

CROATIA

INITIAL OBJECTIVES

- Promote and facilitate the return and integration of Croatian refugees currently in Yugoslavia (FRY) or Bosnia and Herzegovina (BiH).
- Provide protection and facilitate durable solution for refugees in Croatia who originate from FRY and BiH.
- Support the Government in establishment and implementation of a legislative framework for asylum-seekers and refugees.

MAJOR DEVELOPMENTS, PROGRESS ACHIEVED, AND CONSTRAINTS

Refugee returns to Croatia from the Federal Republic of Yugoslavia (FRY) and Bosnia and Herzegovina (BiH) continued at the same level as in 2001, with 6,025 returns during the first six months of 2002. The lack of any significant increase in returns was largely due to considerable delay in removing remaining administrative obstacles to return. This was particularly evident in the field of property repossession, for which the proposed legislative reforms to accelerate the process were stalled.

Given that property issues, including both reconstruction and repossession, are crucial to the return process, UNHCR continued to be involved in a work of the Legal Working Group made up of representatives from the Government and international community. The Working Group provides advice to the Government on legislative reforms required to create an environment which will not only encourage returns in increased numbers, but also ensure that they are sustainable. While there was only limited progress on property restitution, considerable improvements were

achieved in the field of reconstruction. Following 31 December 2001, the Government's deadline for submission of applications for reconstruction, some 40,000 reconstruction applications by refugees were registered with Offices for Reconstruction and were awaiting decisions. Following UNHCR's intervention with the authorities, a more positive interpretation of the existing Law on Reconstruction and the incorporation of UNHCR's network of legal NGOs in Croatia and FRY in the process took place during 2002. This resulted in an increased number of reconstruction decisions being made in favour of refugees during the first six months of the year.

Other administrative obstacles to return requiring UNHCR's intervention with government authorities included problems faced by former habitual residents who had effective links with Croatia, but who are not currently considered citizens of Croatia and/or who are not registered with the Croatian Ministry of Interior, a necessary prerequisite for clearance for return under the UNHCR-Croatian Government procedure. This problem has yet to be resolved. UNHCR also continued to intervene with the competent State bodies to resolve administrative hurdles faced by returnees in realising their pension and health insurance entitlements.

In the first six months of 2002, UNHCR assisted in the repatriation of 4,141 returnees from FRY and BiH. Assistance provided included facilitation of the issuance of personal documentation, customs clearance and transportation of tractors and additional household belongings. As a part of its gradual phase down and exit strategy from the region, UNHCR continued to gradually hand over activities related to the

transportation of returnees and their belongings to the Croatian Red Cross.

UNHCR continued to support the NGO legal network to providing free legal assistance to returnees in the reintegration process. The number of persons seeking legal assistance continued to rise with the cumulative increase in returns, a growing awareness of the availability of the service and new developments with property issues. Legal interventions on behalf of more than 12,000 beneficiaries were made during the first half of 2002. Greater attention was also devoted during the first half of 2002 to capacity-building of local legal NGOs in order to make them sustainable after the withdrawal of UNHCR. In particular, efforts were made to improve cross-border legal assistance between Croatia and BiH that resulted in the creation of a local NGO specialising in cross-border activities.

A community-based social support programme for vulnerable returnees under the auspices of UNHCR's implementing partners continued to complement the Government social welfare system. A network of mostly Croatian Red Cross mobile teams and volunteers assessed the needs of returnees and provided various services and in-house help for the most vulnerable, ranging from distribution of food and non-food items and small repairs, to delivery of water and firewood and assistance in obtaining health care.

UNHCR and its implementing partners also continued to carry out a range of activities for the benefit of children and adolescents in collective centres to improve their social environment and their future prospects (kindergarten activities, computer courses, education support). Similar activities took place in returnee communities to help mitigate isolation and promote reconciliation among different ethnic groups.

During the first half of 2002, 550 Bosnian refugees returned to BiH from Croatia. Another 9,948 registered refugees remained in Croatia as of end June 2002, which includes 799 from FRY (mostly from Kosovo) and 64 from FYROM. The number of registered refugees in Croatia was reduced by 9,194 during the reporting period as a result of a de-registration exercise performed by the Office for Displaced Persons, Refugees and Returnees (ODPR) in March and April and affected refugees who were known to have repatriated or who did not appear for over a year to renew their temporary protection status. ODPR ensured that any appeals made by these individuals would be reviewed on a case-by-case basis.

