

Three months at three locations with refugees and migrants in the Republic of Croatia  
(Croatia as a part of the Western Balkans route)<sup>1</sup>

Summary of a presentation held at the International Meeting: “Administrative Rules on Migrations – Comparing Juridical Systems”, 5th Dialogue in the North Adriatic European Region (3 March 2017)

In this presentation, I will share my experience and impressions of the refugee and migrant crisis based on direct observations of the events taking place during my three-months in the field from 15 September to 15 December 2015. During this period and for the situation in two camps regarding the UNHCR Croatia employees, I was acting as the Second-in-command to the Representative<sup>2</sup> of the Office of the High Commissioner for Refugees (UNHCR), the Representation in the Republic of Croatia. I have worked at the three most important locations: the Tovarnik border crossing, where refugees and migrants entered Croatia from Serbia, the Opatovac Transit Centre, and the Winter Reception and Transit Centre in Slavonski Brod<sup>3</sup>.

Since 2014 there has been a growing number of individuals from the Middle East and North Africa who have been arriving in Europe after crossing the Mediterranean Sea. The year 2015 was a year of crisis and a turning point, because more than a million refugees and migrants arrived in Europe, of whom 84 per cent citizens of one of the top 10 source countries of refugees. Of that percentage, 50 per cent were citizens of Syria, 21 per cent citizens of Afghanistan, and 9 per cent citizens of Iraq, according to data shown in the UNHCR Global Trends 2015 Forced Displacement report<sup>4</sup>.

More than 80 percent of migrants arrived by sea<sup>5</sup> on the Eastern Mediterranean route, travelling from Turkey to Greece. **From Greece, the route passed through Macedonia, Serbia and Croatia, then to Slovenia, and further on to Austria, following the Western Balkan route.**

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<sup>2</sup> In 2015, the Representative was Mr. Terence Pike, Senior Protection Officer.

<sup>3</sup> The statements and comments expressed in this paper do not reflect the views of the UNHCR. They derive from the author's personal theoretical and practical knowledge acquired while working at the UNHCR, and, prior to that, in various Croatian institutions.

<sup>4</sup> <http://www.unhcr.org/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html?query=Global%20Trends%202015>

<sup>5</sup> <http://www.unhcr.org/news/press/2015/12/567918556/million-refugees-migrants-flee-europe-2015.html>

It is indisputable that the arrival of approximately one million refugees and migrants in Europe has brought into question the viability of the Schengen Area, the asylum system and the reception capacities of some of the EU Member States, and finally it has sped up the reform of the Common European Asylum System.

Nevertheless, according to UNHCR Global Trends 2015 report from 22 December 2015<sup>6</sup>, the majority of refugees from Syria have found refuge in the developing countries neighbouring their country of origin; most notably Turkey (2.5 million), Lebanon (1.1 million), Jordan (628,200).

**The refugee and migrant crisis in Europe, which began in 2015, was the largest Europe refugee crisis since World War II<sup>7</sup>.**

On 16 September 2015, the first group of migrants entered Croatia through the “green border” near Tovarnik. More than 11,000 persons entered in the first 24 hours. On 20 September 2015, a tent settlement in Opatovac opened. It had the capacity to accommodate 4,000 persons. Constant increases in the migrant influx required greater accommodation capacities appropriate for a stay lasting longer than several hours.

For this reason, on 3 November 2015, the Ministry of the Interior opened the Winter Reception and Transit Centre in Slavonski Brod. The camp in Slavonski Brod had the capacity to accommodate up to 5,000 persons. Considering that the migrants were staying in the camp only for a brief time, the assistance that was offered primarily consisted of providing humanitarian aid and meeting basic needs, such as food, water, clothes, footwear, emergency medical services, and personal hygiene products. A tracing service of the Croatian Red Cross was made available.

