



PROJEKT GRAĐANSKIH PRAVA Civil Rights Project

MINUTES OF THE SECOND MEETING "COORDINATIONS FOR STATELESSNESS IN THE REPUBLIC OF CROATIA"

On October 23, 2020, the second meeting of the Coordination for Statelessness was held through the online platform webex.

The meeting was attended by members of the Coordination: on behalf of the Office of the Ombudsman, Deputy Maja Kević and Tena Šimonović Einwalter, and advisors Igor Lekić and Monika Čavlović, on behalf of UNHCR Croatia, Indira Beganović, Jan Kapić and Kristina Benić Belavić, Višnja Stanić Šajatović on behalf of the Ministry of Interior, representatives of the National Migration Network Lidija Pentavec and Zvonimir Vrbljanin, Aleksa Đokić and Dženana Kalamujić on behalf of the Office for Human Rights and the Rights of National Minorities, Ivana Perkušić on behalf of the Center for Peace Osijek, Roma Association Kali Sara and guests, Professor Aleksandar Maršavelski of the Faculty of Law, University of Zagreb, in front of the Embassy of the Republic of Serbia in Zagreb Snežana Trkulja and Dr. Vladimir Đerić, lawyer from Belgrade, as well as by Chris Nash, Director of the European Network for Statelessness (ENS).

Milana Kreća, President of CRP Sisak, opened the meeting. In her presentation, she referred to the statelessness project that CRP is implementing as an implementing partner of UNHCR. She pointed out that since the last Coordination meeting, the project has provided legal assistance to 500 people, including administrative and court cases, and that the association provided comprehensive legal assistance during the lockdown in March and April this year due to the coronavirus pandemic taking care of all epidemiological measures. She mentioned the successful cooperation between CRP Sisak and the Ministry of the Interior, within which the case of a stateless person who had lived without citizenship for 34 years had been resolved. She emphasized the latest amendments to the Croatian Citizenship Act (CCA), which entered into force on 1 January 2020. The same Act adopted a joint comment of UNHCR and CRP Sisak regarding the retention of the previously existing Article 5, paragraph 2, which in the new Act became the paragraph 3 of the said article, and for which the legislator proposed deletion. It is about a person that acquires Croatian citizenship if he/she was born abroad and whose one parent is a Croatian citizen at the time of birth, if she/he would otherwise remain stateless. Finally, Milana Kreća mentioned the conclusions and recommendations adopted at the first meeting of the Coordination for Statelessness. Most of that were implemented, except for participating in the Working Group of the Commission for Monitoring the National Strategy for Roma Inclusion, 2013-2020, to represent the Coordination. Here, the Government Office for Human Rights and the Rights of National Minorities replied that the Coordination could be able to participate in the next convocation of the Working Group of the new convocation of the Commission regarding the new national strategy.

The next speaker was **Chris Nash** from the European Network for Statelessness, presented the work of this network. There are 140 members, including CRP Sisak. He welcomed the membership of CRP and stressed the importance of direct legal assistance provided by the association and the work on strategic litigation with an emphasis on the case of Hoti vs. Croatia. He added the importance of supporting stateless persons during a coronavirus pandemic, especially due to the inability to exercise the right to health care. The Coordination for statelessness is exactly the way we will protect these people through cooperation. He commented on the importance of the Stateless Index for Croatia, which will be published in early 2021. The index aims to show how states protect stateless persons and what they do to reduce and prevent new cases. CRP also participated in the development of the Index for Croatia.

Indira Beganović, Head of the Protection of UNHCR Croatia, presented the Action Plan for Ending Statelessness through the IBelong campaign. The plan is elaborated in 10 points that need to be addressed. Some of the most important points are that no child is born as a stateless person, facilitation of birth, accession to UN conventions. Statelessness is a critical and global issue, and the big challenge is accurate numbers because these people live on the margins of society. It is estimated that there are 4 million stateless people in the world, while the real figure is higher. The situation with COVID-19 shows that we must make joint efforts to protect these people, and it will continue to be done through the statelessness project. The presentation of the Analysis of the Legal Framework for Stateless Persons and Persons at Risk of Statelessness in Croatia by Frane Staničić, a professor at the Faculty of Law, University of Zagreb, which was prepared as part of advocacy activities within the statelessness mandate, will soon be organized.