UNHCR continued to assist the Government of Croatia in planning to facilitate the repatriation of the residual Kosovar refugee caseload. Some 703 persons registered in Croatia as refugees from Kosovo. It is anticipated that half of this group, which are of Albanian ethnicity will repatriate and that the other half, who are ethnic Croatian, will be locally integrated.

UNHCR continued to intervene with the Government to ensure that all refugees from the region with valid reasons not to repatriate, regardless of ethnic origin, could locally integrate through obtaining permanent residence and eventually citizenship. Local integration as a durable solution has to date only been possible for those refugees from the region who are of Croat ethnicity. Their right to apply for citizenship and local integration is enshrined in the Croatian Constitution. For refugees of other ethnic groups that were granted temporary protection by the ODPR, the Ministry of Interior does not recognize the temporary protection status as official refugee status, which can only be awarded by the Ministry. Furthermore, the Ministry of Interior does not consider residence under temporary protection as counting towards

the five year minimum registered residence requirement that is prerequisite to naturalisation.

UNHCR's resettlement programme for refugees from BiH entered its final phase and in 2002 and no new applications from BiH refugees were accepted after February 2002. Since the beginning of the year, the backlog of some 275 cases (1,000 persons), together with cases which were already in process have all been submitted to prospective resettlement countries.

UNHCR continued efforts to work with the Government to strengthen its national asylum system. The Office provided extensive comments on the draft Law on Asylum in the reporting period, the latest in a series of drafts that have been submitted to UNHCR. Due to delays in the political process in the reporting period, it now appears unlikely that the Law on Asylum will take effect on 1 April 2003, the date mentioned in the draft Law. UNHCR raised its concern with the Government regarding delays in the introduction of the draft Law, as well as the 100 per cent negative decision rate in the existing refugee status determination procedure under the Law on Movement and Stay of Aliens during the reporting period. This rejection of all asylum claims considered to date raises serious

concerns regarding the standard of decision-making on asylum claims, requiring UNHCR to conduct a parallel interview process for each asylum-seeker to assess his/her need for international protection.

UNHCR continued to provide asylum-seekers with accommodation and food, as well as advice to individual asylum-seekers and funds for legal counsel at the appeals stage. As a result of the increasing numbers of third-country asylum-seekers, the Office began to identify organisations or agencies willing to provide legal services to asylum-seekers. In the interim period the Croatian Law Centre agreed to facilitate the identification of lawyers that would be willing to assist individual asylum claims. UNHCR also provided training on refugee protection principles to the Croatian Red Cross field staff in an effort to build local NGO capacity on asylum issues, which is currently lacking.

UNHCR continued to participate in initiatives to strengthen mechanisms for the reception and care of separated children and to combat the trafficking of women and children, specifically the joint Save The Children/UNHCR Separated Children in Europe Programme and the Stability Pact Task for Trafficking in Human Beings.

Progress as measured against indicators

Impact/Performance Indicators	Actual Progress
Legislation and procedures are no longer an impediment to return or integration and provide effective protection to refugees.	Positive developments, particularly in implementing reconstruction legislation. Nevertheless, legislative and administrative obstacles remain in repossession of property and tenancy rights.
All asylum-seekers have access to RSD procedures and obtain fair decision.	Law on Asylum not yet adopted. On the basis of the Law on Movement and Stay of Aliens, all asylum-seekers received negative decision.
Number of beneficiaries receive non-food items within reasonable time upon arrival/identification of vulnerable case.	Approximately 6,000 beneficiaries received non-food items upon assessment.
Secondary health services provided to needy refugees in a cost-effective way.	After professional screening, 665 refugees were assisted with secondary health care.
Number of returnee/refugee assisted with legal advice, intervention with administrative body or through court representation.	More than 12,000 beneficiaries used legal advice, intervention with administrative body or court representation services by legal implementing partners.

REVISED OBJECTIVES AND PRIORITY ACTIVITIES FOR JULY-DECEMBER 2002

- Hand over of activities such as secondary transportation of returnees, tractors and other personal belongings to other NGOs.
- Increased advocacy role in the promotion and facilitation of local integration of

refugees who voluntarily choose this option.

- Increased role in the RSD procedures to ensure effective protection for genuine asylum-seekers.
- Continued focus on passing of Asylum Law and immediate training of appointed officials in the Ministry of the Interior.

Annual Programme Budget			
Initial Budget	Revised Budget	Total Funds Available	Obligation Level
10,146,958	10,189,986	5,135,017	4,745,105