article 54(12)), detainees cannot file appeals against detention decisions, but they may lodge a complaint to an administrative court. According to Article 54(12) of the LITP, the complaint should be lodged within eight days of the decision’s delivery. The court must then decide on the complaint following an oral hearing and within 15 days. In practice however, the 15 days time-frame is

²⁷ Croatian Law Centre, “AIDA Country Report: Croatia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/croatia>

²⁸ Croatian Law Centre, “AIDA Country Report: Croatia 2018,” *European Council on Refugees and Exiles (ECRE)*, March 2019, <http://www.asylumineurope.org/reports/country/croatia>

²⁹ I. Goldner and Z. Jezek, “National Synthesis Report: Croatia: Detention for the Purpose of Removal,” *Odysseus Network, Redial Project*, 2017, http://euredial.eu/docs/publications/national-synthesis-reports/Croatia_III.pdf

³⁰ Croatian Law Centre, “Country Report: Croatia,” *Asylum Information Database (AIDA)*, December 2015, <http://www.asylumineurope.org/reports/country/croatia>

rarely respected, and the administrative court usually confirms detention decisions. In 2017, out of 58 complaints against the detention of asylum seekers, the Zagreb administrative court agreed with the applicant in just 4 cases.³¹

Under the Law on Foreigners, an administrative court is also involved in the extension of detention: The administration of the detention centre adopts a decision extending detention and provides it to the administrative court. The court has 10 days to annul or confirm the extension (Article 127(2)-(5)).

According to the Law on Foreigners, free legal aid is not provided in detention cases—it is only provided in cases of expulsion and return.³² In theory, detained asylum seekers are entitled to free legal aid (LITP, Article 60), but according to reports, asylum seekers have frequently faced obstacles in accessing this aid.³³

In 2014, the [UN Committee against Torture](#) noted with concern that free legal aid is not provided in procedures related to detention decisions and urged Croatia to afford such aid.³⁴

2.8 Detaining authorities and institutions. Under the Law on Foreigners, detention is decided by the police administration or a police station (Article 127(1)). In turn, the detention of asylum applicants under the LITP is ordered by the Interior Ministry, the police administration, or a police station. The Border Management Unit within the Interior Ministry's Border Police Directorate manages the Ježevo centre.³⁵

2.9 Non-custodial measures. According to the Law on Foreigners (Article 125(2)) and the LITP (Article 54(6)), non-citizens may not be detained if the same purpose can be achieved by applying non-custodial measures. These measures include the deposit of travel documents, a bail payment, residence restrictions, and regular reporting to a police station (Law on Foreigners, Article 136(3)). In turn, the LITP enumerates the following measures: prohibition of movement outside the reception centre for asylum seekers, prohibition of movement outside a specific area, reporting to the reception centre, and handing over travel documents and tickets (Article 54(5)).

Until April 2016, Croatia operated a facility in Slavonski Brod, called the Winter Transit Centre—placement in which was legally and formally considered an alternative to detention. Yet, its operation resembled practices carried out in the [Ljubljana Asylum Home in Slovenia](#). People were placed in specific sectors under police supervision and were not allowed to

³¹ Croatian Law Centre, “AIDA Country Report: Croatia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/croatia>

³² Ombudsman of Croatia, “Report on the Performance of Activities of the National Preventive Mechanism for 2016,” 2017, <http://ombudsman.hr/en/reports/send/66-ombudsman-s-reports/999-report-on-the-performance-of-activities-of-the-national-preventice-mechanism-for-2016>

³³ Croatian Law Centre, “AIDA Country Report: Croatia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/croatia>

³⁴ UN 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>

³⁵ 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 Organisation 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

leave these sectors. The Croatian Ombudsman described these arrangements as *de facto* detention with no legal basis.³⁶

Recently, the HPC reported that alternatives to detention are not applied in Croatia.³⁷ The International Organisation for Migration (IOM) Croatia accounted for this by explaining that Croatia is a transit country and that authorities thus believe that the majority of non-citizens pose a risk of absconding.³⁸ According to the Interior Ministry, six alternatives to detention were applied with respect to asylum seekers in 2018, none in 2017, and seven in 2016 (reporting obligations).³⁹ IOM Croatia reported that nine persons were granted an alternative measure to detention in 2013; six in 2012; four in 2011; 10 in 2010; and 13 in 2009.⁴⁰

2.10 Regulation of detention conditions. The Law on Foreigners uses the term “reception centre for foreigners” (*Prihvatni centar za strance*) when referring to the country’s immigration detention facility (Article 124(1)).

