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**Report of the fact-finding mission by Ambassador Tomáš Boček,
Special Representative of the Secretary General on migration and refugees,
to Bosnia and Herzegovina and to Croatia
24-27 July and 26-30 November 2018**

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EXECUTIVE SUMMARY

After Hungary and Croatia tightened their borders with Serbia, Bosnia and Herzegovina has become in 2018 the preferred transit country for migration flows in the Western Balkans with a total of 23,271 arrivals in the first eleven months of the year. An estimated 4,000-5,000 people are still in the country waiting for an opportunity to cross the border into Croatia. Substantial efforts have been made by all actors working in Bosnia and Herzegovina to provide shelter and basic services to this population. The existing government facilities have reached their maximum capacity. The new facilities provided by the International Organisation for Migration with external funding, small-scale shelters and private accommodation complement the limited government capacity. Basic services such as food, healthcare and social workers are provided by UNHCR, UNICEF, the Red Cross and other partner organisations. Despite this, largely due to administrative obstacles, access to asylum procedures and support services remains limited.

Conditions in reception facilities vary from one facility to another, ranging from very good to unsuitable for longer stays. The efforts made to increase the country's accommodation capacity to provide shelter is commendable and should be supported by providing clear guidelines in respect of minimum standards of reception to provide safe conditions for women and children, particularly those who are unaccompanied. Adapted accommodation and effective guardianship for unaccompanied children remains a challenge. Particularly worrying is the legal possibility to detain unaccompanied children and the actual detention of children in facilities which are not adapted to them. The development of effective alternatives to immigration detention should be a priority.

As the biggest part of international assistance is provided through international organisations, it is nevertheless important to strengthen the public system's capacity to co-ordinate the emergency response and to take full ownership of the country's migration management, by playing a central role in decision-making on relocation and accommodation and in co-ordinating the assistance of various humanitarian actors and public services.

Croatia, responsible for a European Union external border on the Balkan route, has also registered an increase in arrivals with a total of 7,388 people registered in the first eleven months of 2018. However, the number of those remaining in the country is much lower: 352 asylum seekers were accommodated in open reception centres in Croatia in November 2018. In its attempts to thwart the unauthorised crossing of the European Union's external border, and in view of preparations to access the border-free Schengen area, the country has focused on policies and measures to deter access to its territory and to return irregular migrants mainly to neighbouring countries. The implementation of these policies and measures has coincided with the emergence of reports of pushbacks, including violent ones. It is crucial that all border management operations be carried out in full compliance with the state's obligations under the European Convention on Human Rights and that credible complaint mechanisms and investigations address the allegations of ill-treatment at the border.

Croatian authorities have succeeded in providing fairly good material reception conditions, both for adults and children. The objective of the authorities to integrate unaccompanied refugee and migrant children in the mainstream care system is commendable. The planned centralised entry management system will be instrumental in ensuring an initial assessment

of protection needs, best interest procedures and initial language classes in one location, in avoiding dispersal of resources and in enabling future integration into the mainstream care system. It is also crucial that unaccompanied and separated children are provided at all times with effective protection, irrespective of the formal guardianship arrangements. Particularly worrying is the legal possibility to detain unaccompanied children and the actual detention of children, despite the efforts of adapting detention facilities for their stay. The development of effective alternatives to immigration detention should be a priority.

The Croatian authorities are gradually advancing in implementing a promising integration strategy. A number of integration measures, such as early language classes and access to employment search training, could be particularly effective if also extended to asylum seekers.

I. CONTEXT OF THE MISSION

With the closure of the Serbia-Hungary border, in late 2017 an increasingly used migration route through Bosnia and Herzegovina towards Croatia emerged, aimed at moving onwards to western or northern Europe. In 2018 Bosnia and Herzegovina has seen over 23,000 arrivals, which is twenty times more than in 2017. With strict border controls at the Croatian border, it is estimated that at the end of November 2018 there were 4,500 to 6,000 migrants and refugees stranded in the country. Croatia has registered over 7,400 arrivals in 2018 and in November 2018 some 352 asylum seekers were accommodated in open reception centres.

The mixed flows of refugees and economic migrants have presented both countries with major challenges such as reconciling the authorities' responsibilities of border-control, public order and national security with their human rights obligations. In Bosnia and Herzegovina the response was conditioned by the country's complex constitutional structure and economic capacity. In Croatia, the management of migration flows has been shaped by its responsibility for a European Union (EU) external border and its aspiration to join the Schengen Area.

It is against this background that I undertook my fact-finding mission to Bosnia and Herzegovina, on 24-27 July 2018, and then to Croatia and Bosnia and Herzegovina (mainly to Una-Sana Canton), on 26-30 November 2018. The mission had the objective to collect information on the situation of migrants and refugees in these countries and to identify how the Council of Europe can support its member states in addressing the above-mentioned challenges while securing human rights protection.

Overall, this fact-finding mission enhances the Council of Europe perception and perspective of migration flows through the Western Balkans migration route. It therefore complements my fact-finding missions to other countries on this route, namely to Greece, Turkey, Bulgaria, "the former Yugoslav Republic of Macedonia",¹ Serbia, and the transit zones in Hungary.

I conducted this mission together with my Legal Adviser, Ms Janeta Hanganu, and my Political Adviser, Ms Kinga Jensen-Magyar.

I would like to thank the authorities of Bosnia and Herzegovina and Croatia for their excellent co-operation during our mission. I also thank the International Organisation for Migration (IOM) and the UNHCR for their invaluable assistance in organising parts of my mission in Bosnia and Herzegovina and for providing interpretation support in reception facilities.

II. MEETINGS AND VISITS

In Bosnia and Herzegovina we met the Minister of Security, the Minister of Human Rights and Refugees, the Minister of Justice, the Deputy Minister for Foreign Affairs, one of the three Ombudspersons, the Director of the Service for Foreigners' Service, the Assistant Minister of Security responsible for the Sector for Asylum and the Border police in Velika

¹ As of 12 February 2019, the official name of the country changed to North Macedonia.

Kladuša.² We exchanged views with the representatives of IOM, UNHCR and UNICEF, as well as with the EU Delegation to Bosnia and Herzegovina.³ We also met with a number of volunteers active in providing assistance to refugees and migrants.

In July 2018 we visited the Refugee Centre in Salakovac, the Immigration Centre in East Sarajevo, the private shelter “House of All” in Ilidža and the site of the future Reception Centre in Ušivak. In November 2018, we also visited the camps and reception facilities at the Bosnian-Croatian border in Una-Sana canton (the makeshift camp Trnovi and the Miral facility in Velika Kladuša, the Sedra Temporary Reception Centre in Cazin, the Bira Temporary Reception Centre and the Borići site in Bihać), the Emmaus- IFS Reception Centre for vulnerable groups and the Centre for Children and Youth in Duje, and the already operational Reception Centre in Ušivak.

In Croatia we met the Minister of Interior, the Assistant Minister for Foreign and European Affairs, the State Secretary at the Ministry of Demography, Family, Social Policy and Youth, the Ombudsperson for Children, and the Deputy Ombudswoman. We exchanged views with the representatives of the UNHCR in Croatia and met a number of NGOs active in providing assistance and advice to refugees and migrants.⁴ We also visited the Reception Centre for Asylum Seekers in Zagreb, the Ježevo Detention Centre for Foreigners and the border police in Cetingrad.

The programme of both segments of the fact-finding mission appears in the Appendix.

III. BOSNIA AND HERZEGOVINA

3.1. Background

Bosnia and Herzegovina has adopted a genuinely humanitarian approach, receiving thousands of refugees and migrants in the country, respecting their freedom of movement, with considerable efforts made to provide shelter and food to everyone. The solidarity and the efforts of the local population, considering the difficult economic context,⁵ are noteworthy.

Between January and November 2018, authorities in Bosnia and Herzegovina registered a total of 23,271 arrivals, which is twenty times more than the arrivals in 2017. Although most of those arriving seem to wish to seek asylum, only 6% lodged an actual claim. It is estimated that at the end of November 2018 there were 4,500 to 6,000 migrants and refugees still in the country, including 3,000-5,000 people in the Una-Sana Canton, which due to its border with Croatia, has seen the highest number of arrivals. The available nationality breakdown showed that Pakistan, Iran, Syria, Afghanistan and Iraq were the most common countries of origin declared by the new arrivals.⁶ Most of the migrants and refugees

² Regrettably, we were not able to meet with the Prime Minister of the Una-Sana Canton or with local authorities in Bihać.

³ Regrettably, we were not able to meet with the IOM Chief of Mission but we exchanged with IOM representatives while visiting various facilities and are grateful for their support during these visits.

⁴ Centre for Peace Studies, Jesuit Refugee Service, Croatian Red Cross and Are You Syrious?.

⁵ GDP per capita of 5,703 USD in 2018 (International Monetary Fund) and 15% of the population below the poverty line in 2017 (World Bank).

⁶ The number of Iranian nationals dropped significantly by the end of 2018 mainly related to the cancellation of the visa-free regime between the Islamic Republic of Iran and Serbia in October 2018.

spend from one week to several months in the territory of Bosnia and Herzegovina, before they seek possibilities for leaving the country.⁷

The complex constitutional structure of the country has had a direct impact on the operational capacity of authorities.⁸ In the Federation, social services are decentralised at the level of cantons, which makes it difficult to implement a country-wide approach for the protection of unaccompanied or separated children on the move.

The decisions concerning the right to enter and stay, accommodation and returns are taken at state-level, but the government's limited capacity in this respect has made local authorities in most affected regions feel abandoned and motivated to take independent action.⁹

The twentyfold increase in arrivals has rapidly exceeded the limited reception and operational capacity of the government authorities. The authorities face challenges in identifying the new arrivals, who sometimes come from war zones, and in determining their protection needs. At the same time, relatively few incidents were reported¹⁰ and official data showed a low rate of offences among new arrivals.¹¹

To compensate for the government's limited capacity, a range of actors – international organisations, INGOs, local NGOs and volunteers – directly provide accommodation, food, water, non-food items, child protection, legal aid, referral to medical care, psychosocial support, and interpretation.

On 16 May 2018, the Bosnia and Herzegovina Council of Ministers adopted the “Emergency Measures Action Plan to be taken urgently with focus on illegal migrants and border porosity primarily with the eastern neighbours of Bosnia and Herzegovina” and submitted it to the European Union with a request for support. The Plan mostly includes actions meant to strengthen the migration management capacity¹² of the country, to increase the reception

⁷ Colloquially, they refer to “the Game” to indicate their attempts to irregularly cross the border into Croatia and travel through dangerous mountainous terrain and mine fields in an attempt to reach Slovenia or Italy.

⁸ Decision-making is shared among the central government, the entities (the Federation of Bosnia and Herzegovina and the Republika Srpska), the cantons in the Federation and Brčko District. For example, due to the opposition from Republika Srpska's leaders, all asylum and refugee facilities are located on the territory of the Federation. Only the immigration detention centre is located in East Sarajevo, in Republica Srpska.

⁹ In July 2018, local mayors from the Una-Sana canton protested in Sarajevo to show their discontent with how the central government was handling the situation. On 23 October 2018, hundreds of locals in Bihać protested against the arrival of migrants in the area and demanded that the state authorities tackle the issue. The delegation was informed about local attempts to stop arrivals from other cantons (all buses and trains coming from Sarajevo were stopped and migrants travelling in them were taken off although they held valid purchased tickets) or to deter movement within the canton (informal instructions to bus and taxi drivers to refuse taking migrants from Sedra to Bihać, for example).

¹⁰ For example, in late October 2018 the Maljevac border checkpoint (Velika Kladuša) with Croatia was closed after some 200 migrants and refugees blocked the main road. The surge towards the border started when some 400 persons gathered on the Bosnian border with Croatia after false information circulated that the EU state would let them in. After nine days and nights without shelter, the migrants were relocated to the newly opened Miral facility.

¹¹ Fifty-three offences out of the total of 998 from January to September 2018, according to the Una Sana Canton police; 19 out of 3,125 criminal offences reported by the Sarajevo police.

¹² Such as support to border police, to enhance co-operation on border management with neighbouring countries and EU agencies, to increase the capacity of the authorities to combat illegal border crossings (including smuggling) and to process asylum claims.

capacity (relying significantly on co-operation with NGOs and international organisations)¹³ and to improve co-operation on returns. The EU has been providing considerable financial support for the provision of humanitarian assistance to migrants and refugees through its implementing partners such as IOM, UNHCR, and UNICEF.¹⁴ The Council of Europe Development Bank (CEB) provided EUR 1 million to support the conversion of the Ušivak site into a reception centre.¹⁵

Also in May 2018 a Migration Co-ordination Body led by the Ministry of Security had its first meeting. This body has the authority to make recommendations to the Council of Ministers. The delegation was informed that more recently the body has handed over its co-ordination mandate to the IOM and that it does not centralise information on support provided by various actors to refugees and migrants.

