

COUNTRY BRIEFING
NOVEMBER 2021

Croatia



INTRODUCTION

The [Statelessness Index](https://index.statelessness.eu/) (<https://index.statelessness.eu/>) is an online comparative tool that assesses European countries' law, policy and practice on the protection of stateless people and the prevention and reduction of statelessness against international norms and good practice. The Index was developed and is maintained by the [European Network on Statelessness \(ENS\)](#),¹ a civil society alliance of over 170 organisations and individuals in 41 countries working to end statelessness and ensure that stateless people in Europe access their rights.

ENS worked with its members to research and compile comparative information on statelessness in [Croatia](#).² This briefing summarises the findings on how Croatian law, policy and practice performs against international norms and good practice on the protection of stateless persons and the prevention and reduction of statelessness. It covers five thematic areas – International and Regional Instruments, Stateless Population Data, Statelessness Determination and Status, Detention, and Prevention and Reduction – and makes a series of recommendations to the Croatian Government for reform in priority areas.

To be stateless is not to be considered as a national by any state under the operation of its law. It is a legal anomaly that prevents more than 10 million people around the world - and more than half a million in Europe - from accessing fundamental civil, political, economic, cultural, and social rights.

INTERNATIONAL AND REGIONAL INSTRUMENTS

Different international and regional treaties provide for the protection of stateless persons and the prevention and reduction of statelessness.

Croatia is State Party to two of the core statelessness instruments: the [1954 Convention Relating to the Status of Stateless Persons](#) and the [1961 Convention on the Reduction of Statelessness](#). It did not enter any reservations to the Conventions, and both have direct effect in domestic law.

Croatia has signed but not acceded to the [European Convention on Nationality](#), and it is not State party to the [Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession](#). Croatia is party to all other relevant international and regional instruments, except for the [Convention on the Rights of Migrant Workers and their Families](#).

The Government of Croatia should consider acceding to the [Council of Europe Convention on the avoidance of statelessness in relation to State succession](#), the [European Convention on Nationality](#), and the [Convention on the Rights of Migrant Workers and their Families](#).



STATELESS POPULATION DATA

States should collect reliable quantitative and qualitative data on statelessness and adopt and strengthen measures to count stateless persons on their territory.³ The availability of reliable data is linked to whether procedures to identify and determine statelessness exist. Identification of stateless people remains the first step to protecting their rights, but also leads to a better understanding of the challenges that need to be addressed.

Some limited data and estimates are available for the stateless population in Croatia. The last census in 2011 included the categories 'stateless' and 'unknown citizenship' disaggregated by place of residence, birth, and ethnicity, but these categories were not defined in the census methodology and the data is now out of date. UNHCR has carried out mapping studies of statelessness in Croatia and estimates the population under its statelessness mandate in the country to number 2,886 people.⁴ Recent studies have also analysed data on the Roma population, concluding that an estimated 500 to 1,500 Romani people remain with 'unresolved legal status' in Croatia. No information is published on the number of stateless people held or released from immigration detention.

The Government of Croatia should take concrete steps to improve the recording of statelessness, including by harmonising and disaggregating

data on stateless people in Croatia. This should extend to the recording and publicising of data on statelessness persons in detention.

The Government of Croatia should consider carrying out a comprehensive exercise to accurately map the stateless population in Croatia, and build the capacity of officials to accurately identify and record statelessness.



STATELESSNESS DETERMINATION AND STATUS

To be able to provide the protection and rights enshrined in the 1954 Convention, including a residence permit and the right to work, study and facilitated naturalisation, State parties need to be able to identify stateless people on their territory. UNHCR recommends that this is best fulfilled through a dedicated statelessness determination procedure.⁵

There is a definition of a stateless person in Croatian law, but there is no dedicated procedure to determine statelessness and grant stateless people the rights and protection they are due under the 1954 Convention. Statelessness may be identified and assessed on an ad hoc basis during asylum, residence permit, or naturalisation applications, but there is no guidance for decision-makers, nor information for applicants on how to make a claim of statelessness.

No rights are granted to stateless people based on statelessness, except for the right to a travel document. Other rights are granted depending on the type of residence permit held. Until January 2021, people with a temporary residence permit were unable to access any rights, but under the new Foreigners Act holders of temporary residence on humanitarian grounds are entitled to education, vocational training, and have the right to work. The new law also facilitates access to long-term or permanent residence for stateless people by removing the requirement to present a valid travel document.

However, there is no facilitated route to naturalisation for stateless people in Croatia, and standard eligibility requirements include at least eight years' continuous permanent residence, knowledge of the Croatian language and culture, and payment of a fee.

The Croatian Government should introduce a dedicated statelessness determination procedure and protection status in line with UNHCR guidance and good practice, to fulfil its obligations to stateless persons under the 1954 Convention. It should also ensure that stateless people have access to the full range of rights protected under the 1954 Convention, including a facilitated path to naturalisation.



DETENTION

Stateless persons face a heightened risk of arbitrary detention particularly where procedural safeguards to identify and determine statelessness and related barriers to removal are lacking.⁶

There are limited protections against the arbitrary detention of stateless people in Croatia. A proposed country of removal must be identified in return decisions, and the law establishes that detention for the purposes of removal can only take place if removal cannot be ensured through more lenient measures. However, Croatian law does not consider statelessness as a factor increasing vulnerability. People released from detention should be issued with a temporary identity card but have very limited rights, and the duration of temporary documents varies. The law does not protect people from re-detention and there are no provisions

to ensure cumulative time spent in detention counts towards the maximum time limit.