The 2013 Rules of Stay in the Reception Centre for Foreigners (*Pravila boravka u prihvatnom centru za strance* 66/2013), adopted by the Interior Ministry, detail some detention condition regulations. Accordingly, men and women—excluding families—should be accommodated separately. Children may not be placed in the same room as adults who are aggressive, addicts, perpetrators of more serious crimes, or other foreigners who could adversely impact them. Rooms for men can confine up to 12 persons, while rooms for women have a maximum capacity of four (Articles 8 - 9). Upon admission to the centre, non-citizens should undergo a medical examination, and they should have access to emergency health care throughout the period of their detention (Articles 12-13). Detainees receive bed linen and towels, which are to be washed once a week (Articles 11 and 15). They should receive three meals a day, including one that is warm (Article 20), and they are allowed at least two hours in the open air (Article 19). Non-citizens are entitled to at least two visits per week, may receive packages, and may access a telephone (which they must pay for). Upon detention, they are entitled to a free telephone conversation with diplomatic or consular representatives as well as a private call that may last for up to three minutes (Articles 22-23).

The head of the centre may decide on stricter police supervision if the detainee has left the centre or it is deemed likely that they will try to do so, attacked other detainees or centre personnel, harmed themselves, damaged the centre, or persistently ignored police orders.

³⁶ Ombudsman of Croatia, “Report on the Performance of Activities of the National Preventive Mechanism for 2016,” 2017, <http://ombudsman.hr/en/reports/send/66-ombudsman-s-reports/999-report-on-the-performance-of-activities-of-the-national-preventive-mechanism-for-2016>

³⁷ EU Fundamental Rights Agency (FRA), “Migration: Key Fundamental Rights Concerns, Quarterly Bulletin,” Nov-Dec 2018, <https://fra.europa.eu/en/publication/2019/migration-key-fundamental-rights-concerns-quarterly-bulletin-1>

³⁸ European Migration Network (EMN) National Contact Point for Croatia (International Organisation 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

³⁹ Croatian Law Centre, “AIDA Country Report: Croatia 2018,” *European Council on Refugees and Exiles (ECRE)*, March 2019, <http://www.asylumineurope.org/reports/country/croatia>; Croatian Law Centre, “AIDA Country Report: Croatia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/croatia>

⁴⁰ European Migration Network (EMN) National Contact Point for Croatia (International Organisation 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

Stricter police supervision is carried out in “dedicated premises” where detainees face restrictions on their right to receive visits or use deposited money (Articles 29-30).

2.11 Domestic monitoring. The **Ombudswoman** (*Pučki pravobranitelj*), acting as the National Preventive Mechanism, visits places where non-citizens are detained. In 2017, the Ombudsman visited Tovarnik transit detention centre and in 2016, the Ježevu detention centre.⁴¹

When it comes to civil society, several organisations visit the Ježevu centre: the HPC visits once a month to provide legal advice, and the **Jesuit Refugee Service** visits the centre twice a week and offers legal assistance, psychological support, and education. In the past, the **Centre for Peace Studies** (CPS) visited four times a year.⁴² In 2016 however, the Interior Ministry restricted the CPS’s access to detainees, although this restriction was revoked in 2017. However, in 2018 authorities again denied the CPS access to the detention centre as well as reception centres for asylum seekers. It appears this decision was a result of CPS criticism of the country’s asylum policy.⁴³ More broadly, the Interior Ministry’s policy on visits has become more restrictive in recent years. In November 2018, a new by-law was passed restricting access to detainees for NGOs, lawyers, and potentially staff of the Ombudsperson. Lawyers are treated like all other visitors, hence they need to announce their visit two days in advance and police officials are present throughout the visit. Several lawyers filled complaints to the Ombudsman.⁴⁴

2.12 International monitoring. Despite Croatia’s important role in European migration and refugee response, regional and international human rights monitoring bodies have only rarely assessed Croatia’s immigration detention policies and practices over the past 15 years.