Since the general elections on 7 October 2018, the Council of Ministers of Bosnia and Herzegovina is operating under a technical mandate until a new government is appointed.¹⁶

3.2. Reception

In mid-2018 the government reception capacity was estimated at around 550 places, including around 150 places for asylum seekers in the Asylum Centre in Delijaš (operated by the Ministry of Security, Sector for Asylum), around 250 places for people with refugee status in the Refugee Reception Centre in Salakovac (operated by the Ministry of Human Rights and Refugees) and 150 places for migrants pending removal in the Immigration Detention Centre in East Sarajevo (operated by the Ministry of Security, Service for Foreigners' Affairs). To make best use of the available capacity, since May 2018 the Reception Centre in Salakovac has been authorised to also accommodate people who formally expressed a wish to seek asylum, and not only people whose refugee status had been acknowledged.

Even so, with monthly arrivals at over 1,500, government-run facilities were rapidly insufficient. Despite the additional private accommodation and shelters sponsored by UNHCR and volunteers, many people have slept rough or in small tents in parks or in abandoned buildings in Sarajevo, particularly in Una-Sana Canton where no facilities existed.

With the financial support of the CEB and the EU, IOM supported the opening by the Service for Foreigners' Affairs of additional emergency reception facilities, as follows:

- i. the Sedra Temporary Reception Centre in Cazin with a capacity of 430 people, which became operational in August 2018;

¹³ It also includes support measures for relevant authorities to identify vulnerable persons among migrants, in particular unaccompanied children, to protect victims of human trafficking and to provide assistance, in co-operation with NGOs and other organisations.

¹⁴ At the time of the visit, the support reached EUR 9.2 million, through the Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR) and the Directorate-General for European Civil Protection and Humanitarian Aid Operations (DG ECHO) project funding, and it was our understanding that the IOM was the implementing partner for the biggest part of this financial envelope.

¹⁵ Through a grant agreement with the IOM signed in July 2018.

¹⁶ Which may be significantly delayed due to the absence of legal provisions as to the formation of the parliament and Government of the Federation (after the invalidation of previous provisions by the Constitutional Court in December 2016).

- ii. the Reception Centre in Ušivak close to Sarajevo with a capacity of 400, which became operational on 25 October 2018; its capacity was subsequently increased to 800;
- iii. the Bira Temporary Reception Centre in Bihać with a potential capacity of 1,200, which became operational in October 2018 with the relocation of people from makeshift camps in Bihać and the abandoned building of Borići student dormitory;
- iv. the Miral facility in Velika Kladuša with a potential capacity of 700, which became operational in late November 2018 with the relocation of people blocking the Maljevac border crossing point, and later from the makeshift camp in Trnovi or elsewhere in Velika Kladuša;
- v. and the Borići facility in Bihać with a potential capacity of 580, two floors of which became operational in early January 2019.

In addition to the facilities we visited, there were other small-scale accommodation arrangements (30-100 people), managed by various actors, including the IOM, the UNHCR, humanitarian organisations or volunteers. We were not made aware of any centralised mechanism collecting information about these accommodation arrangements, the profile and protection needs of people in these shelters.

3.2.1. Refugee Reception Centre in Salakovac

The centre has been housing people with a recognised refugee status since 2000. On 18 May 2018, 261 declared asylum seekers were brought in five buses from Sarajevo.¹⁷

At the time of the visit in July 2018, the centre accommodated 257 people, including 33 people with acknowledged refugee status and 58 registered asylum seekers. The centre accommodated essentially vulnerable groups, families with children, pregnant women and chronically ill people, who are referred and transported there by the UNHCR or other partner organisations. There is a high turnaround of residents: from May to July 2018, over 500 people passed through the centre, most of them heading towards the EU. In October-November 2018, the centre witnessed a more stable population who intended to spend the winter there before continuing their journey in spring.

At the time of the visit, no unaccompanied or separated children were accommodated at the centre. In May 2018, ten unaccompanied children arrived together with the first group of migrants. They were housed in the facilities for families and in the care of families. The local social welfare centre appointed a member of the NGO Bosnia and Herzegovina Women's Initiative (BHWI) as the legal guardian of the unaccompanied children. However the children soon left the centre and their whereabouts were unknown.

Food was supplied three times per day by the Red Cross. A Mostar health institution under a contract with the Minister of Security provided primary healthcare to everyone in the centre. State-funded secondary healthcare was available only for people with refugee status; the UNHCR was covering the costs for the other residents. The centre was visited twice per week by a medical practitioner, while medication was delivered from Sarajevo one day after it had been prescribed.

¹⁷ Before reaching the Centre, the buses were stranded for several hours in Konjic by the Herzegovina-Neretva Canton police who were acting on the instructions of cantonal authorities, allegedly not consulted by the Ministry of Security about the transfer of migrants. No similar incidents have been reported since then.

There were no interpreters outside working hours, which made communication between the staff and the residents difficult in the evening and during the night. Courses in Bosnian language, recreational activities, legal aid, psychosocial support and child-friendly spaces were provided by the UNHCR, UNICEF, the Red Cross and international or local NGOs. All activities in the centre were co-ordinated by the Ministry of Refugees and Human Rights.

Families were accommodated in separate rooms; there were separate sanitary facilities for men and women, and hot water. The only complaints concerned the availability of Wi-Fi and of a TV only in one area, that the food did not correspond to the residents' eating habits and that the location of the centre was too remote from Sarajevo and the route to the EU. Security in the centre was provided by a private company and in close co-operation with the local police in Mostar.

3.2.2. Una-Sana Canton facilities

The delegation visited all government reception facilities operating in the Una-Sana canton in November 2018. The Trnovi makeshift camp, where until November 2018 several hundred people slept in small private tents, in extremely poor hygiene and security conditions, had just been dismantled. At the time of our visit, there were still a dozen of tents in a muddy field. The occupants explained that they had been to the new Miral site but because of violent clashes with some occupants there, they decided to come back despite the very harsh conditions. After the setup of the nearby Miral facility, all mobile services providing food, water or other assistance in the Trnovi camp had been discontinued.

i. Miral site

The Miral facility represents an industrial site in Velika Kladuša with a two-storey warehouse and a courtyard. Inside the building and in a Rubb hall in the courtyard were numerous two-level bunk beds. The building had floor heating, whereas there was no heating in the tent outside. Mobile toilets were lined up in the courtyard.

The facility was set up and operated by the IOM, with EU funding, including food distribution, portable toilets, cleaning and security, in co-ordination with partners providing other services. At the time of the visit, we did not see or meet any representative of the Ministry of Security or of another government authority. The facility had been opened a week before our visit and no registration had yet been carried out. The facility counted 600 occupants, primarily single men; around 200 accommodated in the Rubb hall and around 400 in the warehouse building. Nine families with 15 people, including small children, were accommodated in the warehouse in a designated area which was not separated in any way from the rest of the occupants. People would hang blankets around their bunk beds in order to have some privacy and to preserve heat. The delegation was informed that the families in the facility had refused transfer to better conditions in Bira, wishing to remain closer to the border.

Some occupants complained about the sanitary conditions, lack of privacy, insufficient food and deficient organisation of the site. Although the facility was a good alternative to sleeping rough, its conditions were not adapted to families with children, for women or for longer stays. The local authorities opposed the opening of the facility and, therefore, withdrew all logistical support, such as taking the refuse away and providing portable toilets. Seeking the support of the local community, the IOM had funded public street lighting in Velika Kladuša.

In respect of the violent clashes among occupants, a private security company had been contracted a few days prior to our visit to secure order in the facility.¹⁸

ii. Sedra facility

The Sedra facility is located in Cazin in a building previously used as a hotel. No significant renovation was carried out before starting to use it as a reception facility. It was acknowledged that electricity and sanitary installations need repair. Thirty-six rooms accommodated four beds; two - three big dormitories accommodated up to 20 beds. The residents were primarily families with children who were prioritised for voluntary relocation from other sites in partnership with the UNHCR. The facility started operating in July 2018 with the arrival of 110 migrants from Velika Kladuša and 41 from Bihać. At the time of the visit, it was accommodating 427 persons, including unaccompanied children and has been operating at full capacity (400 places) since September 2018. People stayed on average 50 days in the centre before continuing their journey.

With EU funding, the IOM was responsible for the management of the facility and the co-ordination of services provided by its partner organisations, such as the UNHCR, UNICEF and their local partner NGOs. The IOM secured transportation to the facility, initial medical screening and registration based on the attestation of intent issued by the Service for Foreigners' Affairs, who had an office in the facility. A registration card with a photo was issued to each occupant and based on their nationality and category (family, unaccompanied children) they are allocated space in a room. No systemic solution was found for medical services; a daily medical service, connected to local hospitals for more serious cases, was provided under UNHCR-funded contract by the Cazin health centre. Food was provided by the Cantonal Red Cross and there were volunteers working in the kitchen.

There were a total of 200 children, including 13 unaccompanied, and 35 mothers with babies in the facility at the time of the visit. UNICEF funded the presence of a paediatrician four hours per day in co-operation with the local health centre and provided for a social worker to act as guardian to unaccompanied children. UNICEF made arrangements with four local schools to accept migrant children as of December 2018.¹⁹ We were informed about plans to have two big containers on the facility grounds: one to be used as a children's corner and another as the mother-baby corner. At the time of the visit, two rooms on the second floor of the building were used for these purposes. The general atmosphere between staff and residents was friendly; we heard, however, reports of domestic violence among residents.

iii. Bira facility

The Bira facility represents the industrial site in Bihać of a refrigerator factory with an immense warehouse, from which factory equipment had been removed. The warehouse did not have any natural lighting; despite the available artificial light, certain areas of the warehouse were dark or poorly illuminated. Accommodation was provided in Rubb halls and prefabricated containers placed inside the warehouse. At the time of the visit, there were around 1,800 occupants, including 182 unaccompanied children and 300 family members and children. We were informed that the accommodation capacity could be increased up to

¹⁸ After our visit, there were reports of the security personnel preventing migrants from seeking shelter in the facility unless registered and, even when registered, after certain hours.

¹⁹ In return, UNICEF provided for the transportation to and from schools, funds for additional teaching staff and help with other small requests (e.g. sanitary products).

4,000 and that the occupancy rate kept changing on a daily basis. Most of the residents were brought from the Borići abandoned student dormitory.

A total of 200 containers were expected to be delivered in three weeks, in order to accommodate everyone in containers. To date, families and unaccompanied children had been prioritised for accommodation in containers, which were heated. Each container accommodated up to two families, without any separated space per family, or 6-10 persons. Most of the space in containers was taken by the two-storey bunk beds.

The facility was set up and operated by the IOM, with EU funding, securing services such as food distribution, cleaning, security personnel 24/7 and co-ordination with partners providing other services. We did not meet any government official in this facility. UNHCR and UNICEF, together with their implementing partners provided support with the identification and profiling of people to be voluntarily relocated to the Bira facility. International actors were providing guardians for unaccompanied children. At the time of the visit, there were no activities for its occupants, although there were discussions that the warehouse had sufficient space for a small football field.

The different groups of occupants were located in different parts of the warehouse; a fence had been built to separate the two sections. At the same time, access from one section to the other was unrestricted and we have seen adult males wandering freely in the section designated for families and for unaccompanied children. We heard reports of adult men seen sleeping in the containers for unaccompanied children. There were plans to have a UNICEF-funded guard responsible for the surveillance of unaccompanied children 24/7, in addition to the security personnel already present at the site.

There were complaints about toilets and washing facilities being dirty and not separated for women, families and unaccompanied children from adult men. For this reason, women were afraid of using toilets during the night or if unaccompanied by another family member. At the same time, we were informed that separated sanitary facilities were envisaged. There were no facilities for washing clothes and no hot water. At the time of the visit, food was cooked outside the facility and then brought in to be distributed. Due to the large capacity, there were complaints that it took hours to queue for food. Special kitchen equipment was planned to arrive, which would allow for 2,000 food portions to be prepared on site.

The efforts to create better reception conditions are noteworthy and future plans were focused on the improvement of existing conditions. The current reception conditions are better than sleeping rough but are improper for longer stays and insufficient to prevent and protect women and girls from gender-based violence. In addition, the absence of rules on access to the facility, the free access to all sections of the facility, combined with the high number of occupants and the harsh conditions of accommodation may expose women and children, particularly unaccompanied, to risk of abuse and may pose security problems.²⁰

iv. Borići site

At the time of the visit, the Borići site represented an abandoned student dormitory, without windows, doors, electricity or sanitation, unsuitable for accommodation purposes. The estimated number of occupants was 660, mostly young men. In late October 2018, with EU

²⁰ In February 2019, there were reports of violent clashes in the facility between residents, following which 40 persons were injured, eight of which seriously. The police arrested 11 persons.

funding, the IOM had initiated works to render the building appropriate for accommodation purposes, such as installing the roof, toilets, electricity, windows etc, and were considering at the time to convince the persons still in the building to move temporarily to Bira in order to complete construction works. We have been informed that in January 2019 the renovation of the second and third floors had been completed and that 120 persons were accommodated at the site, primarily families with children, relocated from Bira.

3.2.3. Ušivak facility

The Ušivak facility in Hadžići Municipality close to Sarajevo represents the site of an abandoned military barracks with several buildings, a warehouse and open terrain. The transformation of the site into a reception facility was funded by a CEB grant. EU funding was expected to secure the operation of the facility once the initial CEB grant was exhausted.

