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Amnesty International Report 2017/18 - The State of the World's Human Rights - Croatia

Discrimination against ethnic and sexual minorities persisted. Refugees and migrants entering irregularly were returned without access to an effective asylum process. Croatia accepted less than a 10th of the refugees and asylum-seekers it had committed to relocate and resettle under EU schemes. Access to abortion remained restricted.

Crimes under international law

Of the over 6,000 people who went missing during the 1991-1995 war, the fate and whereabouts of more than 1,500 remained unclarified. The International Commission on Missing Persons reported that Croatia failed to make significant steps towards fulfilling the rights to truth, justice and reparation for victims, including by failing to account for over 900 unidentified mortal remains in its mortuaries.

Discrimination

Discrimination against ethnic and sexual minorities remained widespread.

Civil society organizations criticized new government proposals for a national strategy and action plan to fight discrimination that were presented in March. The policies subsequently adopted by the government in December failed to reflect and adequately address human rights violations faced by Serbs, Roma and sexual minorities.

In February, the European Court of Human Rights found in *Škorjanec v. Croatia* that the authorities had failed to guarantee the applicant's right to be free from torture and other inhuman or degrading treatment by failing to adequately investigate and prosecute the racist motives of the assailants who violently attacked and beat the applicant and her partner, who is Roma, in 2013.

Refugees and asylum-seekers

Croatia continued to return to Serbia refugees and migrants who entered the country irregularly, without granting them access to an effective asylum process. These push-backs by police, sometimes from deep inside Croatian territory, routinely involved coercion, intimidation, confiscation or destruction of private valuables and the disproportionate use of force by the police.

In July, the Court of Justice of the European Union ruled that Croatia had acted against the rules of the Dublin Regulation (which defines which EU member state has the obligation to evaluate the asylum claims) by allowing transit for refugees and migrants through the country in 2015 without examining applications for international protection.

The NGO Centre for Peace Studies documented that between January and April, at least 30 asylum applications – including those from families with children – had been dismissed on the grounds of “security concerns” during a routine security check carried out by the Security and Intelligence Agency as part of the asylum process. The notes of these applications were marked as “classified” and could not be seen and thus could not be rebutted or challenged on appeal by those seeking asylum or their legal representatives. Cases with classified notes led to an automatic rejection by the Ministry of Interior. Subsequently, the failed asylum-seekers were at risk of expulsion from the country and at heightened risk of *refoulement* – a measure forcing an individual to return to a country where they would risk serious human rights violations.

Unaccompanied minors represented a quarter of all asylum-seekers in the country. By the end of the year, fewer than 200 asylum-seekers had been granted international protection.

Croatia committed to accept 1,600 refugees and asylum-seekers under the EU resettlement and relocation schemes by the end of the year; by mid-November, fewer than 100 people had been relocated, and none had been resettled.

In June, amendments introduced to the Law on Foreigners forbade the provision of assistance in accessing basic needs, such as housing, health, sanitation or food, to foreign nationals irregularly residing in Croatia, except in cases of medical and humanitarian emergencies or life-threatening situations.

Violence against women and girls

The criminal justice system continued to fail many victims of domestic abuse by routinely treating abuse as a minor offence.

In June, the European Court of Human Rights found in *Ž.B. v. Croatia* that the authorities violated the right to respect for private and family life of a victim of multiple instances of domestic violence. The authorities had failed to criminally prosecute the alleged perpetrator and establish the facts, suggesting that the victim should have acted by herself as a subsidiary prosecutor and pursued private prosecution.

Croatia had yet to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence.

Right to health

In April, the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health noted with concern the renewed and pending revision of the 1978 Act on Health Care Measures for Exercising the Right to a Free Decision on Giving Birth, which could potentially restrict access to abortion. Individual doctors, and in some cases health care institutions, continued to refuse abortions on grounds of conscience, forcing women to undergo clandestine and unsafe abortions. In March, the Constitutional Court ruled against a challenge seeking the 1978 Act to be declared unconstitutional and called on the national assembly to refrain from adopting any laws which would effectively ban abortions. In pharmacies, women and girls continued to be assessed against a questionnaire for which they had to reveal personal information about their sexual behaviour and reproductive health as a condition of accessing emergency contraceptives that were available without prescription, in violation of their right to privacy.

Roma children and women continued to be disadvantaged in accessing health care, and one fifth of this group lacked access to it altogether.

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