The Serbian and Croatian Ministers of the Interior<sup>8</sup> made an agreement to transport migrants by train directly from Šid (Serbia) to Slavonski Brod (Croatia) without stopping at the border. They also agreed that the Croatian police would help the Serbian police to board the migrants on trains at the railway station in Šid. The agreement<sup>9</sup> began to be implemented as soon as the

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<sup>6</sup><http://www.unhcr.org/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html?query=Global%20Trends%202015>

<sup>7</sup> <http://www.unhcr.org/news/press/2015/12/567918556/million-refugees-migrants-flee-europe-2015.html>

<sup>8</sup> <http://stari.mup.hr/main.aspx?id=223127>

<sup>9</sup> <https://www.nytimes.com/2015/11/04/world/europe/serbia-croatia-trains-migrants-refugees.html>

camp in Slavonski Brod opened on 3 November 2015. A train from Serbia would arrive every four hours each day.

**Croatia was the first country to organise free transport for migrants**, primarily for their own safety, and to minimise the risks during their journey and during their brief stay in Croatia. I believe that an equally important reason for providing free transport funded from the state budget was the political interest of “not worrying” the public with the fear of potential terror threats or the spread of infectious diseases due to the arrival of a large number of migrants.

The border police, as a part of the General Police Directorate of the Ministry of the Interior, was responsible for the process of registering migrants that entered Croatia from the Republic of Serbia.

Based on their registration, the migrants were handed over the decisions on return, issued by the Tovarnik Police station of the Vukovar-Srijem County Police Administration, under the authority of the Ministry of the Interior. The decisions were issued in accordance with the Foreigners Act<sup>10</sup>, which specifies that a person must leave the European Economic Area, i.e. the Republic of Croatia, within 30 days from the date of delivery of the decision, and later the deadline for voluntary return was reduced to 15, and subsequently to 8 days.

Some of the migrants had a number of documents issued by the authorities in Greece, Macedonia and Serbia. **To this day, data on the number of individuals registered are not publicly available**, i.e. it is unknown how many fingerprints and how much personal data were sent to the Central European Database (Eurodac). During the registration process, the Ministry of the Interior did not wish to disclose information on how the data would be stored and what they would do with data collected.

**Consequently, on 10 December 2015, the European Commission gave an official warning to Croatia, Greece and Italy**, and urged them to correctly implement the Eurodac Regulation<sup>11</sup> which provides for effective fingerprinting of asylum seekers and the transmission of data to the Eurodac central system within 72 hours. By giving an official warning, the European Commission initiated an infringement procedure against the Republic of Croatia.

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<sup>10</sup> [https://www.mup.hr/UserDocsImages/engleska%20verzija/2014/Foreigners\\_Act\\_13.pdf](https://www.mup.hr/UserDocsImages/engleska%20verzija/2014/Foreigners_Act_13.pdf)

<sup>11</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0001:0030:EN:PDF>

Effective implementation of the Eurodac Regulation is essential for the functioning of the Dublin system and the EU relocation schemes. After the official warning, Croatia rectified the infringement. The movements of migrants continued.

A major change occurred in the middle of November 2015, when the differentiation of “migrants from the countries that are not at war” started, as a chain reaction to the same decision made by the Slovenian police, and the Austrian police prior to that. Croatia stopped accepting “economic migrants from countries that are not at war”, and started to separate refugees and migrants in Šid (Serbia) based on their country of origin. Prior to boarding the train, refugees and migrants had to state their final destination. Only those who said that Austria or Germany was their destination could resume their journey. Persons not identified as citizens of Syria, Iraq or Afghanistan were not allowed to resume their journey.

An upheaval occurred on 7 March 2016 at the meeting of the EU Heads of State or Government with Turkey. Along with other measures, the European Commission proposed a plan<sup>12</sup> to re-establish a fully functioning Schengen Area so as to restore order in managing the external and internal borders of the European Union.

**The Western Balkan route was closed on 8 March 2016<sup>13</sup>**, without an explicit official announcement. Subsequently, the number of migrants entering Greece via the Eastern Mediterranean route decreased drastically<sup>14</sup>. The Central Mediterranean route from South Africa to Italy became the main route for entering Europe, as reflected in UNHCR report<sup>15</sup> published on 27 February 2017.