In November 2018, unheated tents in the warehouse accommodated newly-arrived people who were still to be registered (four - five days); containers and a Rubb Hall tent with bunk beds accommodated people who already had registration cards. The Rubb hall was unheated and accommodated only adult males divided into sections according to nationality (Pakistan, Afghanistan, the Middle East and North Africa). At the time of the visit, the facility accommodated 424 persons (including 32 children accompanied by their families and two unaccompanied children) with the option of increasing its capacity up to 800. Unaccompanied children were usually referred to the Asylum Centre in Delijaš or to the IFS-Emmaus Centre for Children and Youth; the two unaccompanied children present on the day of the visit were accommodated in a container for vulnerable persons. There were several buildings used for offices and common areas for residents. Two groups of toilets and showers with hot water were located in between containers; no separate sanitary facilities existed for families and women and girls. Washing machines and dryers were available on the site.

Upon arrival, migrants were registered and fingerprinted by the Service for Foreigners' Affairs (SFA). After a medical check-up they received a registration card issued by IOM similar to the one we had seen in Sedra. The IOM was responsible for the operation of the facility and the co-ordination of services provided by other organisations. The SFA was present for our visit and had an office on the site. At the same time, according to the Sector for Asylum, the SFA had not been issuing residence certificates to occupants.²¹ Food was secured by volunteer organisations; primary healthcare was provided by a local clinic with costs being covered by UNHCR.

3.2.4. The IFS-Emmaus facilities in Duje

We also visited the Reception Centre for vulnerable groups and the Centre for Children and Youth in Duje, operated by IFS-Emmaus. Both centres are located in the north-eastern part of the Federation, in the Tuzla Canton. The Reception Centre had several buildings, used for accommodation, kitchen, healthcare and rehabilitation services. At the time of the visit, there were no migrants among the residents of the centre. Its accommodation capacity was of 430 and with containers placed on the adjacent open field, it could be increased to 2,000; the local authority had already consented to such an arrangement.

²¹ See section 3.3 on the discrepancies in the interpretation of domestic legal provisions concerning issuance of residence certificates.

The Centre for Children and Youth was composed of three bungalows, each with two furnished rooms and a kitchenette; each room was fit to accommodate two persons, and a three-storey building with rooms, accommodating two persons each. The Centre had capacity to provide food, shelter and assistance up to 80 unaccompanied children. The centres had very good conditions and infrastructure to accommodate children and vulnerable groups.

In 2018 a Protocol for accommodation of vulnerable asylum seekers in the Reception Centre of IFS-Emmaus, was signed with the Ministry of Security and the UNHCR. A co-operation partnership was established with the local community and the local social welfare centre, with sufficient capacity to provide guardianship for children referred to the facilities. Although the centre had provided accommodation for migrant children throughout 2018, at the time of the visit there were no unaccompanied children at the centre. In spite of the signed protocol, no recent referrals were made to the centre, allegedly because the location²² of and the rules in the facility providing for a protective environment did not correspond to the needs and expectations of unaccompanied children, who preferred to be accommodated together with adults, potentially smugglers, in order to continue their journey.²³

3.2.5. Shelter “House of all”

Close to Sarajevo, in a residential neighbourhood, we visited a private three-storey house which was used by independent volunteers as a shelter and known as “House of All”. At the time of the visit it offered accommodation to 80-90 persons, mostly families and vulnerable people, and meals to around 200 persons per day. From March to July 2018, around 400 people stayed at the shelter, the average length of stay was between one week and one month, with most occupants moving forward to the Croatian border. NGOs and other service providers have access to the shelter to offer legal aid, education and leisure activities for children, medical check-ups. We were told that government authorities had a limited co-ordination role, although regular information about the identity and the number of arrivals in the shelter had been provided to the Ministry of Security and to the Ministry of Human Rights and Refugees. The volunteers were worried about the government authorities’ plans to forbid any type of non-governmental aid. The delegation was not made aware of any such plans materialising or still being pursued in November 2018.

3.2.6. Access to services

Access to services, such as the provision of food, healthcare, psychosocial support, and legal aid is dependent on the availability of accommodation. Outside accommodation facilities, such services and any other assistance was provided on an ad hoc basis by volunteers, humanitarian, local and international organisations. For this reason, from a practical point of view, it is expected that the new facilities will improve the organisation of services and providers, as well as the identification of needs and the protection of vulnerable individuals.

A secured registered address is a pre-requisite to accessing asylum procedure and to obtaining an identification card as an asylum seeker (see below under 3.3). With this card a

²² Proximity with Repubika Srpska and with the Croatian border, far from the Una-Sana Canton.

²³ This issue is addressed in more detail in the section 3.5. concerning unaccompanied and separated children.

person may access primary health care, primary and secondary education, access to the labour market; access to legal aid; psycho-social aid.²⁴

At the same time, the delegation was made aware of cases when medical centres refused treatment being unaware of the entitlements of asylum seekers or charged higher fees for foreigners. There were also cases when medical assistance was refused when the attestation of intention to seek asylum or the asylum seekers' cards were expired. With respect to women, it was not uncommon for them or for their husbands to refuse medical consultations by male doctors, especially gynaecologists. In the absence of female specialists, access to healthcare for refugee and migrant women remains difficult.

3.3. Access to asylum

In 2015-2016 new laws on asylum and on foreigners were adopted aiming at harmonising national legal framework with relevant EU directives. The main actor in asylum and migration procedures is the Ministry of Security of Bosnia and Herzegovina, its Sector for Asylum (SA) and the Service for Foreigners' Affairs (SFA) respectively.

According to the Law on asylum, a person may express the intention to apply for asylum before the Border Police at a border crossing or when in contact with the SFA. The Border Police or the SFA provides the applicants with a leaflet about the procedure for seeking asylum and their rights and obligations.²⁵ The SFA takes biometric data and issues an attestation of the expressed intent, which is a *de facto* residence permit and contains information about the person and the accompanying family members. In situations of mass arrivals, the attestation is issued for 14 days, during which the person is expected to file the actual asylum application with the SA. Failing that and in the absence of serious reasons, there is a legal presumption that the person abandoned his or her intention to seek asylum and therefore his or her presence on the territory of the country is subject to the application of general rules for foreigners. An asylum seeker's card is issued only after the submission of the actual asylum claim. As noted above, with this card, a person may access accommodation, primary and secondary education, primary healthcare, the labour market, legal aid, and psycho-social aid.

According to the system envisaged by the law, a person who expressed intention to seek asylum would be redirected to the Delijaš Asylum Centre operated by the SA, where he or she would be provided with accommodation and, therefore a registered address, and where all asylum interviews and procedures would take place. As described above, in the absence of sufficient places at the Asylum Centre, many of those arriving in 2018 found accommodation in private hostels or shelters, lived in makeshift camps or slept rough on the street. Many of them had no place to register their residence or met obstacles in the registration of a residence, such as the permission of landlords and/or administrative fees²⁶ for obtaining certificates of residence. According to the SA, the official registration of an address implies registration with the local police. Without a certificate of residence a person is unable to obtain an appointment with the SA and submit an actual asylum application.

²⁴ Article 75 of the Law on asylum 11/2016, from 19 February 2016.

²⁵ The Brochure "Information for asylum seekers in Bosnia and Herzegovina", available in 12 languages, developed by the UNHCR, Ministry of Security, Ministry of Justice, NGO Vaše Prava and NGO Bosnia and Herzegovina Women's Initiative.

²⁶ BAM 10.00, equivalent to EUR 5.

The newly opened facilities and the increased accommodation capacity had not solved the problem. On the one hand, according to the SA, the SFA does not conduct registrations with the local police of those accommodated in reception facilities such as Ušivak, Sedra, Miral or Bira. Until such registration with the local police is carried out, the SA would not travel to those reception facilities and schedule interviews. At the same time, in spite of this requirement, we were told that SA's mobile teams conducted registration of asylum applications once in June 2018 in the Salakovac Refugee Centre and twice in the Una-Sana Canton. During a third visit to the Una-Sana canton, the SA did not accept registering asylum applications unless a certificate of residence was presented. The delegation received contradictory information on whether the SA made any visits to the Ušivak facility.

On the other hand, according to the SFA, everyone accommodated at a reception facility is considered to have an address. Moreover, information concerning registered residents in the Ušivak facility was automatically visible to the SA, enabling them to carry out registration of asylum claims. Even so, there seems to be limited presence of the SFA in some government facilities, which leaves unclear how any official registration takes place. Both the SA and the SFA confirmed the required administrative fee to register the address of those outside government reception facilities.

It is important that legal provisions applicable to asylum seekers and foreigners in general are accessible, foreseeable, precise and clear. All discrepancies in the interpretation of such provisions should be clarified and different authorities should work together to provide effective access to international protection in a robust and credible way.

In these conditions, many attestations of intent to seek asylum expired before persons were able to register their address and then to schedule an interview with the SA. According to the Ministry of Security, since the law did not provide for extensions or re-issuing of these documents, there was no established administrative practice to extend the right of stay. Nevertheless, we were informed about cases when with UNHCR's or UNICEF's or their partners' interventions, the SFA re-issued such attestations. The SA would occasionally accept registration of asylum requests even when the attestations had expired, as long as the applicants were accommodated in government facilities. However, according to the Law on asylum, an asylum application lodged by a person with an expired attestation of intent (a person who "entered illegally or who prolonged their stay" without applying for asylum "without delay" risks being rejected in an accelerated procedure.²⁷ The asylum procedure is also terminated if the asylum seeker does not co-operate with Ministry of Security, leaves the country, fails to appear for an interview without justifying absence or does not live at the last registered address.²⁸

Most asylum claims were made by nationals of Pakistan (26%), followed by nationals of Afghanistan (23%), Iran (14%) and Syria (13%). In around 40% of asylum cases, proceedings were terminated because the applicants had not shown up for their interviews; while around 864 asylum seekers (over 97% submitted in 2018) were still waiting for their first interview with the SA. In the first 11 months of 2018, no one was acknowledged as a refugee, while four persons (a Syrian unaccompanied child and a Turkish mother with two children) were granted subsidiary protection. Although the law provides for this form of

²⁷ Article 45(1)(e) of the Law on asylum.

²⁸ Article 47 of the Law on asylum.

protection, the SA noted the absence of a legal text providing for the issuance of travel documents to beneficiaries of subsidiary protection. They are also not entitled to family reunification with family members outside Bosnia and Herzegovina.

From the moment of registration of an asylum application, it generally took several months to have the first asylum interview. Despite these delays, SA considered that it was appropriately staffed to deal with the current workload. At the same time, the SA noted the turnover of staff which required permanent training of new staff. The SA expressed interest in fostering regional co-operation to share information on the profile and status of newly arrived persons (in case they were registered or applied for asylum elsewhere in the region) and on the situation in the countries of origin.

Lack of interpretation during asylum procedures was a recurring challenge, despite the support provided by international partners. The SA informed the delegation about the establishment of a pool of interpreters for rare languages, who were undergoing special training to provide assistance in asylum procedures. Although the official information brochure mentioned the availability of an official legal aid scheme with the Ministry of Justice, our delegation was made aware only of the legal aid option provided by the UNHCR-funded NGO Vaše Prava.

The Court of Bosnia and Herzegovina (Administrative chamber) is the only court competent to examine appeals against administrative decisions of state level authorities. Three judges deal with all cases concerning decisions of the Ministry of Security in respect of asylum and migration. We were informed that the rate of upheld decisions is quite high and that the quality of the judgments could be further improved.

The practical obstacles described above could explain the low number of actual asylum applications made in 2018 compared to the high number of issued attestations of intent and then the high rate of abandoned asylum applications. The authorities of Bosnia and Herzegovina argued in addition that the low number of asylum claims and the high rate of abandoned claims confirmed that those arriving were not mostly refugees or, if they were refugees, that they had no genuine intention to seek asylum in the country, with plans to travel further to the EU.

3.4. Detention and returns

3.4.1. Legal provisions on detention

According to the Law on asylum, asylum seekers may be detained in an immigration centre if served an expulsion order or/and their identity is not established or/and if their asylum application is *prima facie* inadmissible.²⁹ Under the Law on foreigners, a person may be detained in order to secure the enforcement of a removal order and for reasons of public order, security and health.³⁰ Under the Law on asylum the decision to detain is taken by the Ministry of Security and can be appealed in eight days before the Court of Bosnia and Herzegovina; under the Law on foreigners, the competent authority to order detention is the Sector for Foreigners' Affairs with an appeal in three days before the Ministry of Security.

²⁹ Article 67 of the Law on asylum.

³⁰ Article 118 of the Law on foreigners No. 88/15 from 17 November 2015.

The measure of detention under both laws can be imposed for a period of 90 days with possible extension until 180 days, or if the person does not co-operate until 18 months.³¹ However, the detention period under the Law on asylum is not included in the duration of detention under the Law on foreigners. Children, including those who sought asylum, unaccompanied or with their families, may be detained in immigration centres only as a last resort and once it is established that other measures cannot be applied.³²

3.4.2. Conditions of detention

The East Sarajevo Immigration Detention Centre (also referred to as Lukavica immigration detention centre) is the main site for the detention of foreigners pending removal. We were informed that given the limited capacity of the centre (110 places), not all persons issued with an expulsion order were placed in detention.

