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## International and Regional Instruments

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB.1.a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	<a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a>	Yes.	<a href="https://narodne-novine.nn.hr/clanci/medunarodni/1993_10_12_27.html">https://narodne-novine.nn.hr/clanci/medunarodni/1993_10_12_27.html</a>
IOB.1.b		If yes, when was ratification/accession?		8 October 1991	
IOB.1.c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	No.	
IOB.1.d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	Yes.	
IOB.2.a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a>	Yes.	<a href="https://narodne-novine.nn.hr/clanci/medunarodni/2011_06_08_66.html">https://narodne-novine.nn.hr/clanci/medunarodni/2011_06_08_66.html</a>
IOB.2.b		If yes, when was ratification/accession?		The Convention entered into force on 21 December 2011.	
IOB.2.c		Are there reservations in place? Please list them.	As above	No.	Citizenship Act: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>
IOB.2.d		Does the Convention have direct effect?	As above	Yes.	
IOB.3.a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	<a href="#">European Convention on Nationality, 1997</a>	The Republic of Croatia signed the Convention on 9 January 2005, but did not accede to it.	<a href="https://vlada.gov.hr/UserDocsImages/2016/Sjednice/Arhiva//136-5.pdf">https://vlada.gov.hr/UserDocsImages/2016/Sjednice/Arhiva//136-5.pdf</a>
IOB.3.b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	<a href="#">European Convention on Human Rights, 1950</a>	The Republic of Croatia acceded to the Convention on 5 November 1997.	<a href="https://www.zakon.hr/z/364/(Europska)-Konvencija-za-za%C5%A1titu-ljudskih-prava-i-temeljnih-sloboda">https://www.zakon.hr/z/364/(Europska)-Konvencija-za-za%C5%A1titu-ljudskih-prava-i-temeljnih-sloboda</a>
IOB.3.c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	<a href="#">Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006</a>	No.	
IOB.3.d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive). Please list any relevant reservations.	<a href="#">Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive)</a>	Yes.	<a href="https://narodne-novine.nn.hr/clanci/sluzbeni/full/2018_05_46_860.html">https://narodne-novine.nn.hr/clanci/sluzbeni/full/2018_05_46_860.html</a>
IOB.3.e		State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	<a href="#">Convention on the Rights of the Child 1989</a>	Yes, since 8 October 1991.	<a href="http://www.mvep.hr/hr/vanjska-politika/multilateralni-odnosi0/multi-org-inicijative/ujedinjeni-narodi/konvencija-o-pravima-djeteta/">http://www.mvep.hr/hr/vanjska-politika/multilateralni-odnosi0/multi-org-inicijative/ujedinjeni-narodi/konvencija-o-pravima-djeteta/</a>
IOB.3.f		State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	<a href="#">International Covenant on Civil and Political Rights 1966</a>	Yes, since 8 October 1991.	<a href="https://narodne-novine.nn.hr/clanci/medunarodni/1993_10_12_27.html">https://narodne-novine.nn.hr/clanci/medunarodni/1993_10_12_27.html</a>
IOB.3.g		State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	<a href="#">International Covenant on Economic, Social and Cultural Rights 1966</a>	Yes, since 8 October 1991.	<a href="https://narodne-novine.nn.hr/clanci/medunarodni/1993_10_12_27.html">https://narodne-novine.nn.hr/clanci/medunarodni/1993_10_12_27.html</a>
IOB.3.h		State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	<a href="#">Convention on the Elimination of all Forms of Discrimination Against Women 1979</a> <a href="#">Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness.</a>	Yes, since 8 October 1991.	<a href="https://mup.gov.hr/online-prijave/zastita-djece-i-obitelji/nasilje-u-obitelji-281678/konvencija-o-uklanjanju-svih-oblika-diskriminacije-zena-i-fakultativni-protokol-uz-konvenciju/281943">https://mup.gov.hr/online-prijave/zastita-djece-i-obitelji/nasilje-u-obitelji-281678/konvencija-o-uklanjanju-svih-oblika-diskriminacije-zena-i-fakultativni-protokol-uz-konvenciju/281943</a>
IOB.3.i		State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984?	<a href="#">Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984</a>	Yes, since 8 October 1991.	<a href="https://narodne-novine.nn.hr/clanci/medunarodni/1993_10_12_27.html">https://narodne-novine.nn.hr/clanci/medunarodni/1993_10_12_27.html</a>

		Please list any relevant reservations.			
IOB.3.j		State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	<a href="#">International Convention on the Elimination of All Forms of Racial Discrimination 1965</a>	Yes, since 8 October 1991.	<a href="https://narodne-novine.nn.hr/clanci/medunarodni/1993_10_12_27.html">https://narodne-novine.nn.hr/clanci/medunarodni/1993_10_12_27.html</a>
IOB.3.k		State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	<a href="#">International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990</a>	No.	
IOB.3.l		State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	<a href="#">Convention on the Rights of Persons with Disabilities 2006</a>	The Republic of Croatia ratified the Convention on 1 June 2007.	<a href="https://narodne-novine.nn.hr/clanci/medunarodni/2007_06_06_80.html">https://narodne-novine.nn.hr/clanci/medunarodni/2007_06_06_80.html</a>

## Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the Government have a 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	<a href="#">Gen. Rec. 32, CEDAW</a> : States parties should gather, analyse and make available sex-disaggregated statistical data and trends. <a href="#">Council of the European Union (2015)</a> : Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness. <a href="#">UNHCR (2014)</a> : Improve quantitative and qualitative data on stateless populations. <a href="#">Institute on Statelessness and Inclusion (2014)</a> : States should strengthen measures to count stateless persons on their territory.	The population census from 2011 contains a category "stateless". According to the census, 749 persons or 0.02% of the population do not have a citizenship. The data is disaggregated by residence (the majority of persons without citizenship reside in the City of Zagreb - 135). Of 749 persons who declared themselves as stateless in the 2011 Census, 37% were born in Croatia, and 44% have lived in Croatia since birth. In terms of ethnicity, most people who declared themselves to be stateless in the census are Albanian (17%), Serb (15%), Roma (14%) and Croat (13%). 15% did not declare any ethnic background. The data is not disaggregated by gender or age.	<a href="https://www.dzs.hr/Eng/censuses/census2011/results/htm/e01_01_06/e01_01_06_RH.html">https://www.dzs.hr/Eng/censuses/census2011/results/htm/e01_01_06/e01_01_06_RH.html</a>  Stateless persons and persons at risk of statelessness in Croatia, Publisher: UNHCR, Zagreb, 2018.
POP.1.b		Do government authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	The population census from 2011 contains a category "unknown citizenship". According to the census, 2,137 persons or 0.05% of the population have unknown citizenship. Practice suggests that persons with unknown citizenship originate mainly from ex-Yugoslavia countries (Serbia, Kosovo, Bosnia-Herzegovina, Macedonia), with the most common causes being state succession and lack of birth registration in the birth registry books. The terms "stateless" and "unknown citizenship" are not defined in the methodology of the 2011 Census (although the term "stateless" is mentioned in the definition of "citizenship").	<a href="https://www.dzs.hr/Eng/censuses/census2011/results/htm/e01_01_06/e01_01_06_RH.html">https://www.dzs.hr/Eng/censuses/census2011/results/htm/e01_01_06/e01_01_06_RH.html</a>  Notes on methodology, Census 2011 <a href="https://www.dzs.hr/default_e.htm">https://www.dzs.hr/default_e.htm</a>  Information on practice based on ILC's casefiles and experience.
POP.1.c		What is UNHCR's estimate for the stateless/at risk of statelessness population and what is the source for this estimate?	As above	UNHCR records 2,886 persons under its statelessness mandate: 36 stateless persons (source GoC/Ministry of Interior – registration); 54 of undetermined citizenship (source GoC/Ministry of Interior – registration); 713 stateless (census) and 2,083 of undetermined citizenship (census). According to the UNHCR's "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness in Croatia", 27 stateless persons are officially recognised in Croatia (8 on temporary stay, 19 on permanent stay). If we count persons with undetermined citizenship with a right of temporary stay or permanent stay in Croatia (39), then the total number of stateless persons and persons at risk of statelessness officially recognised in Croatia is 66.	UNHCR Croatia website: <a href="https://www.unhcr.org/hr/gdje-radimo/zastita-osoba-bez-drzavljanstva">https://www.unhcr.org/hr/gdje-radimo/zastita-osoba-bez-drzavljanstva</a>  UNHCR, 2020, "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness in Croatia", p. 80: <a href="https://www.irh.hr/dokumenti/113-analiza-pravnog-okvira-koji-se-odnosi-na-osobe-bez-drzavljanstva-i-osobe-izlozene-riziku-bezdrzavljanstva-u-hrvatskoj/file">https://www.irh.hr/dokumenti/113-analiza-pravnog-okvira-koji-se-odnosi-na-osobe-bez-drzavljanstva-i-osobe-izlozene-riziku-bezdrzavljanstva-u-hrvatskoj/file</a>
POP.1.d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	UNHCR published the study 'Stateless persons and persons at risk of statelessness in Croatia' in 2018. It concluded that the estimated number of people with unresolved legal status within the Roma population varies between 500 and 1,500 persons, with the most common estimate being approximately 1,000 persons. The research did not conclude how many of these are persons at risk of statelessness.	Stateless persons and persons at risk of statelessness in Croatia, Publisher: UNHCR, Zagreb, 2018.
POP.1.e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	According to the Action Plan for implementation of the National Roma Inclusion Strategy for the period 2019/2020, it is estimated that approximately 500 Roma are stateless, and 1,000 Roma are at risk of statelessness.	Action Plan for implementation of the National Roma Inclusion Strategy for the period 2019/2020: <a href="https://ljudskaprava.gov.hr/UserDocsImages/dokumenti/Akcijски%20plan%20za%20provedbu%20Nacionalne%20strategije%20za%20uklju%20C4%8Dvanje%20Roma%20za%20razdoblje%20od%202013.%20do%202020.%20godine,%20za%202019.%20i%202020.%20godinu.pdf">https://ljudskaprava.gov.hr/UserDocsImages/dokumenti/Akcijски%20plan%20za%20provedbu%20Nacionalne%20strategije%20za%20uklju%20C4%8Dvanje%20Roma%20za%20razdoblje%20od%202013.%20do%202020.%20godine,%20za%202019.%20i%202020.%20godinu.pdf</a>
POP.1.f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	According to official data, the number of people who are stateless or at risk of statelessness is under 100. However, the figures from UNHCR and NGOs working with stateless persons and persons at risk of statelessness differs significantly from the official data.	UNHCR, 2020, "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness in Croatia", p. 5, <a href="https://www.irh.hr/dokumenti/113-analiza-pravnog-okvira-koji-se-odnosi-na-osobe-bez-drzavljanstva-i-osobe-izlozene-riziku-bezdrzavljanstva-u-hrvatskoj/file">https://www.irh.hr/dokumenti/113-analiza-pravnog-okvira-koji-se-odnosi-na-osobe-bez-drzavljanstva-i-osobe-izlozene-riziku-bezdrzavljanstva-u-hrvatskoj/file</a>