As a State Party to the **European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**, Croatia receives regular monitoring visits from the **European Committee for the Prevention of Torture** (CPT). However, the last time the CPT investigated immigration-related detention issues was in 2007, when the committee visited the detention centre in Ježevu (it also visited Ježevu in 2003). In its report about its 2007 visit, the CPT made a number of relevant recommendations. These included improvements in material conditions at the Ježevu Detention Centre, reforms in the facility’s internal operating regime and procedures, and better training of detention staff (for more on its 2007 recommendations, see below 3.3a Ježevu Detention Centre).

⁴¹ Republic of Croatia Ombudsman, “Report on the Performance of Activities of the National Preventive Mechanism for 2017,” 2018, <http://ombudsman.hr/en/reports/send/66-ombudsman-s-reports/1405-report-on-the-performance-of-activities-of-the-national-preventive-mechanism-for-2017>; Ombudsman of Croatia, “Report on the Performance of Activities of the National Preventive Mechanism for 2016,” 2017, <http://ombudsman.hr/en/reports/send/66-ombudsman-s-reports/999-report-on-the-performance-of-activities-of-the-national-preventive-mechanism-for-2016>

⁴² Croatian Law Centre, “AIDA Country Report: Croatia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/croatia>

⁴³ Centre for Peace Studies, “MoI Denies CPS the Access to Reception Centres for Asylum Seekers!” 12 November 2018, <https://www.cms.hr/en/azil-i-integracijske-politike/mup-izbacuje-cms-iz-prihvatilista-za-trazitelje-azila>

⁴⁴ Tea Vidović (Centre for Peace Studies), Email exchange with Izabella Majcher (Global Detention Project), March 2019; EU Fundamental Rights Agency (FRA), “Migration: Key Fundamental Rights Concerns, Quarterly Bulletin,” Nov-Dec 2018, <https://fra.europa.eu/en/publication/2019/migration-key-fundamental-rights-concerns-quarterly-bulletin-1>

After its most recent visit to the country, in 2017, the CPT made only very sparse references to migrants or foreign nationals, limiting itself to reporting that Croatia's NPM had investigated the treatment of migrants and that the committee had received complaints from detained foreign nationals claiming to have been prevented from contacting their consular representatives.

In 2014, the UN Committee against Torture issued an immigration detention recommendation for Croatia. According to the committee, Croatia should place asylum seekers in detention only in exceptional cases and should regularly monitor the facilities used as accommodation for asylum seekers through the national preventive mechanism or other monitoring mechanisms. The State party should also ensure that free legal aid is provided to asylum seekers and migrants in procedures related to the decision on detention.⁴⁵

2.13 Criminalisation. Individuals convicted of irregular entry can be sentenced to a 30-day imprisonment and a fine of up to 10,000 HRK (1,330 EUR) (Act on the Monitoring of State Borders (*Zakon o nadzoru državne granice*), Article 42). A non-citizen residing in an undocumented manner in Croatia may be sentenced for up to 60 days or obliged to pay a fine ranging from 3,000 to 7,000 HRK (between 400 and 930 EUR) (Law on Foreigners, Article 222(2)).⁴⁶

2.14 Cost of detention. In 2013, the total cost of detention, not including medical costs, amounted to almost 2.6 million HRK (approximately 340,000 EUR).⁴⁷

Like several other EU countries, including the Czech Republic, Germany, Poland, Slovakia, and Slovenia, detainees are obliged to pay for their own detention (Rules of the Stay in the Reception Centre for Foreigners, Articles 26(14) and 32). The daily cost of detention is 150 HRK (around 20 EUR). For the purpose of payment, the detained migrant's financial means are seized. If a detainee does not have any resources to cover these costs, their detention is paid from the state budget and reimbursed from the EU Asylum, Migration and Integration Fund (Law on Foreigners, Article 133-135).⁴⁸ However those who fail to pay these costs may be denied entry to Croatia for up to five years following their removal. Reportedly, the Border Police Directorate strictly applies these provisions.⁴⁹