At the time of the visit the centre was accommodating 74 persons, including three families with six children and ten women, including single women. We were not made aware of any improvements, which would adapt the facility to the needs of children.³³ The administration referred to several cases in which, with UNHCR's assistance, families with children or vulnerable individuals were transferred to open accommodation centres or to private accommodation and medical facilities when their health condition required it. Alternative measures to immigration detention for children and families were explored only with the intervention of the UNHCR and the IOM.

The material conditions in the building for male detainees, in the female unit and family suites were generally good.³⁴ The dining hall was in a third building, where groups of persons were escorted for meals. In the two-storey building for male detainees, the doors to the cells were open, allowing persons to move around the floor freely. Although smoking was prohibited, there were detainees smoking inside the building. In the female and family section, the doors to rooms were also open, allowing persons to move around the building. No men, including staff, were allowed to enter the section for women. There did not appear to be any leisure or other activities for detainees or for children. There were complaints about the quantity of food, lack of clothing and of activities. The delegation did not receive any allegations of ill-treatment by staff. We were not made aware of any register for complaints but were informed by the Ombudsperson of her most recent visit to the centre.

Access to medical care seemed to be adequate.³⁵ The most common profile of detainees was 20-40-year old men from northern Africa, with 70% of the population disclosing a problem of drug addiction. Persons with drug addiction and those presenting a danger to public order were held on a separate floor from the rest of the men.

The submission of an asylum claim while in detention did not result automatically in release from detention. Once an asylum application was lodged, the decision to detain was within

³¹ Article 119 of the Law on foreigners.

³² Article 123 of the Law on foreigners and Article 66 of the Law on asylum.

³³ See also more on the description of conditions in the immigration centre the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT) report on the visit from 5 to 14 April 2011, CPT/Inf (2012) 15, paragraph 79.

³⁴ See CPT/Inf (2012) 15, paragraph 82.

³⁵ A health-care unit staffed by one nurse, present during weekdays and on call at other times, as well as agreements with 3 clinics to provide for doctors when needed. See CPT/Inf (2012) 15, paragraphs 84-85.

the remit of the Sector for Asylum, which usually preferred to keep persons in the Immigration Centre for the duration of asylum procedures. Allegedly only on two-three occasions an appeal against a detention order resulted in the transfer of asylum seekers to an open facility. Although there is an understanding that the asylum seekers should be detained separately from other detainees, in compliance with the requirements of the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT),³⁶ it is not clear how this was enforced in practice, considering also the need to separate persons on other criteria (drug addiction, level of posed danger).

3.4.3. Returns

Persons detained in the centre were pending removal either to a neighbouring country under bilateral readmission agreements or to their country of origin through voluntary return with the assistance of the IOM or through forced return. The increasing flows from neighbouring countries in 2018 and the reticence of those countries to readmit third-country nationals, made co-operation under readmission agreements problematic. Serbia and Montenegro required evidence that a particular person had entered Bosnia and Herzegovina from their territory and not another country in the region. The collection of evidence demanded additional effort and resources and despite this it was not uncommon to spot the same persons on the territory of Bosnia and Herzegovina a short time after the readmission procedure had been completed. There were no joint databases or exchange of operational data with other countries in the Western Balkans. Co-operation with North Macedonia and Albania proved particularly difficult.

Co-operation with countries of origin varied depending on the presence of embassies in Bosnia and Herzegovina and on their discretion to co-operate. Voluntary returns to Pakistan took between one to two months to prepare. Without an embassy in Bosnia and Herzegovina, co-operation on returns to Algeria, Tunisia or Morocco was almost inexistent. Returns to Iran were possible only on a voluntary basis and only once asylum procedures had been completed, otherwise the Iranian embassy refuses to issue travel documents.

Forced returns are expensive and difficult to carry out. Most efforts were put into voluntary returns which allowed persons to benefit from IOM support. At the time of the visit, 30 persons were under processing for forced returns and they did not co-operate. The administration reassured our delegation that during detention all the necessary efforts were made to carry out the return procedures and if return could not be carried out, the person was to be released.

3.4.4. Procedural safeguards

In terms of legal safeguards, the administration told us that everyone in the immigration centre upon arrival was informed about their rights,³⁷ had access to legal aid³⁸ and to their consulates. The administration acknowledged the difficulty in providing interpreters, in particular for all Pashto language dialects, despite the contract signed with a service of interpreters.

³⁶ CPT Immigration Detention Factsheet, CPT/Inf(2017)3, March 2017.

³⁷ The same brochure is reportedly provided by the border police or the Service for Foreigners' Affairs when issuing attestation of intent to seek asylum (see note 25 supra).

³⁸ Provided either by the NGO Vaše Prava or by the Legal aid office with the Ministry of Justice.

Detention decisions were issued in Bosnian/Croatian/Serbian and individuals were informed of their content orally with the assistance of an interpreter. Due to the short time-limits for appeal, many persons would not manage to gain access to a lawyer and submit an appeal in due time.

3.5. Unaccompanied children

3.5.1. Accommodation

During the visit in July 2018, our delegation was informed about the presence of 12-17 unaccompanied Afghani boys in the country; in November 2018 the number of unaccompanied children rose to around 200,³⁹ mostly coming from Iraq, Pakistan, Iran and Afghanistan. With the exception of children accommodated in Sedra, the IFS-Emmaus centre in Duje or other hostels, most unaccompanied children stayed in the Borići abandoned building or slept on the street before late November 2018, when the Bira temporary facility was opened. As noted above, in the Bira facility, unaccompanied children were accommodated in heated containers located in a different part of the warehouse, but not separated from adult males. The delegation witnessed adult males having free access to and smoking in the section for unaccompanied children and heard reports of adult men seen sleeping in the containers for unaccompanied children. The sanitary facilities were also mixed. The presence of unaccompanied children in the Ušivak facility, without being fully separated from adult males, raises similar reasons of concern.

Appreciating the efforts made to provide emergency shelter, the delegation emphasises the need to address safety and protection needs of unaccompanied children in these new facilities as a matter of urgent priority. Although it is acknowledged that unaccompanied children (most often teenage boys) may declare themselves adults, only to stay close to adult males (including possible smugglers), because they could facilitate their journey onwards, it is important to establish safe zones and effective protection for unaccompanied children from trafficking, violence and abuse.⁴⁰

Despite the availability of appropriate accommodation conditions in the IFS-Emmaus Centre in Duje, its capacity was underused allegedly because the location and the rules of the centre (limited use of phones, strict rules for leaving the facility) providing for a protective environment did not correspond to the needs and expectations of unaccompanied children. In respect of the principle of the best interests of the child, while protective restrictions may be warranted in certain situations, they must always be developed with a focus on safe and secure accommodation and access to services on a consensual and informed basis, i.e. which considers both the children's vulnerability and their rights. The establishment of standards for protection and care in reception facilities and of a co-ordinated referral mechanism could provide guidance as to the individual assessment to cover the special

³⁹ Estimate based on the information the delegation obtained in visited reception facilities, with more children potentially being accommodated in other locations, with or without the knowledge of authorities. Official data for the same day indicated the presence in the country of 139 unaccompanied children. In the facilities we visited all unaccompanied children were boys.

⁴⁰ See more on the recommendations issued by the Group of Experts on Action against Trafficking in Human Beings (GRETA) on prevention of child trafficking and on improving the identification and assistance to child victims of trafficking in its Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bosnia and Herzegovina, Second evaluation round, [GRETA\(2017\)15](#), paragraphs 66, 85, 113, 114, 146, and 196.

needs and safety risks and evaluation criteria to be used for referrals to different reception facilities.⁴¹

The delegation was informed about the difficulties in establishing alternative solutions such as placement in foster care or community-based care arrangements, which were underdeveloped even for local unaccompanied children. However, developing alternative care arrangements is the most feasible solution to provide adequate protection and to avoid detention of children.

3.5.2. Detention

Children, including those seeking asylum, unaccompanied or with their families, may be detained in immigration centres only as a last resort and once it is established that other measures cannot be applied.⁴² As described above, the conditions in East Sarajevo Immigration Centre are not adapted to children. Although the delegation did not witness the detention of unaccompanied children, it is worrying that the domestic legislation allows for it.⁴³ The situation of confinement of children should be addressed as a matter of urgency based on the principle that the best interest of the child should be the primary consideration and that every effort should be made to avoid resorting to the deprivation of liberty of migrant and refugee children on the sole ground of their migration status. The Council of Europe could offer its expertise to the authorities of Bosnia and Herzegovina in order to foster the development and application of effective alternatives to immigration detention and thus bring the legislative framework on asylum and foreigners in line with the requirements of the European Convention on Human Rights (ECHR) and principles established in the case law of the European Court of Human Rights.⁴⁴

3.5.3. Age-assessment and guardianship

Although there are national provisions on medical methods for age-assessment,⁴⁵ several actors noted that age was generally assessed based on personal statements. Once identified, unaccompanied children were referred⁴⁶ to cantonal Centres for Social Welfare, which appointed guardians. At the time of the visit, there were around 400 professionals who could be appointed as guardians for the entire country, which was estimated as insufficient. UNICEF and UNHCR, directly or through their implementing partners, were providing support for the Centres for Social Welfare in Bihać and Cazin through the appointment of additional social workers to take charge of unaccompanied refugee and migrant children.

⁴¹ After our visit, Standard Operating Procedures and Guidelines for Centres for Social Welfare in the Federation of Bosnia and Herzegovina have been developed with the support of UNICEF to provide referral pathways, protection and care for refugee and migrant children; their adoption is still pending.

⁴² Article 123 of the Law on foreigners and Article 66 of the Law on asylum.

⁴³ The Court has found violations of the European Convention on Human Rights (ECHR) on a number of occasions on account of the placement in migrant detention centres of accompanied children and unaccompanied children. See in particular, *Mubilanzila Mayeka and Kaniki Mitunga v. Belgium*, no. 13178/03, ECHR 2006-XI; and *Rahimi v. Greece*, no. 8687/08, 5 April 2011.

⁴⁴ See also Steering Committee for Human Rights (CDDH), *Legal and practical aspects of effective alternatives to detention in the context of migration*, 7 December 2017.

⁴⁵ Article 12 of the Law on asylum.

⁴⁶ Most referrals are carried out by the IOM, UNHCR, UNICEF and non-governmental and humanitarian organisations such as Danish Refugee Council, NGO Vaše Prava, NGO Bosnia and Herzegovina Women's Initiative, Jesuit Refugee Service.

Even so, we were informed that in the Bira facility, one guardian was responsible for around 50 unaccompanied children. The legal guardians we spoke to shared that the biggest challenge was to address the needs of children on the move in the short time during which they were in the country. They also noted the difficulty in building a relationship based on trust, when smugglers or traffickers provide children with conflicting information. For this reason, certain guardians were reluctant to take responsibility for children who would soon go missing.

There is no government-level authority responsible for guardianship; all competencies in this respect are devolved to cantonal authorities. For this reason, the level of involvement and co-operation of the Centres for Social Welfare depended on established personal contacts. In some cases guardians were appointed shortly after an unaccompanied child was referred to the Centre for Social Welfare; in other cases, the centre would wait, sometimes for one month, to be officially contacted by the Ministry of Security before appointing a guardian. Co-operation arrangements were still being sought with the Centre for Social Welfare in Velika Kladuša at the time of the visit.

The effectiveness of guardianship was questioned due to possible absence of proper training for guardians and to the short time during which children stay in the country. UNICEF funded multidisciplinary teams in social welfare centres to provide operational support to guardians in addressing the needs of refugee and migrant unaccompanied children, including their right to seek asylum.

3.5.4. Education

Asylum seeking children are entitled to elementary and secondary education. Nevertheless, their enrolment in local schools has been difficult due to lengthy process for the central authorities to take decisions on enrolment and to local requirements for extra fees or medical screening. On the one hand, some small children spoke Serbian after having spent several months in Serbia, which made their enrolment into mainstream classes easier. Although ad hoc arrangements made by UNICEF with four local schools to accept migrant children from Sedra as of December 2018 are acknowledged, it is important to find systemic arrangements to secure the right of asylum seeking children to education. On the other hand, 15-17-year olds may be more in need of socialisation than classic education. Young boys were the most stigmatised, as they are perceived as threatening and more targeted by political discourse. It is, therefore, necessary to put in place educational or leisure activities along with support measures tailored to their age and needs, in particular regarding their development, entry and performance in the labour market as well as their social integration in Europe in general drawing inspiration from “life projects”.⁴⁷

3.6. Conclusions

Substantial efforts have been made by all actors working in Bosnia and Herzegovina to provide shelter and basic services to approximately 4,000-5,000 persons present at any given time on the territory of the country. The government authorities have made most use of existing facilities. New facilities were opened under IOM management and external funding

⁴⁷ See Recommendation [CM/Rec\(2007\)9](#) of the Committee of Ministers to member states on life projects for unaccompanied migrant minors and Recommendation [CM/Rec\(2008\)4](#) of the Committee of Ministers to member states on strengthening the integration of children of migrants and of immigrant background.