The Winter Reception and Transit Centre in Slavonski Brod officially closed on 15 April 2016. In spite of the closing of the Western Balkans route, migrants are still trying to reach Europe. According to data of the Croatian Ministry of the Interior<sup>16</sup> the number of illegal border crossings increased in 2016 (4 496 in 2016 compared to 3 759 in 2015), with a parallel increase of asylum seekers in 2016 in Croatia<sup>17</sup>.

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<sup>12</sup> <http://www.consilium.europa.eu/en/press/press-releases/2016/03/07-eu-turkey-meeting-statement/>

<sup>13</sup> <http://www.balkaninsight.com/en/article/balkan-migrants-rute-is-no-more-slovenia-declares-03-09-2016-1>

<sup>14</sup> <file:///G:/UNHCRreportHighRisk%2027.02.17..pdf>

<sup>15</sup> <http://www.unhcr.org/news/press/2017/2/58b458654/refugees-migrants-face-heightened-risks-trying-reach-europe-unhcr-report.html>

<sup>16</sup>

<http://stari.mup.hr/UserDocsImages/statistika/2016/Pregled%20sigurnosnih%20pokazatelja%20u%202016.%20godini.pdf>, page 132

<sup>17</sup> Ibid, page 146

In 2016, a total of 1 968 asylum seekers were registered. While this is not a huge number of asylum seekers, it represents a large increase for Croatia compared with 2015 when only 211 persons applied for asylum.

As expected, the number of transfers in accordance with the Dublin Regulation increased after the closing of the Western Balkans route. The largest number of transfers was made from Austria, Switzerland and Germany. Only five persons were returned from Slovenia.

The returns based on the Dublin Regulation in the context of the agreements made on passing through and entering the countries of the European Union are generally questionable. It is unclear how many people there are who entered the countries of the European Union or the Schengen Area via an organised route that could be returned to Croatia based on the Dublin Regulation. The dilemma on whether the Dublin Regulation can be applied to persons who, as part of the refugee wave, were passing through the EU Member States via the Western Balkans route with the permission of authorities, i.e. lawfully, will be resolved by the European Court of Justice, following a request submitted in September 2016 by the Supreme Court of the Republic of Slovenia<sup>18</sup> for a preliminary ruling.

A variety of measures by the European Union has led to an improvement in the situation in Greece since 2015. Consequently, when the European Commission reported on progress made under the European Agenda on Migration on 8 December 2016<sup>19</sup>, it also announced that the Member States of the European Union could begin the gradual return of asylum seekers to Greece, starting from the middle of March 2017, in accordance with the Dublin Regulation. The European Commission recommends introducing the transfers gradually, meaning that asylum seekers need to be transferred only if the Greek authorities provide individual guarantees for each asylum seeker that they will be accommodated in an appropriate reception centre, and that they will be treated in accordance with the standards determined by the legislation of the European Union.

The European Commission wishes to reform the existing common asylum system and to introduce elements that will ensure greater solidarity and fairer distribution of refugees among the Member States. Even if the EU Member States provide more opportunities to citizens of third countries to enter the EU legally, and to stay and work there, I believe that the less

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<sup>18</sup> <http://www.asylumlawdatabase.eu/en/content/cjeu-request-preliminary-ruling-urgent-procedure-supreme-court-republic-slovenia-c-49016-13>

<sup>19</sup> [http://europa.eu/rapid/press-release\\_IP-16-4281\\_en.htm](http://europa.eu/rapid/press-release_IP-16-4281_en.htm)

developed countries in Europe, which have a lower standard of living, such as Croatia will remain the transit countries for refugees and economic migrants.

Considering the introduction of the enhanced measures to control both the external and internal borders of the European Union, the question is how to ensure access to the territory and asylum system for individuals seeking asylum, and how to monitor if the countries are meeting their international obligations. This is also an important question for Croatia, which has the longest external land border<sup>20</sup> of the European Union, with a total of 1,377 km, dividing the EU from the non-EU states of Serbia, Bosnia and Herzegovina, and Montenegro.

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<sup>20</sup> [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Annual\\_Risk\\_Analysis\\_2013.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2013.pdf); page 61