⁴⁵ UN 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>

⁴⁶ 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>

⁴⁷ European Migration Network (EMN) National Contact Point for Croatia (International Organisation 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

⁴⁸ Croatian Law Centre, "AIDA Country Report: Croatia 2018," *European Council on Refugees and Exiles (ECRE)*, March 2019, <http://www.asylumineurope.org/reports/country/croatia>

⁴⁹ European Council on Refugees and Exiles (ECRE) and Asylum Information Database (AIDA), "Balkan Route Reversed: The Return of Asylum Seekers to Croatia Under the Dublin System," December 2016, http://www.asylumineurope.org/sites/default/files/resources/balkan_route_reversed.pdf

2.15 Trends and statistics. In 2018, 928 non-citizens were detained in Croatia, of whom 535 were in the Ježevo centre, 284 in Trilj centre, and 109 in Tovarnik centre.⁵⁰ As regards Ježevo, 645 non-citizens were placed there in 2017; 584 in 2016; 283, in 2015; and 434 in 2014.⁵¹ In 2017, 387 migrants were detained in police stations.⁵² That same year, 134 asylum seekers were placed in the Ježevo detention centre, while 50 were placed there in 2016.⁵³

In 2017, out of 1,890 asylum applications, 33 percent were from Afghanis, 14 percent were from Pakistan, and 11 percent were from Syria.⁵⁴

⁵⁰ Croatian Law Centre, “AIDA Country Report: Croatia 2018,” *European Council on Refugees and Exiles (ECRE)*, March 2019, <http://www.asylumineurope.org/reports/country/croatia>. However, it is not excluded that some of detainees placed in Tovarnik and Trilj were detained for a period shorter than 3 days.

⁵¹ Interior Ministry, “*Statisticki Pregled 2018*,” 2019, <https://mup.gov.hr/UserDocsImages/statistika/2018/Statisticki%20pregled%20temeljnih%20sigurnosnih%20poka%20zatelja%20i%20rezultata%20rada%20u%202018.%20godini.pdf>; Interior Ministry, “*Statisticki Pregled 2017*,” 2018, <https://mup.gov.hr/UserDocsImages/statistika/2018/Travanj/Statisticki%20pregled%202017.pdf>; Interior Ministry, “*Statisticki Pregled 2016*,” 2017, [https://mup.gov.hr/UserDocsImages/statistika/2018/Ozujak/Statisticki%20pregled_2016WEB%20\(3\).pdf](https://mup.gov.hr/UserDocsImages/statistika/2018/Ozujak/Statisticki%20pregled_2016WEB%20(3).pdf); Interior Ministry, “*Statisticki Pregled 2015*,” 2016, https://mup.gov.hr/UserDocsImages/statistika/2016/Statistika_2015_nova..pdf; Interior Ministry, “*Statisticki Pregled 2014*,” 2015, https://mup.gov.hr/UserDocsImages/statistika/2014/Statisticki_pregled_2014.pdf

⁵² Croatian Law Centre, “AIDA Country Report: Croatia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/croatia>

⁵³ Croatian Law Centre, “AIDA Country Report: Croatia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/croatia>

⁵⁴ Republic of Croatia Ombudsman, “Report on the Performance of Activities of the National Preventive Mechanism for 2017,” 2018, <http://ombudsman.hr/en/reports/send/66-ombudsman-s-reports/1405-report-on-the-performance-of-activities-of-the-national-preventive-mechanism-for-2017>



3. DETENTION INFRASTRUCTURE

3.1 Summary. Croatia operates three dedicated long-term immigration detention facilities. The main and longest-serving facility is located in Ježevo, 30 kilometres from Zagreb. Officially named the Reception Centre for Foreigners (*Prihvatni centar za strance*), the centre opened in 1996 on the premises of a former motel. As of January 2019, it had a capacity of 105 (76 in the main facility and 29 in the wing for vulnerable people).⁵⁵