POP.1.g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the Government also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above	On 30 June 2020, there was one stateless asylum seeker (out of a total of 795 asylum seekers in Croatia) recorded in the Ministry of Interior data collection systems. According to our knowledge, the Government does not count these groups in figures for the stateless population.	Statistical indicators of persons granted international protection in the Republic of Croatia until 30.06.2020: <a href="https://mup.gov.hr/UserDocsImages/statistika/2020/Me%C4%91unarodna%20za%C5%A1tita/Web%20statistika%2001.01.-30.06.2020..pdf">https://mup.gov.hr/UserDocsImages/statistika/2020/Me%C4%91unarodna%20za%C5%A1tita/Web%20statistika%2001.01.-30.06.2020..pdf</a>
POP.2.a	Stateless in detention data	Does the Government record and publish figures on stateless people held in immigration detention? If yes, please provide.	As above and see also norms in Detention section.	The Government maintains internal records on the number of stateless people held in detention centres, but this data is not published. The Ministry of Interior publishes annual 'basic safety indicators', which includes the nationality of people held in immigration detention, but there are no published records about stateless people held in immigration detention.	Statistical overview of basic safety indicators and work results in 2019, p. 162: <a href="https://mup.gov.hr/UserDocsImages/statistika/Statisticki_pregled_2019_WE_B.pdf">https://mup.gov.hr/UserDocsImages/statistika/Statisticki_pregled_2019_WE_B.pdf</a> <a href="#">UNHCR Croatia</a>
POP.2.b		Does the Government record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	No.	

## Statelessness Determination and Status

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS.1.a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	<a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a> : Articles 1(1) & 1(2).	Article 3 of the Foreigners Act adopted on 1 January 2021 provides a definition of a stateless person. The official English translation of the Act previously in force states “a stateless person means a person who is not considered to be a citizen by any state under its national legislation”, which is narrower than the 1954 Convention definition. However, according to experts, the definition in the original Croatian version of the Act is in line with the 1954 Convention.	Article 3 of the Foreigners Act, OG, no. 133/2020: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)
SDS.1.b	Training	Is there training to inform different government bodies about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	<a href="#">UNHCR Executive Committee (2006)</a> : Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.	UNHCR organises annual formal trainings for representatives of the Ministry of Interior (three training sessions are planned for 2021). UNHCR Croatia, together with the Red Cross and the Ministry of Interior, also organises annual conferences on international protection of refugees and statelessness for government bodies, judges, and lawyers.	ILC practice UNHCR Croatia
SDS.1.c		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	<a href="#">UNHCR (2016)</a> : Officials who may be in contact with stateless persons need to be trained to identify potential applicants for stateless status and refer them to appropriate channels. <a href="#">UNHCR (2010)</a> : It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.	Same answer as SDS.1.b.	ILC practice
SDS.1.d	Existence of a dedicated SDP	Which of the following best describes the situation in your country? <b>Choose only one and then proceed to question indicated.</b>  1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated stateless status( <b>proceed to Question 2a</b> ).  2. There is no dedicated SDP leading to a dedicated stateless status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access their rights( <b>proceed to Question 10a</b> ).  3. There is a dedicated stateless status but no formal procedure for determining this ( <b>proceed to Question 16a</b> ).	<a href="#">UNHCR (2014)</a> : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments. <a href="#">UNHCR (2016)</a> : Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.	2. There is no dedicated SDP leading to a dedicated stateless status, but there are other procedures in which statelessness can be identified	
SDS.10.a	Procedures in which statelessness can be identified and other routes	<b>If there is no dedicated SDP leading to a stateless status</b> , are there any procedures in which statelessness can be identified (e.g. partial	<a href="#">ENS (2013)</a> : For SDPs to be effective, the determination must be a specific objective of the mechanism in question, though not necessarily the only one.	There is no formal procedure for the determination of statelessness in Croatia. Statelessness is assessed ad-hoc upon submission of an application for asylum, legal residence, or citizenship. A person can be identified as stateless through the national	UNHCR, "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness", p.77-78: <a href="https://www.irh.hr/dokumenti/113-analiza-pravnog-okvira-koji-se-odnosi-">https://www.irh.hr/dokumenti/113-analiza-pravnog-okvira-koji-se-odnosi-</a>

	to regularisation (Group 2)	SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.)? <b>If yes, please state the relevant procedures and then proceed to question 11a. If no, proceed to question 10b.</b>	<a href="#">Hoti v. Croatia ECtHR (2018)</a> : [the State has a] positive obligation to provide an effective and accessible procedure or a combination of procedures enabling the applicant to have the issues of [their] further stay and status determined.	asylum procedure in accordance with the International and Temporary Protection Act, covering both refugee status and subsidiary protection.	<a href="#">na-osobe-bez-drzavljanstva-i-osobe-izlozene-riziku-bezdrzavljanstva-u-hrvatskoj/file</a>
SDS.11.a	Access to procedures (Group 2)	Please provide details on how statelessness may be identified in other procedures.	<a href="#">UNHCR (2016)</a> : Efficient referral mechanisms should be established, while officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels.	In Croatia, statelessness is assessed ad-hoc and on a case-by-case basis upon submission of an application for asylum, legal residence, or citizenship. For each individual case, the Ministry of Interior (Mol) takes into account all relevant facts and, inter alia, requests a document from the country of origin to verify that the foreigner is not a national (except in asylum proceedings). There is no specific deadline foreseen if the government concerned fails to reply, but there are deadlines foreseen in the General Administrative Procedures Act of 30 or 60 days for completing procedures. In practice, this can be extended. The Croatian authorities rely on a formal reply from the government of a State with which a person/applicant has a link. If it is determined during a procedure that an applicant is stateless, the applicant will be considered a stateless person for the purposes of that procedure.	Information Legal Centre's Research template: Addressing Statelessness in the Western Balkan Region Croatia  Foreigners Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)  Administrative Procedure Act, Article 101: <a href="https://www.zakon.hr/z/65/Zakon-op%C4%87em-upravnom-postupku">https://www.zakon.hr/z/65/Zakon-op%C4%87em-upravnom-postupku</a> <a href="https://www.legislationline.org/documents/id/16474">https://www.legislationline.org/documents/id/16474</a>  Citizenship Act: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>
SDS.11.b		Are there obligations in law on authorities to consider a claim of statelessness made within another procedure?	<a href="#">UNHCR (2016)</a> : Access to the procedure must be guaranteed.	All relevant elements of the application will be assessed by the Ministry of the Interior, including the applicant's statements and all the documentation at the applicant's disposal regarding the person's nationality(ies).	EMN Inform, Statelessness in the European Union, 2020: <a href="https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_inform_statelessness_en.pdf">https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_inform_statelessness_en.pdf</a>
SDS.11.c		Are there clear, accessible instructions for stateless people on how to claim their rights under the 1954 Convention and/or be identified as stateless?	<a href="#">UNHCR (2014)</a> : For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). <a href="#">UNHCR (2016)</a> : Information on the procedure and counselling services must be available to potential applicants in a language they understand. <a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a>	No.	
SDS.11.d		Is the examination and/or identification of statelessness conducted by a centralised body with relevant expertise? Please note the competent authority and evaluate appropriateness to national context.	<a href="#">UNHCR (2014)</a> : States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise. <a href="#">UNHCR (2016)</a> : It is important that examiners develop expertise while ensuring that the procedures are accessible.	No.	
SDS.11.e		Is there cooperation between agencies that may have contact with stateless people?	<a href="#">UNHCR (2016)</a> : Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.	Not consistently. The Government's National Roma Inclusion Strategy 2013 to 2020 and corresponding Action Plans envisaged forming inter-agency mobile teams that were intended to facilitate cooperation for the resolution of civil registration and citizenship issues in all areas where Roma reside. However, there is evidence that the formal mobile teams were often substituted by teams of civil society organisations. Additionally, multi-sector info centres were never formed, which leads to the conclusion that mechanisms envisaged by the National Strategy and the Action Plans were inefficient and that the cooperation between agencies that might have contact with stateless people exists only on paper, but not in practice (further details on PRS.6.b).	Stateless persons and persons at risk of statelessness in Croatia, Publisher: UNHCR, Zagreb, 2018.p.11-14
SDS.12.a	Assessment (Group2)	Who has the burden of proof when determining or identifying statelessness(in law and practice)?	<a href="#">UNHCR (2014)</a> : The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts).	The burden of proof is primarily on the applicant; however, as per legislation, the burden of proof is also on the government if it concerns information that is officially and easily available to the competent Croatian authority.	Information Legal Centre's Research template: Addressing Statelessness in the Western Balkan Region Croatia

