

Input by civil society to the EASO Annual Report 2019

Fields marked with * are mandatory.

The production of EASO's *2019 Annual Report on the Situation of Asylum in the European Union* is currently underway. The yearly [annual report](#) series present a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organizations, the UNHCR and researchers. To this end, we invite you to submit information on developments in asylum law, policy or practice in 2019 (and early 2020) by topic as presented in the online survey.

Please note that the EASO Annual Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections. It is preferred to provide your submission in bullet points to facilitate drafting.

All submissions are publicly accessible. For transparency, 2019 contributions will be published on the EASO webpage. Contributions to the 2018 annual report by civil society organisations can be accessed [here](#). All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the EASO annual report is subject to terms of reference and volume limitations. Submissions may be edited for length and clarity or may not be included in the final report. Contributions from civil society organisations feed into EASO's work in multiple ways and inform reports and analyses beyond the annual report.

Please complete the online survey and submit your contribution to the 2019 annual report by **Thursday, 12 March 2020**.

[Instructions](#)

Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, please only include the following type of information:

- New developments and improvements in 2019 and new or remaining challenges;
- Changes in policies or practices, transposition of legislation or institutional changes during 2019.

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments.

Contributions by topic

1. Access to territory and access to asylum procedures (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

Between September 2015 and March 2016 a total of 658,068 refugees passed through Croatia, using official border crossings or other formal entry points. Since the official closing in 2016 of legal migration routes in the Balkans, the violent abuse of those seeking safe passage has skyrocketed, as described in reports from Croatian NGOs Are You Syrious (AYS), Centre for Peace Studies (CPS) and the Welcome Initiative [1,2,3,4,5]. Since 2016, the NGOs have been working to document instances of illegal pushbacks and violence against refugees and migrants in the western Balkans.

In 2019 the Border Violence Monitoring Network (BVMN) [6] continued its work documenting illegal push backs from and to Croatia, Slovenia, Bosnia and Herzegovina and Serbia. Currently, the Border Violence Monitoring Network database contains 683 involving over 6,556 individual victims. According to our estimations that consider estimates released by officials in the relevant countries, roughly 25.000 pushbacks have happened from Croatia to Bosnia and Herzegovina, Serbia and/or Montenegro in 2019. The estimated number includes over 10.000 chain pushbacks [7] of migrants who have been readmitted from Slovenia to Croatia, and then pushed further back. In addition to the numerous reports collected by BVMN highlighting the Croatian police's refusal to recognise individuals asylum request, recent reports indicate that once presented to the police, individuals are becoming afraid to formally request asylum because of the subsequent retaliation by Croatian police officers.

BVMN is additionally concerned that the disturbing growth of the practice of chain pushbacks , the process of being continuously pushbacked through multiple countries, is on the rise. Following the readmission of 11.026 migrants from Slovenia (and in a few cases from Italy) to Croatia, over 10.000 chain pushbacks to Bosnia, sometimes even further towards Greece, have been reported in 2019 alone [8]. Victims of chain pushbacks have been identified to be specifically vulnerable to further human rights violations because of the increasing risk of being deported back to their country of origin to face further threats. For example, Kurdish political refugees are in danger of being returned to Turkey from Bosnia and Herzegovina.

Additionally, the extensive body of evidence collected in 2019 through field testimonies by BVMN indicates the systematic withholding of medical treatment upon entry to the territory of Croatia and during the request for asylum. In line with the findings of the BVMN Report [9] on Torture and Cruel, Inhuman or Degrading Treatment of Refugees and Migrants in Croatia in 2019, there has been a continued denial of medical treatment or needs-based assessment procedure to victims of extreme police violence, the use of electric

discharge weapons [10] and police dogs attacks [11]. Our concerns reflect the continued use of excessive violence against minors, women and the sick [12].

Across all instances of police dog attacks that BVMN has recorded in 2019 [13], none of the victims were offered medical treatment by the police and often had to resort to approaching NGO staff after they had been pushback some hours or even days after the initial police dog attack to seek treatment [14].