At the end of 2014, with EU funding (approximately six million EUR), Croatia built two additional “transit” centres—one in Tovarnik (close to the Serbian border) and one in Trilj (close to the Bosnian border).⁵⁶

Migrants may also be detained in airport transit zones (in particular, in Zagreb and Dubrovnik dedicated premises) for short periods of time, although different sources give divergent figures: NGOs state that it is in theory up to 72 hours; the Interior Ministry states it can be up to eight days. Non-citizens can also be placed in police stations for up to 72 hours (1,243 migrants were detained in police stations in 2018 and 387 in 2017). As of late 2018, Croatia had 162 places in total reserved for migrants in its police stations.⁵⁷ Police stations in which migrants can be detained for longer than 24 hours (but up to 72 hours) are located in Bajakovo, Slavonski Brod, Metković, Donji Srb, Dalj, Stara Gradiska, and Vrgorac.⁵⁸

3.2 Detention facilities. Ježevo Detention Centre, Tovarnik Transit Detention Centre, Trilj Transit Detention Centre, Zagreb International Airport Transit Zone, Dubrovnik Airport Transit Zone, and police stations.

⁵⁵ Tea Vidović (Centre for Peace Studies), Email exchange with Izabella Majcher (Global Detention Project), March 2019; Croatian Law Centre, “AIDA Country Report: Croatia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/croatia>; 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 Organisation 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; No Borders, “Detention in Croatia,” 2015, <https://noborderserbia.files.wordpress.com/2015/03/zine-detention-in-hr.pdf>

⁵⁶ 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/>; V. 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>

⁵⁷ Tea Vidović (Centre for Peace Studies), Email exchange with Izabella Majcher (Global Detention Project), March 2019; Croatian Law Centre, “AIDA Country Report: Croatia 2018,” *European Council on Refugees and Exiles (ECRE)*, March 2019, <http://www.asylumineurope.org/reports/country/croatia>

⁵⁸ Interior Ministry, Email exchange with Izabella Majcher (Global Detention Project), April 2019.

3.3 Conditions in detention.

3.3a Ježevó Detention Centre. Managed by the Border Management Unit within the Interior Ministry's Border Police Directorate, staff at the centre consist mainly of police officers. There are 75 staff members working at the centre, including one social assistant.⁵⁹

Detainees are held in rooms that have a maximum capacity of eight, with four square metres dedicated to each person. In the men's section, dormitories are equipped with bunkbeds and cabinets. Shared sanitary facilities include a total of seven showers, 11 washbasins, and 10 WC cabins.⁶⁰

At the end of 2015, a new unit for vulnerable persons opened at the centre. The unit can confine up to 24 persons, including unaccompanied children, families with children, and persons with health problems.⁶¹ Each three-person room has regular beds (rather than bunkbeds), nightstands, a table and chairs, and separate sanitary facilities with a shower, washbasin, and toilet.⁶² There is a living room and a playroom for children, and psychologists and educators visit the unit.⁶³ The EU paid more than two million EUR for the construction of this unit, which was designed 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."⁶⁴ As the [European Council on Refugees and Exiles](#) (ECRE) noted, EU funding highlights where the EU's priorities lie. While detention conditions for children and other vulnerable groups improved following the opening of this section, such individuals should not be detained in the first place.⁶⁵

According to the HPC, material conditions at the Ježevó centre are satisfactory. Every detainee is provided with a bed and there is sufficient space between beds to store personal items. Men and women are held separately. The centre is regularly cleaned and there is a 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 the internet. Detainees are not allowed to use their mobile phones, which are seized upon admission to

⁵⁹ Croatian Law Centre, "AIDA Country Report: Croatia 2018," *European Council on Refugees and Exiles* (ECRE), March 2019, <http://www.asylumineurope.org/reports/country/croatia>; European Migration Network (EMN) National Contact Point for Croatia (International Organisation 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

⁶⁰ International Organisation for Migration (EMN National Contact Point for Croatia), "EMN Ad-Hoc Query on Ad-hoc Query on Detention and Material Detention Conditions," 2018, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/adhocqueries_en

⁶¹ Lana Tučkorić (Croatian Law Centre), *Email exchange with Izabella Majcher* (Global Detention Project), September 2016.