(CEB and mostly EU funds) with basic services such as food, healthcare, social workers, being provided by UNHCR, UNICEF, the Red Cross and other partner organisations. Even with the new facilities put in place, there are persons who are accommodated in small-scale shelters (30-100 persons), managed by IOM, UNHCR, humanitarian organisations, NGOs or volunteers, or who still prefer living in abandoned houses scattered throughout Una-Sana canton and Sarajevo. However, access to accommodation remains central in accessing asylum procedures and support services.

There are no guidelines on standards of reception or monitoring of facilities; conditions vary from one facility to another, ranging from very good to improper for longer stays. The effort of increasing the country's accommodation capacity to provide shelter is commendable. It is, however, worrying to see that most facilities are not designed from the outset to provide safe conditions for women and children, particularly those who are unaccompanied. The government authorities do not seem to be present in all facilities and therefore have to rely on information provided by its partners concerning the profile and number of occupants.

The difficulty in obtaining a registered address, even in government managed facilities, combined with the absence of a legal or administrative practice to extend the right to stay for those willing to seek asylum, coupled with the long delays before having an asylum interview, make access to asylum procedures particularly cumbersome. It is important that legal provisions applicable to the right to stay and to access asylum are foreseeable, precise and clear. All discrepancies in the interpretation of such provisions should be clarified to build trust in the authorities and to provide access to a robust system of international protection.

Adapted accommodation and effective guardianship for unaccompanied children remains a challenge. Guardians are in need of operational support in addressing the needs of refugee and migrant unaccompanied children on the move, including their right to seek asylum. Particularly worrying is the legal possibility to detain unaccompanied children and the actual detention of children in facilities which are not adapted to them. The development of effective alternative arrangements should be a priority.

There is apparently no co-ordinated referral mechanism to determine where migrants and refugees should be accommodated, with decisions on relocation or accommodation usually taken on an ad hoc basis, by a variety of authorities, frequently at the intervention of international organisations. The Migration Co-ordination Body seems to play a limited role in co-ordinating the assistance of various humanitarian actors. There were several co-ordination meetings and bodies, but none of them included all key actors. There is also limited co-ordination between local and central authorities. These conditions slow down and complicate the co-operation between humanitarian actors and public services, such as healthcare, social services and education, or create situations putting refugees and migrants at risk of being deprived access to reception facilities and basic services.

The authorities of Bosnia and Herzegovina rely on the European Union to find a sustainable solution and are concerned about the possibility that those currently in the country might not be able to reach their European countries of destination and might not voluntarily, or otherwise, return to their countries of origin. The authorities appeared reluctant in taking ownership of the new reception facilities and in finding solutions regarding the legal situation

of migrants and refugees present in the country and their access to social and economic rights.

As the biggest part of international assistance is provided through international organisations, it is nevertheless important to strengthen the public system's capacity to co-ordinate the emergency response – between different actors and sectors –, to develop a strategy beyond the emergency phase and to provide reliable public services to refugees and migrants as well as to the local population.

IV. CROATIA

4.1. Background

Two years after its accession to the European Union, Croatia has experienced the mass arrival of migrants and refugees heading towards other EU countries. Between mid-September 2015 and March 2016, a total of 658,729 people passed through Croatia to Slovenia and Austria, using the “corridor” of special bus and train services set up by the Croatian authorities.⁴⁸ With the conclusion of the EU-Turkey statement in March 2016, the number of arrivals dropped to 2,500 in 2017, only to increase to over 7,400 in 2018. By the end of November 2018, 352 asylum seekers were accommodated in open reception centres in Croatia. At the same time, since August 2016, the country faced a “Dublin” flow of transfers from EU countries.⁴⁹ Afghanistan, Pakistan, Turkey and Iran were the most commonly reported country of origin.

In 2015-2016 Croatia was commended for its authorities’ humanitarian approach in dealing with migrants and the solidarity shown by NGOs and ordinary citizens. Since mid-2017, the Croatian authorities have sought to strengthen the human and technical capacities of the border police and to implement deterrent measures to irregular entries between border crossing points at the EU external border, as the control over EU’s external border is considered to be one of the most demanding aspects of Croatia’s preparations to access the border-free Schengen area. The implementation of such measures coincided with the emergence since 2017 of repeated reports of pushbacks, including violent ones, of migrants and refugees attempting to cross the border to Croatia.⁵⁰

The issue of repeated pushbacks from Croatia has come recently to the attention of the European Court of Human Rights: on 11 May 2018 the Court communicated under Article 4 of Protocol No. 4 to the Convention the case of a family of three adults and eleven children from Afghanistan who alleged having been removed repeatedly from Croatia to Serbia.⁵¹

According to opinion polls in December 2017, the Croatian public has been welcoming and open to providing assistance to refugees from Syria and other war-affected countries, some were more wary and preferred to keep their distance, due to cultural and religious differences and economic concerns with newcomers taking scarce employment opportunities in an already difficult market. In the autumn of 2018, the government’s announced support for the Global Compact on Safe, Orderly and Regular Migration sparked protests from right-wing circles.

⁴⁸ See the report of the Council of Europe Commissioner for Human Rights following his mission to Croatia (25-29 April 2016), CommDH(2016)31.

⁴⁹ In 2016, over 3,800 incoming requests, originating mainly from Austria, Switzerland and Germany, resulted in 637 transfers; in 2017, 890 incoming requests, originating from Germany, Slovenia and France, resulted in 311 transfers; and in the first nine months of 2018, 94 transfers. In July 2017 the Court of Justice of the European Union confirmed that Croatia was responsible for examining applications for international protection under Dublin III Regulation made by persons who crossed its border en masse during the 2015-2016 (Judgment in Cases C-490/16 A.S. v Slovenian Republic and C-646/16 Khadija Jafari and Zainab Jafaric).

⁵⁰ See the report of the Special Representative of the Secretary General on migration and refugees of his fact-finding mission to Serbia and two transit zones in Hungary (12-16 June 2017); Letter of the Council of Europe Commissioner for Human Rights to the Croatian Prime-Minister, 20 September 2018.

⁵¹ *M.H. and others v Croatia* (no. 15670/18). The case came to public attention after one of the children had been hit by a train and died while the family was following the train tracks back to Serbia.

4.2. Access to territory and asylum

4.2.1. Access to territory

Prior to and during our mission we received reports about pushbacks of migrants and refugees from Croatia to Serbia and Bosnia and Herzegovina happening on a weekly basis. We heard testimonies from migrants and refugees in Bosnia and Herzegovina alleging that they had been forced back from Croatia, with violent and non-violent means, sometimes more than once. Some managed to get close to the border with Slovenia. Women and families with children reported to us being treated with disrespect and although they had not been physically harmed, they were not given water or other assistance and then released back at the border with Bosnia and Herzegovina. Young males reported to us being beaten and handcuffed by the Croatian police, brought to the border and released into the wilderness. We heard reports about violence being perpetrated against 16-17-year-olds and that since October 2018 such cases had become more pervasive. One day before our visit a young man had died in the Trnovi camp allegedly as a result of beatings at the Slovenian-Croatian border. We have been shown shattered mobile phones which were damaged allegedly by the Croatian border police. During our interviews in Croatia, we heard testimonies about repeated attempts to enter Croatia and about injuries caused by physical violence, dog bites, and gunshot wounds.⁵² The UNHCR and other international organisations⁵³ have reported about alleged incidents of ill-treatment of asylum seekers and refugees by the Croatian Border Police and resulting physical injuries. Several video footages, allegedly taken in September-October 2018, disclose instances of summary returns.⁵⁴

When discussing these reports with the Ministry of Interior we were informed about various measures put into place at the border with Bosnia and Herzegovina. The border stretches for 1,100 km in difficult terrain with no man-made barriers. Since 18 July 2018, the border has been monitored by a Frontex airplane; based on received video stream and other data, Frontex headquarters in Warsaw provided further operational assistance to Croatian police in deterring smuggling and illegal crossing.⁵⁵ We were informed about plans to install thermo-vision poles along the border to enable interception operations. The border with Bosnia and Herzegovina is regularly patrolled by over 1,000 officers.⁵⁶ During our travel we observed two police officers deployed each kilometre patrolling the road going along the border with Bosnia and Herzegovina. According to the Ministry of Interior, additional support

⁵² The Cetingrad border police acknowledged a case when fire was opened on a smuggler's van and when ricocheting bullets injured a child in the van.

⁵³ UNHCR, *Desperate Journeys* report (January-December 2018), <https://perma.cc/M8ZW-ZJ9G>; UN Inter-Agency Operational Updates for Bosnia and Herzegovina (September, November 2018); OSCE Mission in Bosnia and Herzegovina "Assessment: Migrant and Refugee Situation in Bosnia and Herzegovina, Overview of the intervention of key actors in the field" (25 September 2018), <http://perma.cc/UHH8-AKC3>; Save the Children, *Hundreds of Children report Police Violence at EU Borders*, 24 December 2018, <https://perma.cc/BJX8-7DJ9>; Human Rights Watch, *Croatia: Migrants Pushed Back to Bosnia and Herzegovina*, 11 December 2018, <https://perma.cc/78UR-264H>.

⁵⁴ Border Violence Monitoring, 'Unverifiable information from unknown migrants'? – First footage of pushbacks on the Croatian-Bosnian border (16 December 2018), <https://perma.cc/A2LN-7K3K>.

⁵⁵ Subsequent to our mission, in December 2018 the European Commission announced the planned deployment of Frontex teams at the Croatian-Bosnian border to support the border control efforts of both countries.

⁵⁶ Total border police effective is 6,500.

was provided by the riot police, which deployed 2,000 staff for border surveillance⁵⁷ after having completed Frontex training for border protection and human rights. A total of 4,380 border police officers and 305 police officers in the riot police unit have completed training on human rights. So far, the European Commission has provided € 23.2 million to Croatian authorities for the purpose of strengthening border surveillance, including for covering the operational costs of border police stations through the provision of the daily allowances, overtime compensation and equipment.

Since 2016, the Ministry of Interior has received 193 complaints concerning allegations of ill-treatment at the border and of confiscation and destruction of possessions.⁵⁸ Police inquiries had been made into these complaints but no violations of law by police forces had been found. At the same time, the investigation into allegations was hampered by the absence of sufficient information to identify the alleged victims and the location where the ill-treatment allegedly occurred, as well as by the difficulty to cross-check data once the alleged victims were no longer in Croatia. We were not made aware of the practical steps taken in the investigations of these allegations, such as for example whether investigations were opened by an authority independent from the police force or whether attempts were made to identify or get in contact with the alleged victims.

According to the Croatian authorities, the injuries inflicted allegedly by the police could have resulted from violence among migrants themselves.⁵⁹ The authorities noted that any use of force and means of restraint was reported, registered and investigated by the Internal Control Department of the Ministry of Interior for compliance with the prescribed procedures. The Ministry of Interior also shared with us translations of letters and instructions addressed to the police throughout the country and referring to the zero tolerance policy for unlawful use of force, the duty to uphold the human rights of migrants and to treat vulnerable groups (children, women, trafficking victims) with particular care.⁶⁰ In addition, the ongoing reform of the Internal Control Department of the Ministry of Interior was expected to enable independent disciplinary procedures once internal oversight officers gained more independence from local police administration.⁶¹

In respect of access to territory, we note with concern the intimidation perceived by NGOs working with refugees and migrants when their members and volunteers had been apprehended or convicted for their support to this group of people, support which was qualified as assistance to illegal border crossing.⁶²

⁵⁷ As explained to the delegation, border surveillance includes patrolling near the border with Bosnia and Herzegovina, surveillance by mobile units on in-country roads (Special Task Force with the Criminal police) and units in charge of co-operation with Slovenian police near the Slovenian border.

⁵⁸ According to the Ministry of Interior, 51 complaints from the Ombudsperson, 13 from the Children's Ombudsperson, 41 from UNHCR, 15 from the NGO Centre for Peace Studies, 14 from the NGO Are you Syrious?, and the rest from members of Parliament, government authorities and civil society organisations.

⁵⁹ The border police in Bosnia and Herzegovina confirmed incidents of violence among migrants.

⁶⁰ The most recent similar official instruction was issued on 17 January 2019.

⁶¹ See more on the existing complaints mechanism against police misconduct and its staffing difficulties in paragraph 14 of the CPT Report on the visit from 14 to 22 March 2017 ([CPT/Inf \(2018\) 44](#)).

⁶² We also heard opinions that, due to its critical position about the government's border management approach, the NGO Centre for Peace Studies had been refused an extension of the co-operation agreement with the authorities for operating in the reception centres in Zagreb and Kutina, despite

4.2.2. Access to asylum

Croatia has been witnessing a continuous decrease of asylum claims in the past three years: from 2,234 in 2016 and 1,748 in 2017 to 979 in the first ten months of 2018. The authorities consider that this decrease reflects the circumstance that the migratory flux is essentially composed of economic migrants.