			<p><a href="#">UNHCR (2016)</a>: SDPs must take into consideration the difficulties inherent in proving statelessness.</p> <p><a href="#">UNHCR Expert Meeting (2010)</a>: Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence.</p> <p><a href="#">Hoti v. Croatia ECtHR (2018)</a>: State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.</p>		
SDS.12.b		What is the standard of proof to evidence statelessness?	<p><a href="#">UNHCR (2014)</a>: States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree').</p> <p><a href="#">Inter-Parliamentary Union (2018)</a> The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence.</p> <p><a href="#">Hoti v. Croatia ECtHR (2018)</a>: If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.</p>	The standard of proof to evidence statelessness is not established in law.	
SDS.12.c		Is there clear guidance for decision makers on how to identify or determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, etc.)?	<a href="#">ENS (2013)</a> : Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.	No.	
SDS.13.a	Procedural safeguards (Group 2)	Is free legal aid available to stateless people?	<p><a href="#">UNHCR (2014)</a>: Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means.</p> <p><a href="#">ENS (2013)</a>: If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.</p>	<p>The Free Legal Aid Act only refers to foreigners and does not explicitly mention stateless persons. According to the Act, the following categories of people have the right to free legal aid:</p> <ol style="list-style-type: none"> <li>1. an unaccompanied child found in Croatia;</li> <li>2. a person with approved permanent stay;</li> <li>3. an asylum-seeker, a person who is granted asylum or subsidiary protection, and the members of their families who have a right to reside in Croatia;</li> <li>4. a person who is irregularly staying in Croatia and a person on short-term stay regarding deportation or return proceedings.</li> </ol> <p>Decisions on granting free legal aid under the above provisions are made on an individual basis and it is not certain whether a stateless person would be able to access to legal aid. The Free Legal Aid Act prescribes that foreigners with a temporary stay permit have the right to free legal aid, but only under the condition of reciprocity (i.e. if their country of origin offers legal aid to Croatian citizens), which stateless persons cannot meet.</p>	<p>Free Legal Aid Act: <a href="https://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i">https://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i</a></p> <p>UNHCR, "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness", p.73,74: <a href="https://www.irh.hr/dokumenti/113-analiza-pravnog-okvira-koji-se-odnosi-na-osobe-bez-drzavljanstva-i-osobe-izlozene-riziku-bezdrzavljanstva-u-hrvatskoj/file">https://www.irh.hr/dokumenti/113-analiza-pravnog-okvira-koji-se-odnosi-na-osobe-bez-drzavljanstva-i-osobe-izlozene-riziku-bezdrzavljanstva-u-hrvatskoj/file</a></p>
SDS.13.b		Do stateless people always have an opportunity to claim their statelessness in an interview (whether the purpose of the interview is to identify statelessness or not?)	<a href="#">UNHCR (2014)</a> : The right to an individual interview [is] essential.	Stateless people have an opportunity to claim their statelessness in an interview during an application for temporary residence at the local police department and during international protection procedures.	ILC practice.
SDS.13.c		Is free interpreting available to stateless people?	<p><a href="#">UNHCR (2014)</a>: The right to assistance with interpretation/translation [is] essential.</p> <p><a href="#">ENS (2013)</a>: Assistance should be available for translation and interpretation.</p>	Free interpreting is not available as a right to stateless people, but it is available in international protection procedures.	ILC practice.
SDS.13.d		Are decisions (refusals and grants) given in writing with reasons?	<a href="#">UNHCR (2014)</a> : States are encouraged to incorporate the safeguard that decisions are made in writing with reasons.	Decisions are given in writing with reasons according to general rules of administrative procedure.	General Administrative Procedure Act OG 47/2009: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2009_04_47_1065.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2009_04_47_1065.html</a>
SDS.14.a	Protection (Group 2)	Are there any rights granted to stateless people on the basis of their statelessness? If	<a href="#">UNHCR (2014)</a> : The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does	National regulations do not grant any rights to stateless persons except for the right to acquire a travel document under the 1954 Convention.	Ordinance on travel documents for foreigners, visas and conduct towards foreigners, OG 36/08, Foreigners Act:



		yes, please provide details.	not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.		<a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)
SDS.14.b		Are stateless people otherwise able to access their rights under the 1954 Convention? (e.g. right to reside, travel document, work, healthcare, social security, education, housing, family reunification, right to vote, etc.)? Please provide details.	<a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a> <a href="#">UNHCR (2014)</a> : The status granted to a stateless person in a State Party must reflect international standards. It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable.	No rights are prescribed by the Foreigners Act to stateless people. They are considered to be foreigners who can be granted temporary, long-term, or permanent stay. Temporary stay can be granted for up to one year. According to the previous Foreigners Act, people with a temporary stay permit were not able to access any rights, they had to pay to access healthcare even in emergency situations, and children were only able to enrol in primary education. The new Foreigners Act, which came into force on 1 January 2021 introduces in Article 86 the following rights for people with temporary residence on humanitarian grounds: education, study, vocational training, attending courses, and right to work without a permit. People with temporary residence do not have access to free healthcare. After five consecutive years, a person with temporary stay can be granted a long-term stay permit, and after three or in some cases four consecutive years, a person with temporary stay can be granted a permanent stay permit for an indefinite period. Long-term and permanent stay give access to a broad range of rights (right to work including self-employment, professional development, education and student scholarships, social care, rights pertaining to health and pension insurance, child allowance, maternity and parental support, tax exemptions, access to the goods and services market, freedom of association, membership in workers or employers' unions or special professional organisations, register their domicile in Croatia, etc.). Access to permanent residence has been difficult for stateless persons as it was conditional on providing a valid foreign travel document. Other conditions included not representing a danger to public order or national security and submitting evidence of sufficient funds, adequate lodging, and health insurance. However, according to Article 153 of the new Foreigners Act, a valid foreign travel document is no longer a condition for obtaining long-term residence for stateless persons or persons who are granted asylum or subsidiary protection, but it remains to be seen how this will be implemented in practice. Stateless people with any residence permit are entitled to family reunification, however, there are restrictions for people with a temporary residence permit. Stateless people do not have the right to vote in Croatia in any circumstances.	UNHCR, "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness", p.69-71: <a href="https://www.irh.hr/dokumenti/113-analiza-pravnog-okvira-koji-se-odnosi-na-osobe-bez-drzavljanstva-i-osobe-izlozene-riziku-bezdrzavljanstva-u-hrvatskoj/file">https://www.irh.hr/dokumenti/113-analiza-pravnog-okvira-koji-se-odnosi-na-osobe-bez-drzavljanstva-i-osobe-izlozene-riziku-bezdrzavljanstva-u-hrvatskoj/file</a>  Foreigners Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)
SDS.15.a	Access to nationality (Group 2)	In what timeframe do stateless people acquire the right to apply for naturalisation and how does this compare to others with a foreign nationality? Please describe the procedure and note whether this is facilitated for stateless people (e.g. exemption from nationality/language tests, fee waiver).	<a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a> : Article 32 <a href="#">UNHCR (2016)</a> : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. <a href="#">Council of Europe Committee of Ministers (1999)</a> : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. <a href="#">ENS (2013)</a> : The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.	There is no facilitated naturalisation for stateless persons in Croatia. The general conditions for naturalisation include: 1) 18 years old and legal capacity; 2) no foreign nationality or renouncing that nationality upon acquisition of Croatian citizenship; 3) permanent residence in the Republic of Croatia for at least 8 continuous years before applying for citizenship and valid permanent residence status; 4) knowledge of the Croatian language and Latin alphabet, Croatian culture and social system; respecting the legal order and customs of the Republic of Croatia and posing no security obstacles. Acquisition of Croatian citizenship is subject to the payment of a fee of 1,050 HRK (approx. 140 EURO).	Citizenship Act (Article 8): <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>
SDS.15.b		Are there requirements relating to 'good character' or previous criminal convictions that could prevent some stateless people from accessing nationality? If yes, please describe.	<a href="#">Council of Europe Committee of Ministers (1999)</a> : States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.	Yes. The person must respect the legal order and customs of the Republic of Croatia and pose no security obstacles.	Citizenship Act: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>

## Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Detention screening	Are immigration detention powers provided for in law? Please provide the legal source(s).	<a href="#">ICCPR</a> Article 9(1) <a href="#">ECHR</a> Article 5 (1)	Immigration detention powers are provided in the Foreigners Act and the International and Temporary Protection Act.	Foreigners Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)  International and Temporary Protection Act OG 70/2015; 127/2017: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html</a> (HR)
DET.1.b		Does domestic law allow immigration detention for purposes other than those listed under ECHR 5(1)(f)?	<a href="#">ECHR</a> Article 5(1)(f)	The Croatian legal system accepts the restrictions listed under ECHR 5(1)(f) in Article 211 of the Foreigners Act which sets out the conditions for detention of immigrants.	Foreigners Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)
DET.1.c		Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.	<a href="#">ICCPR</a> Article 7: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment. <a href="#">Auaud v Bulgaria ECtHR (2011)</a> : The only issue is whether the authorities were sufficiently diligent in their efforts to deport the applicant. <a href="#">EU Returns Directive</a> : Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.	A proposed country of removal must be identified in the return decision. Each case takes into consideration the principle of "non-refoulement". In practice, the Reception Centre for Foreigners in Jezevo enforces two types of removals: removal by readmission to neighbouring countries in which a person resided previously and forced removal to the country of origin. The third way of enforcing removal includes release by serving a person with a decision on return in which it is stated that the person must leave Croatia within 7-30 days.	Regulation on the treatment of third-country nationals (OG 68/18), Purpose and conditions of detention in Croatia, Centre for Peace Studies <a href="https://www.cms.hr/system/publication/pdf/88/Svrha_i_uvjeti_detencije_u_Hrvatskoj_2016.pdf">https://www.cms.hr/system/publication/pdf/88/Svrha_i_uvjeti_detencije_u_Hrvatskoj_2016.pdf</a>  International and Temporary Protection Act OG 70/2015; 127/2017 <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html</a> (HR)
DET.1.d		Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	<a href="#">Auaud v Bulgaria ECtHR (2011)</a> <a href="#">Mikolenko v. Estonia ECtHR (2009)</a> : Detention may only be justified as long as deportation proceedings are being conducted with due diligence. <a href="#">UNHCR (2014)</a> : Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. <a href="#">Equal Rights Trust (2012)</a> : States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. <a href="#">International Commission of Jurists (2014)</a> : The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.	The Foreigners Acts equates the status of stateless persons with foreigners, which indicates that statelessness is not relevant in decisions to detain. A person has the right to obtain residence permits and personal documents in accordance with their residence or asylum status. Detention in these cases may last until an appropriate decision is made. Appropriate decisions include decisions which are in accordance with the law and which have become final. If a stateless person so requests, they can obtain the relevant documents and remain temporarily in Croatia until the proceedings are completed.	Foreigners Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)  UNHCR, "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness": <a href="https://www.irh.hr/dokumenti/113-analiza-pravnog-okvira-koji-se-odnosi-na-osobe-bez-drzavljanstva-i-osobe-izlozene-riziku-bezdrzavljanstva-u-hrvatskoj/file">https://www.irh.hr/dokumenti/113-analiza-pravnog-okvira-koji-se-odnosi-na-osobe-bez-drzavljanstva-i-osobe-izlozene-riziku-bezdrzavljanstva-u-hrvatskoj/file</a>
DET.1.e		Are stateless people detained in practice?		In practice, most stateless persons are not restricted in their movements because they are long-term residents in Croatia and their family members are often Croatian citizens (predominantly Roma). Movement is restricted only to persons who have applied for international protection (asylum) and are detained during the procedure, which applies also to asylum seekers who are stateless and whose statelessness may not have been identified by the authorities.	UNHCR Hrvatska, <a href="https://www.unhcr.org/hr/gdje-radimo/zastita-osoba-bez-drzavljanstva">https://www.unhcr.org/hr/gdje-radimo/zastita-osoba-bez-drzavljanstva</a>
DET.1.f		Does law (and/or policy) provide that immigration detention should be used only as a last resort, after all alternatives have been exhausted in each individual case?	<a href="#">UNHCR (2014)</a> : Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient. <a href="#">EU Returns Directive</a> : Article 15(1)	The Foreigners Act specifies in Article 211 that restriction on freedom of movement (and detention) is a special measure related to deportation or return proceedings, and in any case as an exception.	Foreigners Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)  Ordinance on the Status and Work of Third Country Nationals in the Republic of Croatia], Official Gazette, no. 52/2012, 81/2013, 38/2015 and 100/2017  Ordinance on the treatment of third-country nationals, OG 68/2018 (July 27, 2018)
DET.1.g		Are individual vulnerability assessments carried out before a decision to detain (or soon after)? Please note whether statelessness is considered to be a factor increasing vulnerability.	<a href="#">ENS (2015)</a> : Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed. <a href="#">EU Returns Directive</a> : Article 16(3) <a href="#">EU Returns Handbook (2017)</a> : Attention should be paid to the specific situation of stateless persons. <a href="#">Council of the European Union (2013)</a> : European entities should assess the situation of LGBTI persons in detention.	Croatian law does not consider statelessness a factor increasing vulnerability. There is no procedure aimed at identifying stateless persons. Vulnerability assessments are carried out on a case-by-case basis and often depend on the involvement of the Ombudsperson, lawyers or NGOs.	UNHCR, "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness": <a href="https://www.irh.hr/dokumenti/113-analiza-pravnog-okvira-koji-se-odnosi-na-osobe-bez-drzavljanstva-i-osobe-izlozene-riziku-bezdrzavljanstva-u-hrvatskoj/file">https://www.irh.hr/dokumenti/113-analiza-pravnog-okvira-koji-se-odnosi-na-osobe-bez-drzavljanstva-i-osobe-izlozene-riziku-bezdrzavljanstva-u-hrvatskoj/file</a>