⁶² International Organisation for Migration (EMN National Contact Point for Croatia), "EMN Ad-Hoc Query on Ad-hoc Query on Detention and Material Detention Conditions," 2018, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/adhocqueries_en

⁶³ Croatian Law Centre, "Country Report: Croatia," *Asylum Information Database* (AIDA), December 2015, <http://www.asylumineurope.org/reports/country/croatia>

⁶⁴ European Commission, "IPA 2011 Croatia Project Fiche," 2011, http://ec.europa.eu/enlargement/pdf/croatia/ipa/2011/06_reception_centre_for_foreigners.pdf

⁶⁵ European Council on Refugees and Exiles (ECRE) and Asylum Information Database (AIDA), "Balkan Route Reversed: The Return of Asylum Seekers to Croatia Under the Dublin System," December 2016, http://www.asylumineurope.org/sites/default/files/resources/balkan_route_reversed.pdf

the facility, but there are two public phones that can be used at the detainees' own cost.⁶⁶ Following its visit to the centre in 2007, the CPT criticised this policy.⁶⁷

During that visit, the CPT noted some improvements in detention conditions following its previous visit to the centre in 2003. Following refurbishment, the dormitories had appropriate lighting and ventilation. However, the committee noted that dormitories were too small—in particular, seven male dormitories had 12 beds in a space of just 30 square metres. In turn, each of the three women's dormitories measured approximately 11.5 square metres and contained four beds and a fully partitioned sanitary annexe. Beds were the only piece of furniture in the dormitories, and 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 had insufficient hot water.⁶⁸

According to the IOM, in 2016 one nurse was available on a daily basis in the centre and a doctor visited weekly.⁶⁹ Detainees also had access to urgent medical and dental assistance as well as health care transport. Previously, the centre had an infirmary, but this was closed in January 2014. On this basis, the Ombudsman found that health care at the centre was inadequate and urged the Ministry of Health to ensure the presence of an adequate infirmary.⁷⁰ In 2014, the UN CAT noted with concern that there was a lack of medical treatment available (outside of emergency treatment), as well as a lack of psychological counselling for asylum seekers. The committee urged Croatia to provide such services.⁷¹

During the day, detainees can move freely within the centre. In 2007, the CPT observed that progress had been made following its 2003 visit in terms of activities offered, with a number now provided. In particular, a spacious common room and football pitch had been constructed. It was noted, however, that detainees were not allowed to wear their own clothes, which were removed upon admission. Instead, they wore sportswear provided by the centre. The CPT encouraged the authorities to review this practice.⁷² The CPT also

⁶⁶ Croatian Law Centre, "Country Report: Croatia," *Asylum Information Database (AIDA)*, December 2015, <http://www.asylumineurope.org/reports/country/croatia>

⁶⁷ 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>

⁶⁸ 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>

⁶⁹ International Organisation for Migration (EMN National Contact Point for Croatia), "EMN Ad-Hoc Query on Functioning of Closed Type Centres for Asylum-Seekers Under the Directive 2013/33/EU," 2016, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/adhocqueries_en

⁷⁰ 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>

⁷¹ UN 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>

⁷² 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>

reported that staff received little specialised training, did not interact with detainees, and that some would openly carry batons.⁷³ More recently, the Ombudsman has reported that that there is no specific box or forms available for detainees to file complaints.⁷⁴