Višnja Stanić Šajatović, Ministry of the Interior, Directorate for Immigration, Citizenship and Administrative Affairs presented the legal framework for regulating Croatian citizenship and stressed that the new Foreigners Act should enter into force on 1 January 2021. Regarding the first coordination meeting, she praised the work of the coordination and pointed out that progress had been made in resolving the issue of persons at risk of losing citizenship that have regulated citizenship of BiH and Serbia, but cannot obtain a travel document due to their identity in the Republic of Croatia. Here, the Embassy of the Republic of Serbia from Zagreb invited the Ministry of the Interior of the Republic of Croatia to comment on establishing identity in the procedures of regulating the status in the Republic of Croatia after the Office of the Ombudsman sent letters to the Ombudsman of BiH and Serbia. We can conclude that further development of solving this problem is awaited. Analysis of the legal framework of professor Staničić was also included in the presentation as a legal framework for determining the status of statelessness. Referring to it, Višnja Stanić Šajatović concluded that Croatia had a framework for determining the stateless status that is resolved within submitting of request for temporary residence as a preliminary issue, and that another body other than the one conducting the procedure in the country where the person last resided is competent to resolve that issue. Namely, that person has to prove her/his status before the court. As an example, she cites the state of Italy, which has a legally regulated procedure for determining statelessness before a competent court. In the end, she mentioned that the Ministry of the Interior of the Republic of Croatia was willing to participate in all trainings organized by the UNHCR, as it has done so far.

Tena Šimonović Einwalter, Office of the Ombudsman, Deputy Ombudsman prepared a presentation entitled "Anti-discrimination policy in the Republic of Croatia, citizenship, statelessness and discrimination." The presentation talks about intersectional discrimination as a set of all aggravating factors of vulnerable groups due to which they are discriminated against, mostly this applies to Roma. Furthermore, Croatia has not opted to legally regulate citizenship as one of the grounds for discrimination. In this regard, the Anti-Discrimination Act in force does not provide for discrimination on the grounds of citizenship. It was the ECRI report for Croatia from 2012 that recommended the authorities to change the latter by adding citizenship as a basis for discrimination to our law, and the same was repeated in their report for 2018. Regarding the statistics of stateless persons, the presentation mentions figures from two publications; "Roma everyday life in Croatia: opportunities and obstacles for change", 2011, and "Inclusion of Roma in Croatian society - research of basic data", 2018, which shows that although these are smaller numbers, they have been constant for years and require solving. Roma women are under-represented in public policies, which is why the Ombudsman's Office will advocate, within the membership in working groups for the development of strategic documents, designed measures that identify problems and approach them in a coordinated manner.

The last item on the agenda within the topic Other Issues and Conclusions was opened by the legal opinion of **Aleksandar Maršavelski**, Professor at the Faculty of Law, University of Zagreb on the Croatian Citizenship Act, which is in force since 1 January 2020. It is about the Article 5 of this Act. It now applies only to persons born after 8 October 1991, which is inconsistent with the Act on Croatian Citizenship which was previously applied, and whose Article 5 referred to persons who were minor, under age of 18, on October 8, 1991. Based on the latter, prof. Maršavelski proposes an amendment to the Article 19 of the Rule book on the content and manner of keeping records on citizenship, form and price of the birth certificate form, which is necessary in order to eliminate doubts in the application of Article 5 paragraph 2 of the Croatian Citizenship Act. This topic aroused the interest of most stakeholders of the meeting, including the Office of the Ombudsman. **Igor Lekić**, advisor of this office, noted that this article should have been conceptually applied to all persons without restrictions before the vote. It was decided that a meeting would be convened specifically on this topic.

Conclusions:

- Continuation of work on resolving the issue of establishing the identity of third-country nationals, with emphasis on Serbia and Bosnia and Herzegovina.
- Consider the fact of non-existence of citizenship as a discriminatory basis and possibly initiate relevant changes.
- Convene the next Coordination meeting on a specific topic related to statelessness to be discussed and draw constructive conclusions for the work of relevant Coordination stakeholders.