DET.2.a	Alternatives to detention	Are alternatives to detention established in law and considered prior to any decision to detain?	<p><a href="#">ICCPR Article 9</a>  <a href="#">FKAG v Australia HRC (2013)</a>: Any decision relating to detention must consider less invasive means of achieving the same ends.  <a href="#">UN General Assembly (2009)</a>: Calls upon all States to adopt alternative measures to detention.  <a href="#">UNHCR (2014)</a>: Detention can only be justified where other less invasive or coercive measures have been considered and found insufficient.  <a href="#">Human Rights Council (2012)</a> : The obligation to always consider alternatives before resorting to detention should be established by law.  <a href="#">EU Returns Directive</a>: Article 15(1)  <a href="#">Equal Rights Trust (2012)</a>: States have an obligation to consider and apply appropriate and viable alternatives to immigration detention that are less coercive and intrusive.  <a href="#">International Detention Coalition (2015)</a> : Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>	The Foreigners Act states that a person may be placed in a detention centre if forced removal and return cannot be ensured by more lenient measures (Article 212). Alternatives are deposit of travel tickets and/or travel documents, deposit of certain financial resources, ban on leaving a certain accommodation address, and reporting to the police. The International and Temporary Protection Act stipulates that foreigners and asylum seekers (including stateless persons) have freedom of movement, which exceptionally, may be limited to a ban on movement outside a certain area, accommodation in a reception centre for foreigners, and deposit of travel documents.	<p>Ordinance on the treatment of third-country nationals, OG 68/2018 (July 27, 2018)</p> <p>Foreigners Act:  <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)</p> <p>International and Temporary Protection Act OG 70/2015; 127/2017  <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html</a> (HR)</p>
DET.2.b		Is there evidence that immigration detention is used in practice prior to all alternatives being considered?	As above.	Yes.	<p>Annual Ombudsperson’s Report for 2019</p> <p>Amnesty International, “Pushed to the Edge: Violence and Abuse Against Refugees and Migrants Along Balkan Route,” March 2019:  <a href="https://www.amnesty.org/en/documents/eur05/9964/2019/en/">https://www.amnesty.org/en/documents/eur05/9964/2019/en/</a></p> <p><a href="#">EU: Inquiry into European complicity in Croatian border violence against migrants and refugees ‘significant’</a></p>
DET.3.a	Procedural safeguards	Is there a maximum time period for immigration detention set in law? What is it?	<p><a href="#">UN Human Rights Council (2010)</a> : A maximum period of detention must be established by law and upon expiry the detainee must be automatically released.  <a href="#">UNHCR (2012)</a> : To guard against arbitrariness, maximum periods of detention should be set in national law.  <a href="#">EU Returns Directive</a>: Article 15(5)  <a href="#">Equal Rights Trust (2012)</a> : Detention should always be for the shortest time possible.</p>	“Preliminary” detention can last up to three months, while “regular” detention can be ordered for up to six months. Detention may be then extended by a further 12 months if the person: 1) refuses to provide personal or other information and documents required for removal (forced return) or provides false information; 2) prevents or stalls the removal (forced return) in some other way; (3) there is a reasonable expectation that competent bodies of another state will provide necessary travel and other documents required for deportation during this period. Hence, preliminary and regular detention may cumulatively last longer than the 18-month “exceptionally” extended time limit established in the EU Returns Directive. However, because preliminary detention in Croatian legislation is not inconsistent in itself with the Returns Directive, the total length of detention in Croatia does not breach the Directive’s provisions. Under the International and Temporary Protection Act, the detention of asylum applicants can last up to three months, which may be “exceptionally” extended by another three months. According to the Croatian Legal Centre, detention is rarely prolonged beyond the initial three months and, on average, asylum seekers are detained for one month. People detained pending a Dublin transfer can be confined for up to six weeks from the establishment of the responsibility of another member state under the Dublin rules. The average length of immigration detention in 2018 was 25 days in Tovarnik, 24 days in Jezevo, and 12 days in Trilj. Asylum seekers were detained on average for three months.	<p>Foreigners Act:  <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)</p> <p>Article 54(9)&amp;(10), International and Temporary Protection Act OG 70/2015; 127/2017  <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html</a> (HR)</p> <p>Asylum Information database: Report Croatia – Croatian Legal Centre:  <a href="https://asylumineurope.org/reports/country/croatia/">https://asylumineurope.org/reports/country/croatia/</a></p> <p>Global Detention Project: Country Report - Immigration detention in Croatia, April 2019:  <a href="https://www.globaldetentionproject.org/wp-content/uploads/2019/04/GDP-Immigration-Detention-in-Croatia.pdf">https://www.globaldetentionproject.org/wp-content/uploads/2019/04/GDP-Immigration-Detention-in-Croatia.pdf</a></p>
DET.3.b		Does law/policy provide that individuals must be informed in writing of the reasons for their immigration detention?	<p><a href="#">UN General Assembly (1988)</a> : Anyone who is arrested shall be informed at the time of the reason for his arrest.  <a href="#">EU Returns Directive</a>: Detention shall be ordered in writing with reasons being given in fact and in law.</p>	The Foreigners Act stipulates that upon arrest, non-citizens should immediately be informed of the reasons for their arrest and the possibility of contacting a diplomatic or consular mission. In practice, the staff of the Ministry of Interior inform asylum seekers	Foreigners Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)

			<p><a href="#">Equal Rights Trust (2012)</a> : Stateless detainees shall receive their order of detention in writing and in a language they understand.</p> <p><a href="#">International Commission of Jurists (2014)</a>: The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it.</p>	<p>orally about the reasons for their detention and an interpreter reads the decision to them. However, detention decisions tend to use complex legal language and the majority of asylum seekers do not understand the reasons for their detention.</p>	<p>Global Detention Project: Country Report - Immigration detention in Croatia, April 2019; Croatian Law Centre, "Country Report: Croatia," Asylum Information Database (AIDA), December 2015: <a href="http://www.asylumineurope.org/reports/country/croatia">http://www.asylumineurope.org/reports/country/croatia</a></p>
DET.3.c	Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	<p><a href="#">Equal Rights Trust (2012)</a> : Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.</p>	<p>The law stipulates that police officers shall provide all necessary information on the procedure for granting international protection to a third-country national or a stateless person detained at a reception centre, at a border crossing point, or in a transit area of an airport, seaport or inland port, who wishes to express an intention in a language which he is reasonably presumed to understand and in which he can communicate. The law also states that the Ministry shall inform the foreigner under temporary protection in writing, as soon as possible, of their rights and obligations in a language which they are reasonably presumed to understand and in which they can communicate. The Free Legal Aid Act, and the Ordinance on free legal aid in the procedure of granting international protection, determine the possible recipients of free legal aid, which includes detainees.</p>	<p>International and Temporary Protection Act, Article 59 &amp; 91</p> <p>International and Temporary Protection Act OG 70/2015; 127/2017 <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html</a> (HR)</p> <p>Free Legal Aid Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2013_12_143_3064.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2013_12_143_3064.html</a> (HR)</p> <p>Ordinance on free legal aid in the procedure of granting international protection OG 140/2015: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_12_140_2609.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_12_140_2609.html</a> (HR)</p>	
DET.3.d	Are there regular periodic reviews of detention before a court or independent body, which can order release?	<p><a href="#">Kim v Russia ECtHR (2014)</a> : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p> <p><a href="#">Equal Rights Trust (ERT) (2012)</a> : To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities.</p>	<p>There are no regular periodic reviews of detention before a court or independent body. The review of the legality of detention is carried out on the basis of appeals or judicial action before administrative courts. According to the Ombudsperson's Annual Reports for 2018 and 2019, the Ministry of Interior has been unlawfully preventing access to cases and information on the treatment of people with irregular immigration status. The 2019 Annual Report reports that migrants, including minors, were detained at the border without access to toilet, water, or food and denied the possibility of applying for asylum.</p>	<p>Website of the Ombudsperson: <a href="https://www.ombudsman.hr/hr/izvjesca-puckog-pravobranitelja/#">https://www.ombudsman.hr/hr/izvjesca-puckog-pravobranitelja/#</a></p> <p>Website of the Ombudsperson, Annual Reports: <a href="https://www.ombudsman.hr/en/reports/#">https://www.ombudsman.hr/en/reports/#</a> <a href="https://www.ombudsman.hr/hr/izvjesca-puckog-pravobranitelja/#">https://www.ombudsman.hr/hr/izvjesca-puckog-pravobranitelja/#</a> (HR)</p>	
DET.3.e	What remedies are available to challenge detention? Please mention any obstacles to accessing effective remedies in practice.	<p><a href="#">ICCPR Article 9(4)</a> <a href="#">ECHR: Article 5(4)</a> <a href="#">Kim v Russia ECtHR (2014)</a> : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p> <p><a href="#">Alimuradov v. Russia ECtHR (2019)</a>: The individual must have at their disposal a procedure for judicial review of the lawfulness of detention capable of leading to release.</p>	<p>The scope of the right to appeal is narrowed in administrative procedures involving persons in detention. In particular, the Croatian Citizenship Act prescribes that all decisions regarding detention are administrative acts (decisions). There is always the possibility of appealing against detention decisions, and the appeal is decided by the administrative body of the Ministry of the Interior. This is a second-instance state administration body, without a higher administrative body above it. Following the final decision of the appeal, a dispute may be initiated before the administrative court (lawsuit). The same is prescribed by the International and Temporary Protection Act. Under the Foreigners Act some decisions can be appealed whilst some cannot. It is prescribed, in many cases, that the decision is issued by the Ministry of the Interior.</p>	<p>Law on general administrative procedure, OG, no:47/2009 Ordinance on free legal aid in the procedure of granting international protection, OG 140/2015 International and Temporary Protection Act, OG no:70/2015</p> <p>UNHCR, "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness": <a href="https://www.irh.hr/dokumenti/113-analiza-pravnog-okvira-koji-se-odnosi-na-osobe-bez-drzavljanstva-i-osobe-izlozene-riziku-bezdrzavljanstva-u-hrvatskoj/file">https://www.irh.hr/dokumenti/113-analiza-pravnog-okvira-koji-se-odnosi-na-osobe-bez-drzavljanstva-i-osobe-izlozene-riziku-bezdrzavljanstva-u-hrvatskoj/file</a></p>	
DET.3.f	Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	<p><a href="#">Equal Rights Trust (2012)</a> : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation.</p> <p><a href="#">ENS (2015)</a> : The detaining state should have rules in place that govern the process of re-documentation and/or ascertaining entitlement to nationality.</p>	<p>No. During the detention procedure, the Consular Services of the state of origin or previous residence will be contacted where possible. There are no special rules for reopening proceedings or submitting new documents after the proceedings (deportation/removal) have been completed. The provisions of the General Administrative Procedure Act and the Administrative Disputes Act apply.</p>	<p>General Administrative Procedure Act OG 47/2009 Administrative Disputes Act, Official Gazette No.20/10, 143/12, 152/14, 94/16, 29/17</p>	
DET.3.g	Is free legal aid available to challenge detention? Please describe any barriers to accessing legal aid in practice.	<p><a href="#">UNHCR (2014)</a>: Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means.</p> <p><a href="#">EU Returns Directive</a>: Article 13(3)</p>	<p>Free legal aid is available to challenge the decision on detention. However, there are issues with providing persons in detention with an appropriate interpreter and appropriate legal assistance. In practice, it is not easy to find translators for some languages.</p>	<p>Foreigners Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)</p> <p>Free Legal Aid Act, Official Gazette, no. 143/13</p>	