The Croatian authorities explained that everyone who crossed the state border irregularly was subject to an administrative procedure under the Law on foreigners, for the purpose of return. Once migrants were intercepted on Croatian territory, they were brought to the police station for identification and assessment of their protection needs. With interpretation most often available in French or English, refugees and migrants were asked to fill in a form about their identity and the circumstances of their illegal entry. If they expressed intention to seek asylum, the intent was recorded in a database and the provisions of the Law on international and temporary protection came into play. They were fingerprinted and re-directed to reception centres or immigration detention centres.⁶³ We were told that many people preferred to retract their intention to seek asylum when informed about the role of fingerprinting under Eurodac since they did not wish to stay in Croatia. In the absence of any intention to seek asylum, they were considered for voluntary removal, for immigration detention for the purpose of forced removal or taken immediately to the border to be handed over to the authorities of Bosnia and Herzegovina under the readmission agreement.

Despite the fairly protective legal framework, we heard reports about cases when asylum claims were overlooked by the police or about cases when people were returned without ever being brought to a police station for identification of their need for international protection. We also heard testimonies of cases in which oral interpretation was provided in English in the course of procedures although the person did not have sufficient knowledge of the language; all documents were served only in Croatian and the person did not know about the possibility to access legal aid. It should be noted that, the lack of interpretation in languages spoken by foreigners in police stations where foreigners are held for irregular border-crossing, prevents or delays the identification of people in need of international protection, and their access to asylum procedures.

It is commendable that under Croatian law, a person is considered an asylum seeker from the moment they express intention to seek asylum (i.e. even before they lodge a formal asylum application), which entitles them to accommodation in a reception centre until the completion of asylum procedures, to food, clothes and financial assistance, as well as education, health care, and work.⁶⁴ The asylum application can be lodged directly at the reception centre in the first 15 days after they expressed intent. Asylum proceedings are discontinued once the person withdraws the application, fails to submit an actual asylum claim within the legal time-limit, fails to appear for an interview or is absent from the

their 15-year experience in the field of integration. The authorities referred to the lack of space in the facility as reason for refusing the extension.

⁶³ The Law on foreigners no. 130/2011 with subsequent amendments. The Croatian legislation uses the term "reception centre for foreigners" to designate immigration detention centres.

⁶⁴ Articles 4, 33, 52, 53 and 55 of the Law on international and temporary protection no. 70/2015 with subsequent amendments. After the first asylum claim is rejected, an applicant will keep his/her entitlement to accommodation if he/she lodged a second asylum application. This extension is not however applicable after lodging any other subsequent applications.

reception centre for more than 2 days without justified reasons.⁶⁵ Legal aid is provided for the preparation of an appeal or a complaint and for representation before the first instance court.

4.2.3. Associated human rights implications

In light of all the above mentioned issues, Croatia's border control policies are characterised by a deterrence approach to the admission of migrants and refugees in the country, in particular at the Croatian-Bosnian border. In the absence of a physical barrier, the considerable technical and human resources deployed for border control should not be used to create obstacles in accessing asylum for those who might be in need of international protection. Interceptions of migrants and refugees who are on Croatian territory, but then returned without the requisite administrative procedure, raise questions about the very essence of the right to seek asylum and the respect for the principle of *non-refoulement*.⁶⁶ As a result of the principle of *non-refoulement* states should screen foreigners arriving at their borders with a view to identifying people in need of international protection in full compliance with their obligations under Articles 2 and 3 of the ECHR. This procedure should involve an individual assessment of the risk to the life or the risk of ill-treatment in case of expulsion of the person concerned to the country of origin or a third country.⁶⁷

In respect of investigations into allegations of excessive use of force by police in the context of migration, it should be noted that under the case law of the European Court of Human Rights, for an investigation to be effective it is necessary for the people responsible for and carrying out the investigation to be independent from those implicated in the events (lack of a hierarchical or institutional connection and practical independence); the investigation must be thorough and make a serious attempt to find out what happened.⁶⁸

Monitoring mechanisms could assist the Croatian authorities in tackling the recurrent allegations of pushbacks and ill-treatment and building trust in their capacity to manage the border in a human-rights compliant manner. In this respect, the delegation was concerned to learn about occasions on which the Croatian Ombudsperson and her team were unable to access files concerning migrants at various police stations during unplanned visits, despite their mandate as National Preventive Mechanism and National Human Rights Institution.

Since ongoing co-operation on capacity building for police officers started in 2015, in December 2017 a tripartite Protocol for border monitoring was concluded between UNHCR, the Croatian Ministry of Interior and the Croatian Law Centre on border monitoring for 2018. The monitoring did not include any surveillance of the physical border; it mainly consisted of interviews about access to asylum and to territory conducted by UNHCR and the Croatian Law Centre with people when they reached reception facilities. The preliminary results of this project had not been made public at the time of our visit. Another protocol is under

⁶⁵ Articles 34 and 39 of the Law on international and temporary protection.

⁶⁶ Similar issues have been considered in the Reports of the fact-finding missions by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees to Bulgaria on 13-17 November 2017 [SG/Inf\(2018\)18](#), and to Spain on 18-24 March 2018 [SG/Inf\(2018\)25](#).

⁶⁷ Including risk of gender-based violence, risk of sexual exploitation and abuse and risk of (re)trafficking.

⁶⁸ For example, *Mafalani v. Croatia*, no. 32325/13, §§ 94-96, 9 July 2015. A group of cases are currently under the supervision of the Council of Europe Committee of Ministers concerning the lack of effective investigation into allegations of ill-treatment by police in Croatia (*V.D. v. Croatia*). The latest action plan on the implementation of these cases dates from 2012.

negotiation for 2019. At the same time, the last instalment of € 6.8 million from the European Commission was associated to the establishment of a monitoring mechanism to ensure the proportionality and compliance with human rights of all measures applied at the EU external borders.⁶⁹ No further details were provided on how this mechanism will operate and whether it implies any co-operation with UNHCR.

4.3. Reception

The Croatian reception system consists of a Reception Centre for Applicants for International Protection, which at the time of the visit had two operational locations: one close to Zagreb (also known as the Porin centre, with a capacity of 600) and another in Kutina (with a capacity of 100). The opening of a third location in Sisak designed to accommodate initially 300, and subsequently 700, was under preparation.

At the time of our visit, the Kutina facility was accommodating 62 people, mostly from vulnerable groups, resettled refugees but almost no asylum seekers. In addition, around 47 people were staying in private accommodation.

The Porin facility accommodated 273 asylum seekers,⁷⁰ mostly from Syria, Afghanistan, Iraq and Iran. Exceptionally, there was one unaccompanied 16 year-old child staying there with his older sister.⁷¹ Most residents were in transit, staying from one day up to one month. Families with children stayed longer if children were enrolled in school. Around 83% of residents left the centre before the completion of their asylum procedures. Another category of residents were the people who were returned under the Dublin III Regulation from Austria and Germany; they represented over one-third of residents and remained at the centre for 1-1.5 years.

At the time of the visit, the facility was under renovation,⁷² one wing had already been completed and used by residents. All the rooms we visited accommodated two people, although they were designed to accommodate up to four people (two two-storey bunk beds), with space available for a table, chairs and other small furniture. Each room had separate sanitary facilities. The rooms in the wing to be renovated were worn out but the sanitary facilities were in good condition and looked like they had already been renovated. The rooms we visited had big windows and access to a balcony. Even in the renovated wing, a woven wired mesh covered the windows and balcony door; there were plans to remove the mesh soon. Residents had keys to their rooms and could leave and access the building according to a set schedule. Washing machines were accessible to residents with the assistance of a staff member. Food was provided by a private contractor and the menu was adapted to the residents' cultural and religious needs.

The asylum seekers were entitled mainly to emergency medical care. Although the law provided for primary healthcare too, outside reception centres, we were told on several

⁶⁹ Press release, 20 December 2018 http://europa.eu/rapid/press-release_IP-18-6884_en.htm

⁷⁰ During his visit in 2016, the Commissioner for Human Rights also reported the presence in the centre of foreigners pending removals, who were held in the closed section of the centre with their freedom of movement limited, CommDH(2016)31 (n 48 supra). This did not appear to be the case during our visit.

⁷¹ This issue is addressed in more detail in section 4.5. concerning unaccompanied and separated children.

⁷² Renovation of Porin facility and the opening of the facility in Sisak are financially covered from the EU Asylum, Migration and Integration Fund (AMIF).

occasions that asylum seekers faced obstacles in accessing healthcare due to the additional paper work doctors had to complete and lack of interpretation. It was common for asylum seekers to rely on NGOs in order to get medical assistance. In reception centres, healthcare was provided by Médecins du Monde, with EU AMIF funding. In Porin facility their services included the presence of a general practitioner, two psychologists, two psychiatrists, one gynaecologist and one paediatrician. Many residents arrived mentally and physically exhausted and later disclosed mental health issues, with two - three suicide attempts per month.

In the Porin centre, there were English and Croatian language courses organised by the Croatian Red Cross in a room equipped with several computers. The centre also had a playroom for children, a music room, and a room for various handicraft workshops (for children and adults). Various social activities were provided to the residents by representatives of non-governmental and religious organisations. However, several residents stressed the need to increase the number of Croatian language lessons which stood at two hours a week and to arrange the schedule of language classes to allow residents to take both English and Croatian languages. In general all children in the centre were enrolled into primary and secondary schools in the area. On a daily basis they could do their homework and learn Croatian in special activities at the centre.

The general atmosphere between staff and residents was friendly although residents expressed anxiety and exhaustion about the length of asylum proceedings. The residents we interviewed expressed their gratitude for the support offered to them by the personnel of the centre. The only complaints concerned the accessibility of Wi-Fi only in certain areas and the absence of activities for children under seven.

4.4. Detention and returns

4.4.1. Legal provisions on detention

Under Croatian law, an asylum seeker may be detained for the purpose of better processing of asylum applications when there is a risk of flight, of identification of the asylum seeker, of protection of national security and public order, as well as for the prevention of abusive asylum claims in the course of expulsion procedures. Detention is the most severe out of the five measures restricting freedom of movement and may be imposed if the other less restrictive measures are not applicable. Detention can be applied to vulnerable people (the definition includes, among others, children) and to unaccompanied children after an assessment of all circumstances. The measures restricting the freedom of movement of an asylum seeker may be applied for a maximum duration of three months and can be extended once for three more months. The decision imposing measures which restrict the freedom of movement are taken by the Ministry of Interior or by the relevant police administration and may be appealed directly before the Administrative Court within eight days, which will rule on the appeal after hearing the concerned person.⁷³

The law provides for another detention regime in respect of rejected asylum seekers and foreigners who did not apply for asylum. A foreigner can be detained for an initial 48 hours in view of his immediate removal to the border. Subsequently, for the purpose of expulsion and

⁷³ Article 54 of the Law on international and temporary protection.

prevention of flight⁷⁴ a foreigner may be detained up to six months, unless alternative measures can be applied, and only as long as the grounds for detention remain valid and efforts are made in view of expulsion. Detention can be extended by 12 more months in case the foreigner does not co-operate or if the issuance of travel documents or other documents necessary for removal are expected. The law allows repeated detention orders, even after a person had already been detained for a maximum of 18 months, if the authorities reasonably believe that removal became possible. The initial detention decision is taken by the police administration, extension decisions are taken by the Ministry of Interior. Any extension of detention is subject to judicial review (after the May 2018 amendments a hearing is mandatory only in the case of children); an automatic judicial review of detention is carried out every three months. The law allows for the detention of children, including unaccompanied, as a measure of last resort and for the shortest time possible.⁷⁵

4.4.2. Conditions of detention

The Ježevo immigration detention centre (officially called the Reception Centre for Foreigners) is used essentially as a pre-removal detention facility. In addition to it, two transit centres for irregular migrants were opened in Trilj and Tovarnik in 2017,⁷⁶ close to the Serbian and Bosnian borders and since March 2018 seem to be used for the detention of asylum seekers.

The Ježevo centre has a capacity of 103 people and at the time of the visit there were 72 people, including vulnerable people and families with a total of five children. Families and a separated pregnant woman were accommodated in the new building, completed in 2015, which provided proper space and sanitary facilities. Each family had its own room, equipped with sufficient furniture, shower and toilet. There were no unaccompanied children in the facility. There was a playground for children outside the building, education workshops for children and social support. We were informed that if families stayed previously in the Porin centre and children attended school, they would continue attending the same school during their stay in Ježevo, with a daily bus service provided to take them to and back from school. In respect of alternatives to immigration detention, there were plans to reopen the facility in Šašna Greda to be used as a reception centre with less restrictions on freedom of movement.

The male section was separated from the section for women, families and vulnerable people; inmates in once section did not have access to the other section. In the male section, the rooms were in generally good condition; distribution in rooms was done according to nationalities. At the time of our visit, all inmates were allowed to leave their rooms.

The average stay in the centre was of 1-1.5 months. Longer detention periods of two - three months concerned people who were part of criminal investigations, either as suspected perpetrators or witnesses. The facility accommodated also previously convicted foreigners pending removal; they mixed inside the facility with those without any criminal past. Although

⁷⁴ The latest amendments of May 2018 to the Law on foreigners provide for a wide list of circumstances which are interpreted as risk of flight or risk of interfering with expulsion, such as lack of identity documents, lack of accommodation, registered address or financial resources.