Procedural safeguards are limited, and NGOs have reported widespread detention at the border without access to basic facilities and routes to protection.

The Croatian Government should take steps to protect stateless persons from arbitrary detention by introducing a statelessness determination procedure and protection status, as well as embedding consideration of statelessness as a juridically relevant fact in all decisions to detain.



PREVENTION AND REDUCTION

As State party to the 1961 Convention on the Reduction of Statelessness, Croatia has obligations to prevent and reduce statelessness on its territory.

There are some legal safeguards to prevent and reduce statelessness in Croatia, but these are not aligned with international law and there are gaps in both law and practice. Although there is a partial safeguard to prevent statelessness for some children born in Croatia, it is not automatic, and the authorities do not apply it in practice. There are also partial safeguards to prevent statelessness in the case of foundlings, children born abroad, and in adoption proceedings.

By law, all children born in Croatia are registered at birth, but there are discriminatory practices which create obstacles for some children. If the parents are undocumented, birth certificates will be issued but not completed. If a child is born outside of hospital and the parents do not register the child within 15 days, the Centre for Social Welfare may decide to issue a supervision order. If the child does not have at least one parent who is a Croatian citizen, their nationality will not be determined and the 'citizenship' field is left blank, or the child will be recorded as having the same presumed nationality as the parents without a full determination of their nationality.

The Croatian Government has made past commitments to addressing statelessness through its National Roma Inclusion Strategy and initiatives such as the Zagreb Declaration, but little recent progress or concrete action has been taken.

There are no provisions for the deprivation of Croatian citizenship that permit statelessness, but in practice some cases have been reported that resulted in statelessness, particularly regarding people who were erased from the Croatian Citizenship Registry Books.

The Croatian Government should introduce and implement a full safeguard to ensure that children born in Croatia who would otherwise be stateless automatically acquire Croatian citizenship and take concrete action to remove all practical barriers to birth registration regardless of the parents' status or documentation.

The Croatian Government should protect and advance the rights of minorities, in particular by tackling antigypsyism and ensuring the swift resolution of remaining issues with legal status, including to eliminate the risk of statelessness.

The Croatian Government should ensure that deprivation of nationality does not result in statelessness.

SUMMARY OF RECOMMENDATIONS

The Government of Croatia should:

- Consider acceding to the Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession and the European Convention on Nationality.
- Take concrete steps to improve the recording of statelessness, including by harmonising and disaggregating data on stateless people in Croatia. This should extend to the recording and publicising of data on statelessness persons in detention.
- Consider carrying out a comprehensive exercise to accurately map the stateless population in Croatia, and build the capacity of officials to accurately identify and record statelessness.
- Introduce a dedicated statelessness determination procedure and protection status in line with UNHCR guidance and good practice, to fulfil its obligations to stateless persons under the 1954 Convention. It should also ensure that stateless people have access to the full range of rights protected under the 1954 Convention, including a facilitated path to naturalisation.
- Take steps to protect stateless persons from arbitrary detention by introducing a statelessness determination procedure and protection status, as well as embedding consideration of statelessness as a juridically relevant fact in all decisions to detain.
- Introduce and implement a full safeguard to ensure that children born in Croatia who would otherwise be stateless automatically acquire Croatian citizenship, and take concrete action to remove all practical barriers to birth registration regardless of the parents' status or documentation.
- Protect and advance the rights of minorities, in particular by tackling antigypsyism and ensuring the swift resolution of remaining issues with legal status, including to eliminate the risk of statelessness.
- Ensure that deprivation of nationality does not result in statelessness.

ENDNOTES

¹ More information at: <https://www.statelessness.eu/>

² <https://index.statelessness.eu/country/croatia>

³ Council of the European Union (2015), Conclusions on Statelessness, available at:

<http://www.consilium.europa.eu/en/press/press-releases/2015/12/04/council-adopts-conclusions-on-statelessness/>

⁴ UNHCR (2020) Analysis of the Legal Framework Concerning Stateless Persons and Persons at Risk of Statelessness in Croatia, available at:

<https://www.refworld.org/docid/5f0c2deb4.html>

⁵ UNHCR (2014) Handbook on Protection of Stateless Persons, available at:

<http://www.unhcr.org/uk/protection/statelessness/53b698ab9/handbookprotection-stateless-persons.html>

⁶ ENS (2017) Protecting Stateless Persons from Arbitrary Detention: An Agenda for Change, available at:

<https://www.statelessness.eu/updates/publication/protecting-stateless-persons-arbitrary-detention-agenda-change>

CONTACT

Nataša Kovačević

Executive Director, Information Legal Centre

natasa.kovacevic@ipc.com.hr



Nina Murray

Head of Policy & Research, European Network on Statelessness

nina.murray@statelessness.eu



European
Network on
Statelessness

London, United Kingdom

Media: +44 7522 525673

info@statelessness.eu

www.statelessness.eu



European
Network on
Statelessness