					Ordinance on free legal aid in the procedure of granting international protection OG 140/2015 <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_12_140_2609.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_12_140_2609.html</a> (HR)
DET.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their stateless status) and protected from re-detention?	<a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a> : Article 27 <a href="#">UNHCR (2014)</a> : Being undocumented cannot be used as a general justification for detention. <a href="#">ENS (2015)</a> : State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention. <a href="#">Equal Rights Trust (2012)</a> : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	If they have no other residence status, people released from detention should be issued with a temporary identity card. The duration of temporary identity cards varies, and their validity may be extended. This does not provide protection from re-detention.	Ordinance on the treatment of third-country nationals, OG 68/2018 (July 27, 2018)  Foreigners Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)  International and Temporary Protection Act OG 70/2015; 127/2017 <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html</a> (HR)  Goldner and Z. Jezek, “National Synthesis Report: Croatia: Detention for the Purpose of Removal”, Odysseus Network, Redial Project, 2017, <a href="http://euredial.eu/docs/publications/nationalsynthesisreports/Croatia_III.pdf">http://euredial.eu/docs/publications/nationalsynthesisreports/Croatia_III.pdf</a>
DET.4.b		If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?	<a href="#">Saïd Shamilovich Kadzoev v Direktsia Migratsia’ pri Ministerstvo na vatreshnite raboti ECJ (2009)</a> : After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release. <a href="#">Equal Rights Trust (2012)</a> : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	If the purpose of detention is not fulfilled and the person must be released, they should be issued with a temporary identity card, but this does not provide them with any other rights. No information is available on such cases.	Art.54, International and Temporary Protection Act, O.G.70/2015; 127/2017: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html</a> (HR)
DET.4.c		If re-detention occurs, is the cumulative time spent in detention counted towards any maximum time limits?	<a href="#">Equal Rights Trust (2012)</a> : When calculating the total time spent by an individual in detention, it is highly desirable that time spent in detention on previous occasions is taken into consideration.	There is no explicit protection in law against re-detention and no provisions regarding cumulative time spent in detention. There is no information about practical examples of re-detention. The general rules on detention apply (see DET.3.a).	Global Detention Project: Country Report - Immigration detention in Croatia, April 2019
DET.5.a	Return and readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	<a href="#">UNHCR (2014)</a> : Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.	The status of stateless persons according to the Foreigners Act and other legal regulations is equal to the status of third-country nationals (outside the EU), therefore there is no evidence that statelessness has an impact on decision-making in practice. The Republic of Croatia has concluded several bilateral agreements on the reception of persons irregularly residing in the Republic of Croatia (agreements have been concluded with: Macedonia, Slovakia, Germany, Lithuania, Greece, the Czech Republic, Norway, Bosnia and Herzegovina, Turkey, Bulgaria, Albania).	Croatia – Iceland <a href="https://narodne-novine.nn.hr/clanci/medunarodni/2002_05_6_72.html">https://narodne-novine.nn.hr/clanci/medunarodni/2002_05_6_72.html</a> (HR) Croatia – Macedonia <a href="https://narodne-novine.nn.hr/clanci/medunarodni/2002_12_15_173.html">https://narodne-novine.nn.hr/clanci/medunarodni/2002_12_15_173.html</a> (HR) Croatia – Slovakia <a href="https://narodne-novine.nn.hr/clanci/medunarodni/2009_07_5_52.html">https://narodne-novine.nn.hr/clanci/medunarodni/2009_07_5_52.html</a> (HR) Croatia – Germany <a href="https://narodne-novine.nn.hr/clanci/medunarodni/2012_08_7_77.html">https://narodne-novine.nn.hr/clanci/medunarodni/2012_08_7_77.html</a> (HR) etc...
DET.5.b		Are you aware of cases of cases of stateless people being returned under such agreements?		No information is available about stateless persons being returned under bilateral readmission agreements. In general, the legal treatment of stateless persons is the same as for foreigners with a nationality. It should be emphasised that bilateral agreements with individual states relate primarily to citizens of those states and not to stateless persons. The Republic of Croatia is bound by EU regulations and agreements with third countries on the extradition of persons residing on its territory without a legal basis. They do not particularly distinguish stateless persons from persons who have a nationality.	ILC practice

## Prevention and Reduction

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS.1.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to be granted nationality?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Article 1 <a href="#">European Convention on Nationality, 1997</a> : Article 2 <a href="#">Convention on the Rights of the Child 1989</a> : Article 7 <a href="#">Committee on the Rights of Migrant Workers and Members of their Families &amp; Committee on the Rights of the Child (2017)</a> : States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless. <a href="#">European Parliament (2018)</a> : The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.	Yes. A stateless person who is born stateless on the territory of the Republic of Croatia is entitled to Croatian citizenship if both parents are unknown, of unknown citizenship or without citizenship. However, nationality acquired by an otherwise stateless child may be cancelled by the age of 14, if it is established that both parents are nationals of a foreign country. This provision is not applied in practice (see PRS.1.e).	Citizenship Act (Croatian), Article 7: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>
PRS.1.b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	<a href="#">UNHCR (2012)</a> : The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application. <a href="#">ENS (2015)</a> : The 1961 Convention and the ECN oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.	The provision for otherwise stateless children to acquire nationality is not automatic and requires an application to the Registry office of the County Administration. The law does not mention how the provision should be implemented.	Citizenship Act (Croatian), Article 24 para 1 and 2: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>  Administrative Court Rijeka, Judgment on acquiring nationality by birth, March 2017 <a href="https://sudskapraksa.csp.vsrh.hr/decisionPdf?id=090216ba80736e43">https://sudskapraksa.csp.vsrh.hr/decisionPdf?id=090216ba80736e43</a>
PRS.1.c		Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	<a href="#">UNHCR (2012)</a> : The test is not an inquiry into whether a child's parents are stateless. <a href="#">ENS (2015)</a> : Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.	Yes, it is a requirement that the parents are also stateless (or of "unknown citizenship").	Citizenship Act (Croatian), Article 5 para 3 <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a>  Citizenship Act, Article 7: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>  Constitutional Court Decision: <a href="https://sljeme.usud.hr/usud/praksaw.nsf/fOdluka.xsp?action=openDocument&amp;documentId=C1256A25004A262AC1256FAF00437202">https://sljeme.usud.hr/usud/praksaw.nsf/fOdluka.xsp?action=openDocument&amp;documentId=C1256A25004A262AC1256FAF00437202</a>
PRS.1.d		Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please describe how this is determined in practice.	<a href="#">UNHCR (2012)</a> : A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws. The burden of proof must be shared between the claimant and the authorities. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected.	Yes, children are required to prove they cannot access another nationality. Their parents/representatives need to provide documents (originals and official translations into Croatian language) evidencing that a child is not a national of any country that a child and both parents may have links to, as well as proving that a child cannot acquire nationality of those countries. In practice, stateless children are treated the same as third country nationals and Article 7 is not applied.	Administrative Court Rijeka, Decision Number: USI-603/17 and Decision Number: UsI-1298/2019-15 dated 29 January 2020
PRS.1.e		Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be legal residence.	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Article 1(2) <a href="#">UNHCR (2012)</a> : States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all. <a href="#">Convention on the Rights of the Child, 1989</a> : Articles 3 & 7 <a href="#">Committee on the Rights of the Child (2015)</a> : Recommends the State party ensure that all stateless children born	PRS.1.a describes the provisions of the Croatian Citizenship Act regarding children born stateless in Croatia. However, in practice, stateless children born on the territory are required to fulfil a period of residence in order to be granted citizenship as they are considered to be a third country national, and they are treated the same way as foreigners. Therefore, the Foreigners Act is applied, and children born stateless in Croatia need to fulfil a period of residence of eight years and then apply to naturalise under the general conditions.	Foreigners Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)  Administrative Court Rijeka, Judgment on permanent residence approval, September 2018, <a href="https://sudskapraksa.csp.vsrh.hr/decisionPdf?id=090216ba808c1f17">https://sudskapraksa.csp.vsrh.hr/decisionPdf?id=090216ba808c1f17</a> (HR)