⁷⁵ Articles 124-127, 131, 132, 135, 136, 138a, 138b of the Law on foreigners.

⁷⁶ Their construction was funded by the Schengen facility. See more on the detention of asylum seekers and children in Tovarnik centre in [M.H. and others v Croatia](#) (no. 15670/18).

it has been stated on several occasions that there was a low number of asylum seekers in detention, there did not appear to be any arrangement in place to keep them separate from other detainees, in compliance with the CPT requirements.⁷⁷

The centre had a total staff of 75, including 4 social workers. Healthcare was provided by two doctors who visited the centre twice per week, and by local hospitals in case of emergency situations. Some detained people complained that access to medical assistance had been denied, or granted after a delay, despite repeated requests. The administration informed that an inmate was having mental health issues and it was not made clear to us if mental healthcare was also provided in the facility.

A new annex to the building had been recently completed. It had a new kitchen which was still not in use. There was a spacious common room with a TV available where inmates could spend most of the day, as well as a counter for buying snacks, cigarettes and drinks. There were two public phones available to detainees which could be used with pay cards bought on site.⁷⁸ No activities were organised in the centre.

Several detainees to whom we spoke reported that they had not had access to a lawyer or an interpreter and were not aware of the reasons why they were in detention. They showed us documents in Croatian (decisions ordering their expulsion and detention) and asked us to translate and explain their content. We were informed that upon arrival everyone received a list with information how to access legal aid, however, the people we spoke to did not appear aware of their right to have a lawyer or to appeal the detention decision before a judge. During our visit, we noticed next to the paid telephones a paper on the wall with the contact details of an NGO. We did not notice any other publicly displayed information on access to asylum and legal assistance. The facility had one general box for complaints, which was opened by the administration, then depending on the content, the complaints were translated into Croatian and re-directed to relevant authorities or replies were provided directly by the administration. It was not made clear to us if there was a separate procedure respecting the confidentiality of correspondence addressed to the lawyer, the Ombudsperson or to the European Court of Human Rights. Nationals of Afghanistan, Iran, or of countries without an embassy in Croatia, as well as unidentified people, in practice could not be removed directly to their countries and if their transfer under readmission agreements was not possible either, they were released. As a rule, they were not re-detained, although the law provided for such a possibility.

We note with regret that, despite the previous recommendations,⁷⁹ the authorities continued to oblige detainees subject to deportation to pay for their accommodation and removal. For this purpose, upon arrival all money was seized. The July 2017 amendments to the Law on foreigners provided for a five-year statute of limitation for the enforcement of the claim for costs and for a right to appeal the amount of the claim. The administration informed us that only a part of the seized money was used to cover expenses related to stay and that the seized money could be used to buy telephone cards or snacks.

⁷⁷ CPT Immigration Detention Factsheet, CPT/Inf(2017)3, March 2017.

⁷⁸ At their arrival, inmates had to turn in their mobile phone and were entitled to two calls free of charge: to their embassy and family.

⁷⁹ Report from the 2016 visit of the Commissioner for Human Rights (n 48 supra).

4.4.3. Returns

In the first 10 months of 2018 a total of 1,106 people were returned to third countries, 488 of those to Bosnia and Herzegovina under the bilateral readmission agreement. The expulsion rate to countries of origin was low and depended on co-operation; returns to Algeria and Pakistan were possible under voluntary procedures. Even so, returns were not always carried out as the 24-hour temporary visas issued for travel expired before travel arrangements could be made. The best co-operation under readmission agreements was with Bosnia and Herzegovina and Montenegro, although the number of arrivals from Montenegro was low. The co-operation with Serbia was more complicated as the bilateral readmission agreement was generally suspended, except for nationals of Serbia and Albania, as well as for Kosovo* residents, due to lack of co-operation on admission with other Balkan countries. Despite this, during our visit at the Ježevo immigration centre there were foreigners in detention waiting removal to Serbia.

It is commendable that legal provisions are in place prohibiting the removal of an unaccompanied child unless arrangements are made for the child to be taken in charge by a family member, a guardian or an appropriate reception facility.⁸⁰

4.5. Unaccompanied children

On 31 August 2018 the Croatian Government adopted the Protocol on procedures for unaccompanied and separated children, which standardised the existing legislation on procedures that involve unaccompanied and separated refugee and migrant children. The implementation of this Protocol – which implies the co-operation of various stakeholders – is to be overseen by the Interdepartmental Commission for the Protection of Unaccompanied and Separated Children, chaired by the Ministry of Social Affairs. At the time of our visit, the interdepartmental commission was still not functional as its members had not been appointed yet. The development and the adoption of the Protocol is a commendable step in operationalising the co-operation between different agencies, which is vital to the effective protection of these children. For this reason, it is crucial that the interdepartmental commission starts its activity as soon as possible.

4.5.1. Protection and accommodation

Since 2016 the Ministry of Interior has identified over 1,000 children as unaccompanied and separated (319 in 2016, 541 in 2017 and 156 in first 10 months of 2018). The number of hosted children was lower: 162 in 2016, 222 in 2017 and 25 at the time of the visit (21 asylum seekers and 4 refugees). The authorities were however unable to tell us if those currently in the country had just arrived or have been there since previous years. Each authority had its own databases, which were updated with a certain delay and were not interconnected.⁸¹

* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

⁸⁰ Article 126 of the Law on foreigners.

⁸¹ For example the Ministry of Interior kept statistics on unaccompanied and separated children identified by the border police and on asylum seekers; the Ministry of Social Affairs kept a social care database, which however did not account separately for refugee and migrant children in its facilities.

Under the Croatian law, once a child is identified by the police as unaccompanied or separated, the Centre for Social Welfare is called to appoint immediately a special guardian (guardian *ad litem*) and define his or her duties (representation before border police or for asylum procedures). A new special guardian was usually appointed after the child's accommodation had been decided. Age-assessment was so far mainly based on self-identification. The law provides for two-stage age-assessment procedures: a multidisciplinary assessment at arrival (involving a team of police officers, a doctor and a social worker) and in case of doubts, a medical assessment with the consent of the special guardian and of the person concerned. The medical assessment so far had been used rarely due to the high associated costs. However, it was not uncommon for children to identify themselves as adults and to remain undetected when travelling in groups with young adults. Improper identification may result in exposing children to additional risk of violence, trafficking and abuse.⁸²

Depending on the decision defining their duties, special guardians are expected to accompany the child before the border police, in age-assessment procedures and also in initiating asylum procedures. The previous practice of appointing as special guardian the adult travelling with the child (despite the lack of documents confirming family links) had been discontinued as inappropriate. Special guardians were appointed now from outside the social welfare system or from among the staff working at the Centre for Social Welfare (lawyers, psychologists or social workers). We heard concerns about the quality of the protection and assistance provided by special guardians, who were not all professional child carers and often lacked sufficient training, support and supervision from social welfare authorities. It was not uncommon for special guardians to rely on NGOs for support and legal assistance.

Regular guardians were appointed once the child had obtained an acknowledgement of international protection status. Irrespective of the formal arrangements before the appointment of a regular guardian, the authorities should ensure that there is no void in the possible exercise of rights or in the effective protection of unaccompanied or separated children. To consolidate the skills in working with refugee and migrant children, training sessions have been organised by UNHCR and UNICEF. Difficulties in securing interpreters prevented special guardians and guardians in communicating effectively with children under their care. Even so, the efforts of involved professionals have been praised and acknowledged by various actors.

After an initial interview and medical check-up, the Centre for Social Welfare decides to what facility the child should be directed for accommodation: in social welfare institutions, in a reception centre for asylum seekers or in foster families. In Croatia, there was no specialised protection system for refugee and migrant children, foreign unaccompanied children were taken in charge by the mainstream childcare system. Foster care was rather underdeveloped and unaccompanied children under 14 were, as a rule, hosted by institutions for children without parental care, while unaccompanied children over 14 were hosted by institutions focused on children and young people with behavioural and

⁸² See more on the recommendations issued by GRETA on preventing child trafficking and improving the identification and assistance to child victims of trafficking in its Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Croatia, Second evaluation round, [GRETA\(2015\)33](#), paragraphs 41, 64-65, 115-117.

personality disorders (often juvenile offenders). The material conditions in these facilities have not been subject to any criticism. However, this “dispersal” policy resulted in children being scattered throughout the country in almost 10 facilities which did not always have experience in working with children in migration or permanent staff to provide interpretation. Without any knowledge of Croatian, children were unable to attend school. The fact that children were scattered made the task of organising interpretation services, psychosocial support and language classes particularly difficult. In addition, the referral of unaccompanied children to facilities for juvenile offenders, based on their age alone, raises issues as to the respect of the principle of the best interest of the child.

The authorities expressed the understanding that the existing institutions were not adequate for unaccompanied migrant and refugee children and shared their plans to open two contact centres in 2019,⁸³ which would accommodate children for an initial period while authorities conducted a best interest assessment and determination for the purpose of family reunification, foster care or small foster homes. Several actors agreed that the opening of contact centres was indispensable to facilitate formal and informal support mechanisms to be developed by different stakeholders around the needs of these children before they are able to integrate into the mainstream care system. Indeed, we consider the establishment of a child-sensitive entry management system in relation to unaccompanied refugee and migrant children to be a priority for understanding and addressing their needs.

Children over 16 may be accommodated in the Reception Centre for asylum seekers, if the special guardian assesses that it is in the best interest of the child for the purpose of preserving contact with a family member or with familiar people. We agree with the administration of the Porin facility that the best interests of the child were better addressed if unaccompanied children were accommodated in the social welfare system rather than in reception centres for adult asylum seekers.

Although children had an appointed special guardian, the main concern in all facilities was the ease with which they could go missing. The average stay of unaccompanied children was between five – twenty one days.

4.5.2. Detention

Croatian law allows for the detention of refugee and migrant children, including unaccompanied children, if used as a measure of last resort and for the shortest time necessary.⁸⁴ A guardian shall be appointed to all unaccompanied children in detention. 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.

Although the social welfare system had the capacity and the willingness to accommodate unaccompanied children in their facilities and very few were detained in practice, it is worrying that the domestic legislation allows for it.⁸⁵ The situation of confinement of children

⁸³ Depending on approval of relevant amendments by Parliament.

⁸⁴ Article 54 of the Law on international and temporary protection and Article 138 b of the Law on foreigners.

⁸⁵ The Court has found violations of the ECHR on a number of occasions on account of the placement in migrant detention centres of accompanied and unaccompanied children. See in particular,

should be addressed as a matter of urgency based on the principle that the best interest of the child should be the primary consideration and that every effort should be made to avoid resorting to the deprivation of liberty of migrant and refugee children on the sole ground of their migration status. The Council of Europe could offer its expertise to the Croatian authorities in order to foster the development and application of effective alternatives to immigration detention in line with the requirements of the ECHR and principles established in the case law of the European Court of Human Rights.⁸⁶

4.6. Integration

On 23 November 2017, the Croatian Government adopted the new Action plan for the integration of beneficiaries of international protection which grants specific rights in the areas of work, accommodation, education and language learning, etc. The European Commission against Racism and Intolerance (ECRI) noted in the past that in the absence of a specific system of integration indicators in place, it would be difficult to assess the situation of refugees, to monitor the results of integration policies and to develop objectives and targeted activities to reduce discrimination and foster equality.⁸⁷

Recognised refugees and beneficiaries of subsidiary protection are entitled to support as part of the state-funded integration programme, which covers standard social welfare payments for basic subsistence, an allowance for the rent of apartments for two years, health care, Croatian language training, the right to education, the right to legal aid, the right to work, and assistance in finding employment.

We welcome that refugee and asylum seeking children have access to primary education in local schools. Children may generally learn Croatian once enrolled in kindergarten or primary school. There were complaints about delays in enrolment due to immunisation requirements and about the distribution of children in classes not according to their age but to their level of education. Enrolment in secondary education was difficult due to the absence of initial language courses and possible tuition fees and more so for unaccompanied children without previous elementary education who needed special authorisation from the Ministry of Education.

In case of short stay, authorities do not have sufficient time to organise special language classes for unaccompanied children. With the dispersed system currently in place, classes of Croatian were available to children only if they were enrolled in local schools. If children decided to stay, they were entitled to accommodation until 21 years old. In addition, legislative proposals to provide support after 21 if they were enrolled in education were pending.

For adults, access to Croatian language courses continued to be a problem, stemming from rather organisational bottlenecks.⁸⁸ There was no language support after the initial 70 hours

Mubilanzila Mayeka and Kaniki Mitunga v. Belgium, no. 13178/03, ECHR 2006-XI; and *Rahimi v. Greece*, no. 8687/08, 5 April 2011.

⁸⁶ See also the CDDH Analysis on effective alternatives to detention in the context of migration (n 44 supra).

⁸⁷ ECRI (2018), Fifth report on Croatia, [CRI\(2018\)17](#).