3.3b Tovarnik and Trilj Transit Detention Centres. The official reasoning for opening the centres in Tovarnik and Trilj was to be able to detain individuals apprehended at the border, pending readmission proceedings.⁷⁵ The centres were built with EU funds in 2014 and began operating in 2016 - 2017.⁷⁶ The facilities are formally called transit reception centres, resembling the official name of the Ježevce facility (Reception Centre for Foreigners). Despite the qualification “transit,” the ECRE found that these facilities should be considered regular detention centres rather than transit centres because the maximum length of detention is the same as in Ježevce, i.e. 18 months.⁷⁷ In practice however, people are detained for much shorter periods than in the Ježevce centre, as they are awaiting removal under readmission agreements or a transfer to the Ježevce centre.⁷⁸ Moreover, as the CPS has noted, there may not be many people placed in these centres because most non-citizens are simply pushed back at the border rather than detained.⁷⁹

The facilities have a capacity of 62 each, including 12 for vulnerable people in a separate wing.⁸⁰ There is more information available regarding the Tovarnik centre. According to the Interior Ministry, the construction and equipping of the centre cost more than the equivalent of 3.5 million EUR. The facility comprises 14 quadruple rooms and two triple family rooms, and features a library, a children’s playground and playroom, and basketball and handball courts.⁸¹

3.3c Airport transit zones. For many years, foreign nationals refused entry to Croatia and who were due to be deported were confined in the Zagreb International Airport Transit

⁷³ 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>

⁷⁴ 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>

⁷⁵ European Council on Refugees and Exiles (ECRE) and Asylum Information Database (AIDA), “Balkan Route Reversed: The Return of Asylum Seekers to Croatia Under the Dublin System,” December 2016, http://www.asylumineurope.org/sites/default/files/resources/balkan_route_reversed.pdf

⁷⁶ International Organisation for Migration (IOM), “Compilation of Available Data and Information: 19 May-1 June 2016,” 2016, <http://migration.iom.int/system/tdf/reports/WEEKLY%20Flows%20Compilation%20No17%20%202%20June%202016.pdf?file=1&type=node&id=2061>; Croatian Law Centre, “AIDA Country Report: Croatia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/croatia>

⁷⁷ European Council on Refugees and Exiles (ECRE) and Asylum Information Database (AIDA), “Balkan Route Reversed: The Return of Asylum Seekers to Croatia Under the Dublin System,” December 2016, http://www.asylumineurope.org/sites/default/files/resources/balkan_route_reversed.pdf

⁷⁸ Lana Tučkorić (Croatian Law Centre), *Email exchange with Izabella Majcher* (Global Detention Project), March 2019.

⁷⁹ Tea Vidović (Centre for Peace Studies), *Email exchange with Izabella Majcher* (Global Detention Project), March 2019

⁸⁰ Croatian Law Centre, “AIDA Country Report: Croatia 2017,” *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/croatia>

⁸¹ Interior Ministry, “*Reagiranje MUP-a RH na objavljene navode tjednika*,” 4 April 2018. <https://www.mup.hr/novosti/5511/reagiranje-mup-a-rh-na-objavljene-navode-tjednika>

Lounge, possibly in some cases for periods lasting more than a day. In 2007, the CPT was informed that a new facility had been opened at the airport, where non-citizens refused entry could 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.⁸² As of 2018, the capacity of this facility was 14.⁸³ Special premises for six people exist also at the Dubrovnik International Airport Transit Zone, and in other airports, international departure areas can be used for confining migrants.⁸⁴ The official limit on detention in these places is currently 72 hours (24 hours extendable by 48 hours). However, as the CPS has noted, this limit is sometimes not observed in practice.⁸⁵ On the other hand, according to the information received from the Interior Ministry, the maximum period of detention of people refused entry in transit zone is eight days.⁸⁶

⁸² 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>

⁸³ Croatian Law Centre, "AIDA Country Report: Croatia 2017," *European Council on Refugees and Exiles (ECRE)*, March 2018, <http://www.asylumineurope.org/reports/country/croatia>

⁸⁴ Croatian Law Centre, "AIDA Country Report: Croatia 2018," *European Council on Refugees and Exiles (ECRE)*, March 2019, <http://www.asylumineurope.org/reports/country/croatia>

⁸⁵ Tea Vidović (Centre for Peace Studies), Email exchange with Izabella Majcher (Global Detention Project), March 2019.

⁸⁶ Interior Ministry, *Email exchange with Izabella Majcher* (Global Detention Project), April 2019.



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