			in its territory, irrespective of residency status, have access to nationality without any conditions. <a href="#">European Convention on Nationality, 1997</a> : Article 6(2)(b)		
PRS.1.f		Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.	<a href="#">Committee on the Rights of the Child (2011)</a> : The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State. <a href="#">ENS (2015)</a> : Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.	The law does not provide for such a requirement. However, in practice parents and children are considered the same way, and therefore, they are all required to fulfil a period of residence. The situation in practice in Croatia is very different than the legal framework. According to Article 8 of the Regulation on the Croatian Citizenship Act, stateless parents have to prove their statelessness or the fact of their unknown citizenship.	Foreigners Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)  Regulation on the Croatian Citizenship Act, Article 8
PRS.1.g		What are the age limits (if any) for making an application for nationality for a stateless person born on the territory?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Article 1(2) <a href="#">UNHCR (2012)</a> : Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21. <a href="#">ENS (2015)</a> : Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.	The age limit for making an application for citizenship for a stateless person born on the Croatian territory is 18 according to the law.	Citizenship Act (Croatian), Article 7: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a>  (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>
PRS.1.h		Are there specific provisions to protect the right to a nationality of children born to refugees?	<a href="#">UNHCR (2012)</a> : Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.	There are no specific provisions.	International and Temporary Protection Act, <a href="https://www.zakon.hr/z/798/Zakon-ome%C4%91unarodnoj-i-privremenoj-za%C5%A1titiCroatian">https://www.zakon.hr/z/798/Zakon-ome%C4%91unarodnoj-i-privremenoj-za%C5%A1titiCroatian</a> (HR)
PRS.2.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Article 2 <a href="#">European Convention on Nationality, 1997</a> : Article 6(1)(b)	No. Foundlings who are born or found on the territory may acquire Croatian citizenship through a procedure involving the Centre for Social Welfare, who makes the decision, and foundlings are then entered into the birth registry. The provision on foundlings is prescribed by Article 14 of the State Register Act. In accordance with the law, if the Centre for Social Welfare issues the decision on the foundlings to be entered into the birth registry, authorities cannot refuse data entry in the citizenship registry.	Citizenship Act (Croatian), Article 7 and Article 24: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>  Act on State Registries, Article 14 <a href="https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama">https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama</a> (HR)
PRS.2.b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for nationality?	<a href="#">UNHCR (2012)</a> : At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	An age limit is set in law by using the term "child", which means that it applies to a child until the age of 18.	Citizenship Act (Croatian), Article 7: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>
PRS.2.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	<a href="#">UNHCR (2012)</a> : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	Article 7 of the Croatian Citizenship Act prescribes that Croatian citizenship can be withdrawn from foundlings if, by the age of 14, it is established that both parents are foreign nationals.	Citizenship Act (Croatian), Article 7: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>
PRS.3.a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Article 5 <a href="#">ENS (2015)</a> : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	An adopted child can be released from Croatian citizenship if requested by the parents. Croatian authorities request confirmation that the child has acquired another nationality before withdrawing Croatian citizenship.	Citizenship Act (Croatian), Article 20 and Article 22: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>  Administrative Court of Croatia, Judgment on release from Croatian citizenship, February 2005: <a href="https://sudskapraksa.csp.vsrh.hr/decisionText?id=090216ba806ac4de&amp;q=dr%C5%BEavljanstvo">https://sudskapraksa.csp.vsrh.hr/decisionText?id=090216ba806ac4de&amp;q=dr%C5%BEavljanstvo</a> (HR)
PRS.3.b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	<a href="#">European Convention on Nationality, 1997</a> : Article 6(4)(d) <a href="#">Committee on the Rights of the Child (2015)</a> : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	Yes, a foreign child adopted by national parents acquires Croatian citizenship. The age limit is set by using the term "child", which means the age of 18. Generally, there is no risk of statelessness.	Citizenship Act (Croatian), Article 4: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>

PRS.4.a	ius sanguinis	Can children born to nationals abroad acquire nationality by descent ( <i>ius sanguinis</i> ) in general and/or if they would otherwise be stateless?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Article 4 <a href="#">UNHCR (2012)</a> : Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.	Children born to citizens abroad acquire Croatian citizenship by descent, in general, if both parents are citizens. If one parent is a citizen, the child must be registered either at the Croatian Embassy abroad or at a Registry Office in Croatia as a Croatian citizen. If a person is born abroad having one parent who is a Croatian citizen, the child acquires Croatian citizenship if they would otherwise be stateless.	Citizenship Act (Croatian), Article 5: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>
PRS.4.b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	<a href="#">Genovese v. Malta ECtHR (2011)</a> : The state must ensure that the right to nationality is secured without discrimination. <a href="#">CEDAW Gen. rec. No. 32, 2014</a> : Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed. <a href="#">UNHCR (2014)</a> : Action 4	In general, no. The requirement to register is equally applied in cases where only one parent is a citizen i.e. it does not make any distinction if the Croatian parent is the father or the mother, or if the parents are married. However, Article 11(3) and (5) of the Citizenship Act discriminates against people who left the territory of the Republic of Croatia after 8 October 1991. Article 11 stipulates that emigrants and their descendants may acquire Croatian citizenship without fulfilling conditions that other foreigners must fulfil. However, only persons that emigrated from the Republic of Croatia before 8 October 1991 are considered to be emigrants. Moreover, persons that left Croatia for other countries that were part of ex-Yugoslavia are not considered to be emigrants. As such, there are certain groups of citizens, which include Serbian and other refugees during the conflict, who are discriminated against.	Citizenship Act (Croatian): <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>
PRS.5.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the legal status and/or documentation of parents?	<a href="#">Convention on the Rights of the Child, 1989</a> : Article 7 <a href="#">International Covenant on Civil and Political Rights, 1966</a> : Article 24(2) <a href="#">Council of Europe (2009)</a> : Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown. <a href="#">UNHCR (2012)</a> : Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents. <a href="#">UNHCR (2014)</a> : Action 7 <a href="#">UN Sustainable Development Goal 16.9</a>	Yes. All children born in Croatia are registered at birth. When parents are undocumented, the police and the Centre for Social Welfare are involved in the registration procedure. However, birth certificates in such cases will be issued but not completed. Registration is automatic if a child is born at the hospital. If a child is born outside of the hospital, parents have 15 days to register the birth. If the parents fail to submit a request for birth registration after giving birth to a child outside the hospital, then the Centre for Social Welfare may decide to issue a supervision order. If the parents are foreigners in Croatia, they have 30 days to submit the request for temporary or permanent residence in Croatia for their newborn child.	Act on State Registries: <a href="https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama">https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama</a> (HR)
PRS.5.b		Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	<a href="#">UN Human Rights Council, Resolution A/HRC/RES/20/4</a> : Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members. <a href="#">Committee on the Rights of Migrant Workers and Members of their Families &amp; Committee on the Rights of the Child (2017)</a> : Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.	Yes, all children are issued with birth certificates upon registration, including children of undocumented parents. However, if parents do not have all the documents, the birth certificates will not be completed. When registering the birth of a child born outside of a health care institution, medical documentation on the birth of the child or proof of maternity must be submitted to the registrar.	Act on State Registries: <a href="https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama">https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama</a> (HR)
PRS.5.c		Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	<a href="#">Convention on the Rights of the Child, 1989</a> : Articles 3 & 7	The child's nationality is determined and recorded upon birth registration if the child fulfils the conditions outlined in the Citizenship Act. If the child does not fulfil the conditions under the Citizenship Act, the birth registration field "nationality" is left blank. If the nationality of the parents is known, then the child will be recorded as having the same nationality as the parents.	Citizenship Act (Croatian), Articles 4 and 5: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>



PRS.5.d		If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines and competent authority.	<a href="#">Convention on the Rights of the Child, 1989</a> : Articles 3 & 7 <a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Articles 1 & 4 <a href="#">UNHCR (2012)</a> : States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined nationality. Such a period should not exceed five years.	There is no legal framework to determine a child's nationality at a later stage. Article 7 of the Citizenship Act states that a child born or found in the territory, whose parents are unknown or of unknown nationality or stateless, shall acquire Croatian citizenship, but this is not applied in practice (see PRS1.a).	Citizenship Act (Croatian), Article 7: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>  Supreme Court, Judgment on legality, November 2011: <a href="https://sudskapraksa.csp.vsrh.hr/decisionPdf?id=090216ba80277679">https://sudskapraksa.csp.vsrh.hr/decisionPdf?id=090216ba80277679</a> (HR)
PRS.5.e		Are there credible reports to suggest that children are prevented from registering in practice because of parents' legal status or other reasons (please specify)?	<a href="#">Committee on the Rights of Migrant Workers and Members of their Families &amp; Committee on the Rights of the Child (2017)</a> : Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed. <a href="#">Global Compact for Safe, Orderly and Regular Migration</a> : States will contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons to civil and birth registration. <a href="#">Global Compact on Refugees</a> : States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents. <a href="#">European Parliament Resolution (2019)</a> : Calls on Member States to take immediate corrective measures to stop discriminatory birth registration.	No, there are no credible reports about barriers to birth registration. There is some anecdotal evidence of lower birth registration rates among the Roma population.	Act on State Registries: <a href="https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama">https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama</a> (HR)  CRP Sisak casework practice
PRS.5.f		Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)?	<a href="#">Committee on the Rights of Migrant Workers and Members of their Families &amp; Committee on the Rights of the Child, JGC No. 4 (2017)</a> and <a href="#">JGC No. 3 (2017)</a> : Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status. Children's personal data, in particular biometric data, should only be used for child protection purposes. <a href="#">Council of Europe: ECRI General Policy Recommendation No. 16(2016) on safeguarding irregularly present migrants from discrimination</a> : States should clearly prohibit the sharing of information about migrants suspected of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.	No, there are no official mandatory reporting requirements, but in practice, all state institutions and bodies are reporting undocumented persons to the police.	Right to access to Asylum System and Protection of Fundamental Rights of Migrants, Page 23, <a href="https://www.irh.hr/dokumenti/107-pravo-na-pristup-sustavu-azila-i-zastita-temeljnih-prava-migranata-prirucnik-zapolicijske-sluzbenike/file">https://www.irh.hr/dokumenti/107-pravo-na-pristup-sustavu-azila-i-zastita-temeljnih-prava-migranata-prirucnik-zapolicijske-sluzbenike/file</a> (HR)
PRS.5.g		Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	<a href="#">Committee on the Rights of Migrant Workers and Members of their Families &amp; Committee on the Rights of the Child (2017)</a> : Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. <a href="#">UN Human Rights Council, Resolution A/HRC/RES/20/4</a> : Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.	The statutory deadline is 15 days for birth registration. The deadline for registration of a personal name is 30 days. Late birth registration is possible after 30 days based on a decision by a relevant administration body.	Act on State Registries, Articles 12, 13 and 27 <a href="https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama">https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama</a> (HR)  Zagreb Declaration 27 October 2011 <a href="https://www.refworld.org/docid/4fa2193e2.html">https://www.refworld.org/docid/4fa2193e2.html</a>
PRS.5.h		Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please	As above	Yes, there are additional requirements for late birth registration. There are administrative fees for the procedure and for obtaining necessary documents to be attached to the request for late registration.	Act on State Registries, Articles 12, 13 and 27 <a href="https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama">https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama</a> (HR)