⁸⁸ Although the process for public procurement of services had been completed, the Ministry of Science and Education did not conclude contracts with service providers. The funding for language classes, recognition of qualifications, and translation of diplomas is covered by the European Union through AMIF since 2017.

of classes and that even the initial 70 hours of Croatian language were not available to everyone. NGOs have been providing small-scale language courses, which did not result in an accredited certification and, therefore, could not facilitate access to further studies. Access to higher education was limited given the absence of an integrated mechanism to recognise the diplomas or previous education, as well as the requirement either to pay a tuition fee as a foreign national (€ 2,000) or to pass a demanding state exam if assimilated to a Croatian national.

Asylum seekers are allowed to work after nine months of stay. It is commendable that in the recent months co-operation between the Ministry of Interior and tax authorities facilitated the issuance of tax registrations for asylum seekers. However finding and keeping a job in a difficult labour market, particularly without proficiency in Croatian language was not easy. There are several small-scale (10 people) 6-month programmes of vocational training which focused on Croatian language skills and resulted in certification and employment.⁸⁹ Similar local projects aimed at connecting refugees and asylum seekers with employers are indispensable for social inclusion. Considering the length of asylum procedures (1-1,5 years), the Croatian authorities may wish to consider organising language classes, vocational training and training to seek employment for asylum seekers in reception centres to speed up their integration.⁹⁰

The efforts of the Croatian authorities in providing access to housing (two years after granted asylum) are commendable. We were made aware that the authorities were looking into solutions such as the development of programmes for relocation throughout the country, including for those who have already benefited from the initial two-year support. The identification of alternative solutions is particularly important considering the generally difficult housing market in capital cities.

4.7. Conclusions

Croatia is another example of continued migratory pressures on European Union external borders. In its attempts to thwart unauthorised entries the country has focused on policies and measures to deter access to its territory and to return irregular migrants mainly to neighbouring countries. The implementation of these policies and measures has coincided with the emergence of reports of pushbacks, including violent ones. It is important that all border management operations are carried out with a view to identifying people in need of international protection in full compliance with the state's obligations under Articles 2 and 3 of the ECHR. It is just as important that credible complaints mechanisms and investigations address the numerous allegations of ill-treatment at the border and provide sufficient guarantees for effective prevention.

Croatian authorities have succeeded in providing fairly good material reception conditions, both for adults and children. The objective of the Croatian authorities to integrate unaccompanied refugee and migrant children in the care system on par with other children is also commendable. It is however important that the current plans to create a centralised entry management system, which would facilitate formal and informal support, such as best interest procedures and initial language classes, are put into operation as soon as possible,

⁸⁹ Operated by the Jesuit Refugee Service and funded from the European Social Fund.

⁹⁰ See for example the report of the Special Representative of the Secretary General on migration and refugees of his fact-finding mission to Spain on 18-24 March 2018 [SG/Inf\(2018\)25](#).

to avoid dispersal of resources and to enable future integration into the mainstream care system.

It is of utmost importance that unaccompanied and separated children are provided at all times with effective protection and that no void in the possible exercise of their rights is admitted, irrespective of the formal guardianship arrangements. Despite the efforts of adapting detention facilities for children, the legal possibility to detain unaccompanied children and the actual detention of children remains particularly worrying. The development of effective alternatives to immigration detention should be a priority.

The Croatian authorities are gradually advancing in implementing a promising integration strategy. Its implementation in respect of language education is currently facing operational bottlenecks and its long-term success may be enhanced if certain integration measures were extended to asylum seekers.

V. RECOMMENDATIONS

Bosnia and Herzegovina and Croatia, despite their vicinity, since 2015 face different challenges in respect to the migration flows, and in particular, different number of people of concern on their territory, standards of accommodation, human and financial resources for migration management, integration strategy. To address these challenges, it is necessary to take further measures to secure the full respect of human rights to people within their jurisdiction and in compliance with the ECHR. In order to achieve these goals, the Council of Europe can support each country, upon their request, in the following areas.

In respect of Bosnia and Herzegovina:

- a. Provide assistance in reviewing the legislation on asylum and foreigners, in light of standards on refugee and migrant protection, and to make them accessible, foreseeable, precise and clear in respect of access to accommodation and asylum;
- b. Support the authorities in drafting and implementing minimum standards for conditions of reception and services in all reception facilities, and in particular for women and children, to ensure compliance with European human-rights standards;
- c. Provide expertise on how to ensure adequate monitoring and supervision of facilities accommodating migrants and refugees;
- d. Assist the authorities with the development of a national mechanism for the centralized identification and referral of unaccompanied children to reception facilities, after best interest procedures and assessment of their protection needs;
- e. Assist the authorities in developing and implementing a system of alternatives to immigration detention for families and other vulnerable groups;
- f. Provide expertise on how to improve the educational opportunities offered to children in all reception facilities, including through the provision of additional linguistic and extra-curricular support and through promoting local authorities' involvement in the reception of children;
- g. Advise the authorities on the co-ordination of assistance provided by various actors, including international organisations and NGOs, in reception facilities and outside them; provide examples of good practices with a view to ensuring a more effective

- dialogue, reinforcing and maximising impact of their activities as well as achieving a better co-ordination of activities;
- h. Support the authorities, through expertise and capacity-building programmes, in strengthening the protection of unaccompanied children, in particular by putting in place an adequate framework and relevant implementing measures, ensuring the immediate appointment of guardians and by strengthening the capacities of guardians in providing effective protection and assistance;
 - i. Assist the authorities in providing continued training to judges and lawyers on asylum-related matters building upon the existing collaboration with the European Programme for Human Rights Education for Legal Professionals (HELP), on issues arising under the European Convention on Human Rights in the application of legislation on the treatment of asylum seekers and foreigners, and in particular of refugee and migrant children;
 - j. Assist the authorities in providing training on human rights standards to officials of the Service for Foreigners' Affairs and Sector for Asylum – including the principle of *non-refoulement* and the country's obligations under Article 3, 5 of the European Convention on Human Rights;
 - k. Support the authorities' efforts to build the necessary capacity so as to be able to fully implement the Council of Europe Conventions on Action against Trafficking in Human Beings; on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention); on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention);
 - l. Assist the authorities in taking further measures to improve language proficiency, acquisition of basic skills needed to find employment, as well as facilitate the recognition of qualifications and diplomas, while making use of Council of Europe resources such as the Guide to Policy Development and Implementation of Linguistic Integration of Adult Migrants, the Self-Assessment Handbook for Providers of Courses for Adult Migrants and the European Qualification Passport for Refugees.

In respect of Croatia:

- a. Call on the authorities to ensure the respect for the principle of *non-refoulement* by those guarding the borders; assist the authorities in providing continued training to those guarding the borders, including involved riot police, so as to ensure that they carry out their duties in compliance with the country's human-rights obligations; and strengthen complaints mechanisms and the authorities' capacity to conduct swift and effective investigations into allegations of shortcomings in this respect;
- b. Support the authorities in drafting and implementing minimum standards for conditions of reception and services for women and children, to ensure compliance with European human rights standards;
- c. Assist the authorities in developing and implementing a system of alternatives to immigration detention for families and other vulnerable groups;
- d. Support the authorities, through expertise and capacity-building programmes, in strengthening the protection system for unaccompanied children, by taking measures to strengthen the guardianship system and capacity building for guardians and other

stakeholders and by developing a centralised entry management system to conduct best interest procedures and provide initial support to unaccompanied children before integrating them into the mainstream care system, to ensure children's effective protection and assistance;

- e. Encourage and support the authorities in strengthening the capacity of professionals coming in contact with children in migration through human-rights training under the European Programme for Human Rights Education for Legal Professionals (HELP) and facilitate exchanges of good practices in relation to cross-sectoral co-operation;
- f. Support the authorities' efforts to build the necessary capacity so as to be able to fully implement the Council of Europe Conventions on Action against Trafficking in Human Beings; on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention); and Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention);
- g. Provide the authorities with expertise and best practices on how to adapt the Croatian school curricula to address the needs of refugee and migrant children, to provide linguistic support to children entering the education system and to develop incentives and mechanisms for enhancing school attendance;
- h. Assist the authorities in developing a coherent system of monitoring and evaluation of integration policies, including well-defined success indicators as recommended by the European Commission against Racism and Intolerance;
- i. Assist the authorities in taking further measures to improve language proficiency, acquisition of basic skills needed to find employment, as well as facilitate the recognition of qualifications and diplomas, while making use of Council of Europe recourses such as the Guide to Policy Development and Implementation of Linguistic Integration of Adult Migrants, the Self-Assessment Handbook for Providers of Courses for Adult Migrants and the European Qualification Passport for Refugees;
- j. Support the authorities in implementing integration policies, through facilitating the sharing of know-how and good practices based on the relevant expertise of the Intercultural Cities Network and of the Congress of Local and Regional Authorities.

Appendix - Programme

Tuesday, 24 July 2018

- 15.30 – 16.15 Meeting with Mr Almir Sahovic, Deputy Minister of Foreign Affairs of Bosnia and Herzegovina
- 16.30 – 18.00 Meeting with Mr Dragan Mektić, Minister of Security of Bosnia and Herzegovina

Wednesday, 25 July 2018

- 9.00 – 10.30 Signing ceremony of the CEB-IOM grant agreement
- 10.30 – 13.30 Visit to Ušivak site of the facility to be set up with the CEB grant, Hadžići municipality, Bosnia and Herzegovina
- 14.00 – 15.00 Meeting with Mr Josip Grubeša, Minister of Justice of Bosnia and Herzegovina
- 15.30 – 16.30 Meeting with Ms Semiha Borovac, Minister of Human Rights and Refugees, Bosnia and Herzegovina
- 17.00 – 18.30 Meeting Ms Jasminka Džumhur, Ombudsperson

Thursday, 26 July 2018

- 9.30 – 11.30 Visit to Refugee Centre in Salakovac (Mostar) (*Izbjeglički centar Salakovac*)
Meeting with Mr Medzid Lipjankic, chief de service
- 15.00 – 17.00 Visit private shelter “House of All”, Ilidža
- 17.30 – 18.30 Meeting with Ms Anne-Christine Eriksson, UNHCR Regional Representative for South Eastern Europe

Friday, 27 July 2018

- 9.00 – 11.00 Visit to the Immigration Centre in East Sarajevo (*Imigracioni centar, Đenerala Draže Mihailovića*)
Meeting with Mr Mirsad Buzar, Deputy Director of the Service for Foreigners' Affairs
- 11.30- 12.00 Meeting with volunteers
- 12.15 – 13.00 Meeting with Ambassador Lars-Gunnar Wigemark, EU Delegation to Bosnia and Hergezovina

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Monday, 26 November 2018

- 14.10 – 14.50 Meeting with Mr Mario Horvatić, Assistant Minister, Ministry of Foreign and European Affairs
- 15.00 – 16.00 Meeting with Mr Giuseppe di Caro, the UNHCR Representative to Croatia
- 16.30 – 17.30 Meeting with NGOs
- 17.45 – 18.45 Meeting with Deputy Ombudswoman, Ms Maja Kević

Tuesday, 27 November 2018

- 9.00 – 11.00 Visit to Reception Center for Asylum Seekers Zagreb (*Prihvatište za tražitelje azila Zagreb*)

- 11.30 – 13.00 Visit to Ježevo detention centre for foreigners (*Prihvatni centar za strance*)
- 14.00 – 15.30 Meeting with Mr Davor Božinović, Minister of Interior of Croatia
- 16.00 – 17.00 Meeting with Ms Marija Pletikosa, State secretary at the Ministry of Demography, Family, Social Policy and Youth
- 17.30 – 18.30 Meeting with Ms Helenca Pirnat Dragičević, Ombudsperson for Children

Wednesday, 28 November 2018

- 9.45 – 10.45 Meeting with border police in Cetingrad, Croatia
- 11:30 – 12:30 Meeting with Mr Armin Midžić, Commander of the Border police in Velika Kladuša, Bosnia and Herzegovina
- 12:40 – 18.30 Visit to makeshift camp Trnovi, Velika Kladuša
 Visit to Miral facility, Velika Kladuša
 Visit to the Temporary Reception Center Sedra, Cazin
 Visit to the Temporary Reception Center Bira, Bihać
 Visit to Borići site, Bihać

Thursday, 29 November 2018

- 8.30 – 9.00 Meeting with Mr Richard Woods, Senior Adviser and Head of Rule of Law Section, EU Delegation to Bosnia and Herzegovina
- 10.00 – 12.00 Visit to the Emmaus- IFS Reception Center for vulnerable groups and the Centre for Children and Youth in Duje, Bosnia and Herzegovina
 Meeting with Ms Amela Efendić, Director
- 15.00 – 16.30 Visit to the Temporary Reception Center in Ušivak, Hadžići
- 18.00 – 18.30 Meeting with Ms Geeta Narayan, Representative, UNICEF Office for Bosnia and Herzegovina

Friday, 30 November 2018

- 9.00 – 9.45 Meeting with UNHCR, Regional Representation for SEE, Representation Office in Sarajevo
- 10.00 – 10.50 Meeting with Service for Foreigners, Mr Slobodan Ujić, Director
- 11.00 -12.00 Meeting with Sector for Asylum, Mr Marijan Baotić, Assistant Minister of Security