2. Access to information and legal assistance (including counselling and representation)

3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)

The Border Violence Monitoring Network upholds previous submissions from civil society organisations that indicate the widespread lack of interpretation services in Serbia for specific languages such as Pashto and Kurdish [15] and further confirms the difficulty of accessing translation services within Croatia. Previous civil society submissions also indicate that police in Slovenia have previously conducted interviews in English at the border with Croatia instead of finding a suitable interpreter [16]. BVMN attests that this practice is widespread and not confined to the Slovenian-Croatian border: In total 37% of the case reports collected by BVMN mention the absence of interpreters during the pushback procedures. Additionally, respondents repeatedly report being forced in police stations to sign documents without understanding their content fully due to them being supplied in a language not known to them.

4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)

5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)

As indicated within section (1) evidence collected by BVMN in 2019 suggests that procedures for third-country nationals upon entry in Croatia are routinely not followed.

6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions - housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

7. Detention of applicants for international protection (including detention capacity – increase /decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

In 2019, reports collected from the BVMN field teams indicate that Croatia has expanded its practice of detaining migrants and refugees in facilities that may breach European and international standards of detention [17]. BVMN has collected reports and footage that indicate the routine denial of access to a bathroom, unsanitary conditions and extremely overcrowded detention facilities where up to thirteen people can be housed in a facility no larger than four square meters [18]. The reports taken from individuals who have experienced detention indicate that Croatian authorities are breaching multiple detention guidelines as outlined by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) [19,20]. The misuse of the detention practice can be demonstrated within the following extract of a testimony collected by the Border Violence Monitoring Network;

‘The respondent explained that the tiny cell that the group was being housed (estimated to be 4 square meters) was very bad as it looked like it had not been cleaned for one year. The toilet in the cell was no longer accessible as it was already full of human waste so the smell of faeces filled the cell. The group was detained for several hours.’ - October 6th, 2019 [21]

In 2019, BVMN recorded multiple testimonies that indicate the Croatian police growing use of informal facilities such as car garages to detain migrants and refugees and then subsequently push them back from Croatian territory [22]. BVMN is concerned that these facilities operate outside the official capacity of the state, making them inaccessible to National Preventive Mechanism. The use of the informal detention facilities can be demonstrated within the following extract of a testimony collected by the Border Violence Monitoring Network;

‘When the men stopped, to their surprise they had not been brought to a police station but instead were directed into a makeshift garage. The garage was described as unsanitary and dirty, with an overwhelming, unpleasant smell.’ - September 26th, 2019 [23]

Confronted with these allegations, the Croatian MOI answered on request of Centre for Peace Studies that asylum seekers have been informally detained in a garage in two exceptional cases to protect them from adverse weather conditions [24]. BVMN strongly refutes both the explanation and number of cases provided by the Croatian MOI and alternatively affirms that the continued practice of using informal detention locations is part of a wider policy of pushbacks and abuse.

8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decisionmaking, timeframes, case management - including backlog management)

9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management - including backlog management)

10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)

11. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

BVMN attest that the age assessment process was continuously misused by police or border officials within Croatia in 2019. Evidence collected by BVMN indicates that young people are routinely not registered as minors despite having official documents proving their age and are often coerced by police to sign documents stating the contrary. The misuse of the age assessment process can be demonstrated within the following extract of a testimony collected by the Border Violence Monitoring Network.

“The respondent was taken to the police station in Rijeka (HR). At the police station, the respondent was asked for his personal information and when asked for his age he said, “I am 17.” The Croatian officer responded, “You are not a minor.” The respondent expressed intent for asylum but was told no.” - November 22, 2019, Croatia [25]

12. Content of protection (including access to social security, social assistance, healthcare, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

Croatian watchdog organisation Are You Syrious (AYS) monitors issues of accessing education and reports to the Croatian ombudsperson any cases where this right may be hindered or denied. Whilst Article 58 of the Croatian Law on International and Temporary Protection [26] prescribes the right to basic and secondary education for asylum seekers, AYS has observed that in multiple cases in 2019 this right was not upheld. A number of barriers have been observed that restrict access to this right including lack of appropriate

knowledge by Croatian officials, the high cost of issuing documentation for specific enrolment criteria, or the cancelling of enrolment for specific programs such as the programs that enable minors who have not previously received primary education, because an arbitrary enrolment number had not been met [27].