		describe the procedure including the competent authority and procedural deadlines.		Supporting documents include all personal and other related documents of both parents. In some cases, court procedures are necessary, e.g. for the establishment of fatherhood or motherhood or the establishment of other birth related facts. For late registration in Registry Offices, Registry Offices are first instance administrative bodies in administrative procedures while the second instance body is the Ministry of Administration. When procedures cannot be done through administrative procedures, the competent institution is the Municipal Civil Court where the issue is dealt with through a civil procedure. Both administrative and court procedures have related fees and expenses. The administrative fee for one document is approximately 3 EUR, and the court fee is approximately 150 EUR per case.	Family Act, Article 59 and 60 <a href="https://www.zakon.hr/z/88/Obiteljski-zakon">https://www.zakon.hr/z/88/Obiteljski-zakon</a> (HR)  Act on Court Fees <a href="https://www.zakon.hr/z/224/Zakon-0-sudskim-pristojbama">https://www.zakon.hr/z/224/Zakon-0-sudskim-pristojbama</a> (HR)  Act on Administrative Fees <a href="https://www.zakon.hr/z/333/Zakon-0-upravnim-pristojbama">https://www.zakon.hr/z/333/Zakon-0-upravnim-pristojbama</a> (HR)
PRS.6.a	Reduction	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	<a href="#">UNHCR (2014): Action 7</a>	No, the Government does not have any programmes for promoting civil registration, including birth registration.	
PRS.6.b		Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be stateless/at risk of statelessness? Please provide details and source of information.	<a href="#">UN Convention on the Reduction of Statelessness, 1961: Article 9</a> <a href="#">UNHCR (2014): Action 4</a> <a href="#">UN Human Rights Council (2019):</a> States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	It is considered that most stateless persons and persons at risk of statelessness in the Republic of Croatia are Roma. According to the 2011 Census, there are 16,975 Roma in Croatia. However, it is estimated that the number is in reality three times higher. ECRI in its 2018 Report estimated that there are at least 500 stateless Roma and at least 100 at risk of statelessness in Croatia. Members of the Roma community in Croatia are economically, culturally and politically marginalised, which leads to unresolved legal status.	Roma Inclusion in the Croatian Society a Baseline Data Study, <a href="https://www.cms.hr/system/publication/pdf/109/Roma%20inclusion%20in%20the%20Croatian%20Society.pdf">https://www.cms.hr/system/publication/pdf/109/Roma Inclusion in the Croatian Society.pdf</a>  ECRI Report on Croatia 2018, <a href="https://rm.coe.int/fifth-report-on-croatia/16808b57be">https://rm.coe.int/fifth-report-on-croatia/16808b57be</a>  Commissioner for Human Rights Report, October 2016, page 16 <a href="https://rm.coe.int/ref/CommDH(2016)31">https://rm.coe.int/ref/CommDH(2016)31</a>  Stateless persons and persons at risk of statelessness in Croatia, Publisher: UNHCR, Zagreb, 2018.p.11-14
PRS.6.c		Has the Government implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> <a href="#">UNHCR (2014): Actions 1 &amp; 8</a> <a href="#">UNHCR (2015):</a> States parties to the 1954 Convention are required to help stateless persons become naturalised nationals.	Yes, the Government signed the Zagreb Declaration 27 October 2011. The Government also adopted the National Roma Inclusion Strategy from 2013 to 2020 and corresponding Action Plans. The Strategy envisaged forming mobile teams that were intended as an intersectoral instrument consisting of representatives of competent ministries, police administrations and police stations, state administration offices in different counties, centres for social welfare, Roma associations and associations for Roma people, local units of self-government, and Roma representatives, aiming to provide support to every county where Roma live. It also envisaged forming multi-sector information centres in all areas where Roma reside. However, the independent Evaluation of the National Roma Inclusion Strategy indicated that the formal mobile teams were often substituted by teams of civil society organisations (e.g. the project "Legal Assistance for Stateless Persons" implemented by Information Legal Centre in five counties with financial support from UNHCR and EU). Multi-sector info centres were never formed, which leads to the conclusion that mechanisms envisaged by the National Strategy and the Action Plans were inefficient.	Zagreb Declaration 27 October 2011, <a href="https://www.refworld.org/docid/4fa2193e2.html">https://www.refworld.org/docid/4fa2193e2.html</a>  National Roma Inclusion Strategy from 2013 to 2020 <a href="https://pravamanjina.gov.hr/UserDocs/Images/arhiva/23102013/National%20Roma%20inclusion%20strategy%202013-2020.eng.pdf">https://pravamanjina.gov.hr/UserDocs/Images/arhiva/23102013/National%20Roma%20inclusion%20strategy%202013-2020.eng.pdf</a>  Action Plan for implementation of the National Roma Inclusion Strategy for the period 2019/2020: <a href="https://ljudskaprava.gov.hr/UserDocs/Images/dokumenti/Akcijski%20plan%20za%20provedbu%20Nacionalne%20strategije%20za%20uklju%20C4%8Divanje%20Roma%20za%20razdoblje%20od%202013.%20do%202020.%20godine,%20za%202019.%20i%202020.%20godinu.pdf">https://ljudskaprava.gov.hr/UserDocs/Images/dokumenti/Akcijski%20plan%20za%20provedbu%20Nacionalne%20strategije%20za%20uklju%20C4%8Divanje%20Roma%20za%20razdoblje%20od%202013.%20do%202020.%20godine,%20za%202019.%20i%202020.%20godinu.pdf</a>  ILC's annual reports to UNHCR and final report for EU project "Legal inclusion and sustainable integration of Roma in Croatia".
PRS.7.a	Deprivation of nationality	Are there any provisions on deprivation of nationality that could render a person stateless? Please state whether there is a safeguard against statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g.	<a href="#">UN Convention on the Reduction of Statelessness, 1961: Article 8 &amp; 9</a> <a href="#">European Convention on Nationality, 1997: Article 7(3)</a> <a href="#">Universal Declaration of Human Rights: Article 15(2)</a> <a href="#">Principles on Deprivation of Nationality</a> and the <a href="#">Draft Commentary: Principle 2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily</a>	No. However, there are regulations in the State Registries Act (Article 39) and Citizenship Act (Article 27), which regulate changes in state registries and citizens' registry, which allow the cancellation of citizenship.	Act on State Registries, Article 39 <a href="https://www.zakon.hr/z/603/Zakon-0-dr%20C5%BEavnim-maticama">https://www.zakon.hr/z/603/Zakon-0-dr%20C5%BEavnim-maticama</a> (HR)  Citizenship Act (Croatian), Article 27 <a href="https://www.zakon.hr/z/446/Zakon-0-hrvatskom-dr%20C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-0-hrvatskom-dr%20C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>

		national security, fraud, etc.).	requested by the individual; Principles 4, 5 & 6 <a href="#">Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009)</a> : para. 23 <a href="#">UNHCR Guidelines on Statelessness No.5 (2020)</a> : the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or renew documents without providing an explanation or justification).		Supreme Court, Judgment on changes in State Registries after basic registration, January 2005: <a href="https://sudskapraksa.csp.vsrh.hr/decisionPdf?id=090216ba805258ba">https://sudskapraksa.csp.vsrh.hr/decisionPdf?id=090216ba805258ba</a> (HR)
PRS.7.b		Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, judicial oversight, appeal, time limit, subject to prior sentencing)?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Article 8(4) <a href="#">European Convention on Nationality, 1997</a> : Article 11 <a href="#">Principles on Deprivation of Nationality</a> : Principle 7. Deprivation of nationality must be carried out in pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone has the right to a fair trial or hearing and to an effective remedy and reparation.	The competent authorities are the Ministry of Interior, Registry Offices and relevant local administration bodies. Individuals may appeal decisions and initiate administrative procedures. Stateless persons do not have a right to free legal aid in accordance with the Free Legal Aid Act. According to the Administrative Procedure Act, administrative procedures may last up to 30 or 60 days; however, these deadlines are rarely respected. A person whose Croatian citizenship has been "cancelled" would be able to access legal aid providing they fulfil one of preconditions stipulated in the Free Legal Aid Act.	Free Legal Aid Act: <a href="https://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i">https://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i</a> (HR)  Citizenship Act (Croatian): <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>  Act on State Registries: <a href="https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama">https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama</a> (HR)  ILC 's and CRP's Sisak case files and reports  Administrative Procedure Act: <a href="https://www.zakon.hr/z/65/Zakon-o-op%C4%87em-upravnom-postupku">https://www.zakon.hr/z/65/Zakon-o-op%C4%87em-upravnom-postupku</a> (HR) <a href="https://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima">https://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima</a> (HR)
PRS.7.c		Are provisions on deprivation of nationality that may render a person stateless applied in practice?		There are no explicit provisions on deprivation of nationality that may render a person stateless, but different cases happen in practice. CRP Sisak has one case where the client and her five children were <i>ex officio</i> erased from the Croatian Citizenship Registry Books. This procedure rendered the family stateless.	CRP's Sisak case files and reports  UNHCR web page, <a href="https://www.unhcr.org/news/stories/2018/11/5bd887264/statelessness-robs-men-normal-lives-croatia.html">https://www.unhcr.org/news/stories/2018/11/5bd887264/statelessness-robs-men-normal-lives-croatia.html</a>  UNHCR web page: <a href="https://www.unhcr.org/ceu/11749-roma-woman-wants-grandchild-born-into-world-of-opportunity.html">https://www.unhcr.org/ceu/11749-roma-woman-wants-grandchild-born-into-world-of-opportunity.html</a>  Citizenship and statelessness for parliamentary representative <a href="https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&amp;docid=49a528a22">https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&amp;docid=49a528a22</a>
PRS.7.d		Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Article 7 <a href="#">European Convention on Nationality, 1997</a> : Article 7 and 8	Yes, Article 19 of the Citizenship Act states that a person who renounced Croatian citizenship and does not acquire another nationality may inform the authorities and the decision on renunciation will be annulled. Article 19 is not aligned with the 1961 Convention. The person has a deadline of six years from the moment of renunciation to revoke this decision, contrary to Article 7 of the 1961 Convention. In addition, Article 23 states that if a minor renounced or resigned Croatian citizenship, they may re-acquire it if they reside on the territory for at least one year continuously and if they provide a written statement for being considered as a Croatian citizen. However, Article 21 states that an adult may not reacquire Croatian citizenship if they renounced it.	Citizenship Act (Croatian), Articles 19, 23, 21: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>  GUIDELINES ON STATELESSNESS NO.5: <a href="http://azil.rs/azil_novi/wp-content/uploads/2020/06/GUIDELINES-ON-STATELESSNESS-NO.5.pdf">http://azil.rs/azil_novi/wp-content/uploads/2020/06/GUIDELINES-ON-STATELESSNESS-NO.5.pdf</a>  UNHCR, "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness": <a href="https://www.irh.hr/dokumenti/113-analiza-pravnog-okvira-koji-se-odnosi-na-osobe-bez-drzavljanstva-i-osobe-izlozene-riziku-bezdrzavljanstva-u-hrvatskoj/file">https://www.irh.hr/dokumenti/113-analiza-pravnog-okvira-koji-se-odnosi-na-osobe-bez-drzavljanstva-i-osobe-izlozene-riziku-bezdrzavljanstva-u-hrvatskoj/file</a>
PRS.7.e		Are there any provisions on deprivation of nationality in a national security context	<a href="#">Principles on Deprivation of Nationality</a> Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security.	No, there are no provisions on deprivation of nationality in a national security context.	

		(regardless of whether they could render a person stateless)? Please describe these provisions and if/how they are applied in practice.	Where provisions exist, these should be interpreted narrowly and in accordance with international law standards.		
PRS.7.f		Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals? Please describe these provisions and if/how they are applied in practice.	<p><a href="#">ICCPR</a>: Article 26  <a href="#">UN Convention on the Reduction of Statelessness, 1961</a>: Article 9  <a href="#">European Convention on Nationality, 1997</a>: Article 5  <a href="#">Principles on Deprivation of Nationality</a>: Principle 6. Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals.</p>	No, there are no provisions on deprivation of nationality that directly or indirectly discriminate.	<p>GUIDELINES ON STATELESSNESS NO.5:  <a href="http://azil.rs/azil_novi/wp-content/uploads/2020/06/GUIDELINES-ON-STATELESSNESS-NO.5.pdf">http://azil.rs/azil_novi/wp-content/uploads/2020/06/GUIDELINES-ON-STATELESSNESS-NO.5.pdf</a></p>

## Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Number of published judgments adjudicating statelessness (broken down by level of jurisdiction). Please list the most relevant ones.		Supreme Court of the Republic of Croatia, County courts, High administrative court of the Republic of Croatia, Administrative Court 1. Usl 603/2017-17 // Administrative court in Rijeka, 05.09.2018 2. Uzz 32/2009-2 / ECLI:HR:VSRH:2013:1286 / Supreme Court of RH, Presuda, : 16.01.2013 3. Us 6500/2008-7 // High administrative court RH 10.08.2011 4. Usl 293/2015-6 // Administrative court Split, 31.03.2017 5. Gž 1140/2018-2 // County court Osijek, 28.02.2018 6. Uzz 13/2010-6 / ECLI:HR:VSRH:2015:619 / Supreme Court RH, 11.02.2015 7. Uzz 28/2010-2 / ECLI:HR:VSRH:2013:5213 / Supreme Court RH, 28.11.2013 8. II Kž 495/2009-3 / ECLI:HR:VSRH:2009:397 / Supreme Court RH, 29.07.2009 9. Usl 491/2015-8 // Administrative Court Rijeka, 30.03.2017	Case law of the Supreme Court of the Republic of Croatia <a href="https://sudskapraksa.csp.vsrh.hr/home">https://sudskapraksa.csp.vsrh.hr/home</a> (HR)
RES.1.b		Number of published judgments mentioning statelessness (broken down by level of jurisdiction). Please list the most relevant ones.		Decisions of the Constitutional Court of the Republic of Croatia 1. U-III-424/2019 - X. Y. - 17.12.2019 2. U-III-4880/2015 - Nnamdi Aniagolu, Justus - 14.02.2019 3. U-III-4940/2017 - Khasraw Othman, Jegr - 29.03.2018 4. U-III-6958/2014 - S. A. K. - 27.02.2018 5. U-III-6415/2012 - Wainsworth, Rorey Tingle - 01.12.2016 6. U-III-684/2014 - Tingle Wainsworth, Rorey - 19.10.2016 7. U-III-2096/2013 - Mirošnikov, Igor - 16.12.2015 8. U-III-5799/2012 - Mirošnikov, Igor - 03.06.2015 9. U-III-560/2013 - Mirošnikov, Igor - 03.06.2015 10. U-III-4288/2012 - Mirošnikov, Igor - 06.05.2015 11. U-III-1168/2014 - Lavrenov, Victor - 03.07.2014 Supreme Court of the Republic of Croatia, County courts, High administrative court of the Republic of Croatia, Administrative Court, High Misdemeanor Court  1. II Kž 173/2020-4 / ECLI:HR:VSRH:2020:385 / Supreme Court RH, 08.05.2020 2. II Kž 272/2013-4 / ECLI:HR:VSRH:2013:2369 / Supreme court RH, 26.06.2013 3. Usž 1027/2018-2 / ECLI:HR:VUS:2018:9 / High administrative court RH, 07.03.2018 4. II Kž 229/2014-4 / ECLI:HR:VSRH:2014:4114 / Supreme Court RH, 23.06.2014 5. II Kž 10/2016-4 / ECLI:HR:VSRH:2016:1021 / Supreme Court RH, 13.01.2016 6. Jž 648/2013-2 / ECLI:HR:VPS:2013:33 / High Misdemeanor Court RH, 20.02.2013 7. II Kž 45/2019-4 / ECLI:HR:VSRH:2019:158 / Supreme Court RH, 08.02.2019 8. Rev 2987/1990-2 / ECLI:HR:VSRH:1991:1775 / Supreme Court RH, 10.04.1991	Case law of the Constitutional Court of the Republic of Croatia <a href="https://www.usud.hr/hr/praksa-ustavnog-suda">https://www.usud.hr/hr/praksa-ustavnog-suda</a>  Case law of the Supreme Court of the Republic of Croatia <a href="https://sudskapraksa.csp.vsrh.hr/home">https://sudskapraksa.csp.vsrh.hr/home</a> (HR)
RES.3.a	Pro Bono	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	UNHCR (2014): Applicants must have access to legal counsel.	According to the official data of the Ministry of Justice, 54 associations (NGOs) and legal clinics (faculty legal clinics) in Croatia are authorised for provision of free legal aid. Free Legal Aid act determines that these services can be provided by county administrative bodies, registered NGOs, legal clinics, lawyers. Information Legal Centre (ILC) and Civil Rights Project (CRP) are specialised NGOs for provision of free legal aid to stateless and at risk of statelessness persons. Croatian Legal Centre (CLC) is specialised for provision of free legal aid to asylum seekers and persons with approved international protection. Additionally, the Ministry of Interior has published on its website a list of attorneys for	Free Legal Aid Act, Official Gazette, no. 143/13 Ministry of Justice: <a href="https://pravosudje.gov.hr/istaknute teme/besplatna-pravna-pomoc/ovlastene-udruge-i-pravne-klinike-za-pruzanje-primarne-pravne-pomoci/6190">https://pravosudje.gov.hr/istaknute teme/besplatna-pravna-pomoc/ovlastene-udruge-i-pravne-klinike-za-pruzanje-primarne-pravne-pomoci/6190</a> (HR)  <a href="https://mup.gov.hr/UserDocsImages//dokumenti/stranci/2020//BESPLATNA%20PRAVNA%20POMOC-%20LISTA%20PRUZATELJA%202020.pdf">https://mup.gov.hr/UserDocsImages//dokumenti/stranci/2020//BESPLATNA%20PRAVNA%20POMOC-%20LISTA%20PRUZATELJA%202020.pdf</a> (HR)

				provision of free legal aid in procedures of application for international protection.	
RES.4.a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		<ol style="list-style-type: none"> <li>1. Metelko-Zgombić, Andreja: Succession of states from 1918 until the present day within the Republic of Croatia territory and its influence on nationality of natural persons, ZbornikPravnogfakultetaSveučilišta u Rijeci, Vol. 32, No. 2, 2011.</li> <li>2. Mesić, Milan: The Globalisation of migration, Migracijske i etničkete, Vol. 18, No. 1, 2002</li> <li>3. Glibo, Maja: DržavljanstvoEuropskeUnije (Citizenship of the European Union), Pravnik, Vol. 46, No. 93, 2013.</li> <li>4. Zlatković, Jelena: Legal and Social Exclusion in New Europe: A Comparison of Baltic States, Slovenia and Croatia, Revija za socijalnupolitiku, Vol. 22, No. 1, 2015.</li> <li>5. Kardov, Krno; Žunec, Ozren: Terrorism and Civil Rights and Liberties, Društvenaistraživanja, Vol. 14, No. 6 (80), 2005.</li> <li>6. Lalić Novak, Goranka: The Principle of Non-Refoulement and Access to Asylum System: Two Sides of the Same Coin, Migracijske i etničkete, Vol. 31, No. 3, 2015.</li> <li>7. Rogelj, Boštjan: The Changing Spatiality of the “European Refugee/Migrant Crisis”, Migracijske i etničkete, Vol. 33, No. 2, 2017</li> <li>8. Gojević-Zrnić, Marija; Radečić, Gligor: Measure restricting the freedom of movement of asylum seekers in international, European and national legislation with proposals to amend Croatian legislation, Pravnik, Vol. 47, No. 94, 2013.</li> <li>9. Jurković, Rahela: The Integration of Refugees into Croatian Society. Ethnographies of Exercising Rights, Etnološkatribina, Vol. 48, No. 41, 2018.</li> <li>10. Župarić-Iljić, Drago; Gregurović, Margareta: Student Attitudes towards Asylum Seekers in Croatia, Društvenaistraživanja, Vol. 22, No. 1, 2013.</li> <li>11. Lalić Novak, Goranka: The Right to Asylum in Case Law – Do Croatian Courts Promote Higher Standards of Protection of Asylees and Asylum Seekers, Hrvatska i komparativnajavnauprava, Vol. 14, No. 4, 2014.</li> <li>12. Pezerović, Alma; Milić Babić, Marina; Porobić, Selma: Parents in Exile: Challenges of Parenting among Refugees and Asylum Seekers in Bulgaria, Revija za socijalnupolitiku, Vol. 26, No. 1, 2019.</li> </ol>	All the listed texts (and more) are available in the database of professional articles "Hrčak": <a href="https://hrcak.srce.hr/">https://hrcak.srce.hr/</a>