13. Return of former applicants for international protection

14. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

15. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)

16. National jurisprudence on international protection in 2019 (please include a link to the relevant case law and/or submit cases to the [EASO Case Law Database](#))

17. Other important developments in 2019

References and sources

18. Please provide links to references and sources and/or upload the related material in PDF format

[1] <http://welcome.cms.hr/wp-content/uploads/2017/01/REPORT-ON-ILLEGAL-AND-FORCED-PUSH-BACKS-OF-REFUGEES-FROM-THE-REPUBLIC-OF-CROATIA.pdf>

[2] <http://welcome.cms.hr/wp-content/uploads/2017/08/THE-SECOND-REPORT-ON-UNLAWFUL-AND-FORCED-PUSH-BACKS-OF-REFUGEES-FROM-THE-REPUBLIC-OF-CROATIA-.pdf>

[3] <http://welcome.cms.hr/wp-content/uploads/2017/05/REPORT-ON-THE-NEW-WAVE-OF-VIOLENCE-AGAINST-REFUGEES-ON-CROATIAN-BORDERS.pdf>

[4] https://www.cms.hr/system/article_document/doc/504/Fourth_Report_on_Illegal_Pushbacks.pdf

[5] https://www.cms.hr/system/article_document/doc/597/5_5TH_REPORT_ON_PUSHBACKS_AND_VIOLENCE_20052019.pdf

[6] BVMN is a collaborative project of Rigardu, No Name Kitchen, Are You Syrious, Centre for Peace Studies, Mobile Info Team and other NGOs and individuals monitoring human rights violations in the Balkans

[7] <https://push-forward.org/porocilo/report-illegal-practice-collective-expulsion-slovene-croatian-border>

[8] https://www.policija.si/images/stories/Statistika/MejnaProblematika/IllegalneMigracije/2019/Januar-december_2019.pdf

[9] https://www.policija.si/images/stories/Statistika/MejnaProblematika/IllegalneMigracije/2019/Januar-december_2019.pdf

[10] <https://www.borderviolence.eu/violence-reports/april-22-2019-0800-2-3-hours-from-rastovica-rest-station-a3-croatia/>

[11] <https://www.borderviolence.eu/violence-reports/december-3-2019-0400-zeljava-air-base-hr/>

[12] <https://www.borderviolence.eu/new-report-on-cases-of-torture-of-asylum-seekers-by-croatian-authorities-at-eu-external-borders/>

[13] <https://www.borderviolence.eu/violence-reports/>

[14] <https://www.borderviolence.eu/violence-reports/september-13-2019-1700-koranski-lug-croatia/>

[15] <https://easo.europa.eu/sites/default/files/asylum-protection-center-cz-2018-web.pdf>

[16] <https://easo.europa.eu/sites/default/files/ecre-2018-web.pdf>

[17] <https://www.borderviolence.eu/new-report-on-cases-of-torture-of-asylum-seekers-by-croatian-authorities-at-eu-external-borders/>

[18] <https://www.borderviolence.eu/violence-reports/october-6-2019-1600-draganic-croatia/>

[19] <https://rm.coe.int/16806cea2f>

[20] <https://rm.coe.int/training-manual-prohibiton-torture-eng/1680933627>

[21] <https://www.borderviolence.eu/violence-reports/october-6-2019-1600-draganic-croatia/>

[22] <https://www.borderviolence.eu/new-report-on-cases-of-torture-of-asylum-seekers-by-croatian-authorities-at-eu-external-borders/>

[23] <https://www.borderviolence.eu/violence-reports/september-26-2019-1100-croatian-border-near-to-stabandza-bih/>

[24] <https://www.h-alter.org/vijesti/torture-garage-for-migrants>

[25] <https://www.borderviolence.eu/violence-reports/november-22-2019-1630-kastav-croatia/>

[26] <https://www.refworld.org/docid/4e8044fd2.html>

[27] https://dijete.hr/izvjesca/izvjesca-o-radu-pravobranitelja-za-djecu/?fbclid=IwAR30QxotRZF8Fyn_1HRKfAVFWXtl4osSiomnfLuwUnEiWD0TY3J8aCWAI

19. Feedback or suggestions about the process or format for submissions to the EASO Annual Report

Please upload your file

The maximum file size is 1 MB

Contact details

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I accept the provisions of the EASO [Legal and Privacy Statements](#)

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