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Support to promotion of reciprocal understanding
between the European
Union and the Western Balkans

National report

JUSTICE AND HOME AFFAIRS

under

The Specific Grant Agreement RELEX I-2 190202 REG 4-14

Stjepan Gluščić (M.Sc, Police College, Zagreb)

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Introductory remarks on organized crime

No relevant research of the occurrence of organized crime was conducted in the Republic of Croatia to date, and the evaluation of the current status can be based on the analysis of collected intelligence data on organized crime, data collected by the police during operative work, as well as actual crime investigation, and the data of the State Attorney's Office relating to persons charged with or convicted of criminal offence in the field of organized crime. Organized crime in the Republic of Croatia is to a significant degree determined by three factors: geopolitical location, comprehensive transitional processes and the consequences of the break-up of former Yugoslavia.

The structure of the types of criminal offences committed by organized crime in Croatia reveals a number of areas in which organized groups operate, such as smuggling narcotics, weapons, people, high-tariff products; extortion, blackmail;

forced protection - racketeering; corruption; threats; even murder. In addition to that, they begin to invest the illegally acquired assets-money-in attractive real estate and certain economic activities. It can be said that in Croatia today the "white collar" crime becomes increasingly common, with the basic intention of investing illegally acquired capital in order to gain economic and political power.

However, the most significant and the most common in the Republic of Croatia remain traditional types of organized crime: illegal migrations, smuggling narcotics, smuggling and illegal sale of weapons, and counterfeiting and distributing counterfeit money.

The data supplied by the Office for Fighting Corruption and Organized Crime for 2002 reveals that the main purpose of criminal groups was illegal transfer of people across the border.¹

1. Most other data in the text also end with the year 2002, due to the availability of official information.

Purpose of organization	Number of groups	%
Illegal transfer of people across the border	5	17.9%
Car theft	4	14.3%
Forging money and securities	3	10.7%
International prostitution	2	7.1%
Illegal trading of weapons	2	7.1%
Forging documents	1	3.6%
Illegal trading with cigarettes	2	7.1%
Forging and fraud	2	7.1%
Illegal imports	2	7.1%
Other	1	3.6%
Total	24	100%

As a specific and extremely important problem in fighting all kinds of criminal offences, the issue of corruption needs to be stressed. The assessments on the prevalence of corruption indicate that it is indeed a true problem of the Republic of Croatia. Statistical data² for the year 2003 reveal a fairly small number of persons charged for and convicted of corruption-related criminal offences, while public opinion polls show that citizens believe corruption to be a wide-spread phenomenon (extremely wide-spread 65.8%, wide-spread 32.9%), and that they condemn it (from 54% to 82%).

Statistical indicators for the 1992/1997 period reveal³ the total of 3,316 reported criminal offences. In that period, 1,408 were prosecuted, and 570 persons were convicted (final judgement). Thus there is a kind of filtering of corruption-related cases in the course of criminal proceedings, whereby 17.2% of reported crimes

lead to convictions, while only 13 or 0.039% end with an unconditional prison sentence prescribed for such an offence.

The analysis of the structure of corruption-related criminal offences (concluding a damaging agreement, unauthorized revealing and acquiring of business secrets, abuse of power and authority, abuse of governmental powers, illegal mediation, accepting bribe payments, offering bribe payments and revealing official secrets) in the 1998 - 2003 period reveals a tendency of growth until the year 2000, when there is a symmetrical decrease by the year 2003.⁴ That corresponds to the general tendency of increase and decrease of the total number of economic criminal offences in the above-mentioned period.

In the area of illegal migrations (including trafficking and smuggling people) Croatia is usually defined as a transit country; however, there are

2. Action Plan for Fighting Organized Crime

3. National Plan for Fighting Corruption and statistical data analyses from the Office for Fighting Corruption and Organized Crime.

4. National Plan for Fighting Organized Crime and National Plan for Fighting Corruption

indicators revealing that Croatia is becoming the country of origin as well as the destination country. Data on illegal migrations show the fluctuation of the number of discovered illegal entries in Croatia, and as an example

we can give the following numbers: in 1999 12,314 illegal crossings of the state border with the goal of reaching the EU countries were discovered; in 2000, there were 24,180, and in 2001 there were 17,038.

Legal and institutional framework for fighting organized crime

Legal framework for fighting organized crime is set by the international and local legislation of the organizations of which the Republic of Croatia is a member.

As regards the international law, it shall be stressed here that the Republic of Croatia is a party to all relevant UN conventions and protocols, as well as international agreements on fighting crime passed by the Council of Europe (not specifically listed here).

Local legislation in the area of fighting organized crime as well as illegal migrations, and especially trafficking, follows international documents and contains all legal instruments required for successful fight against organized crime. The basic legal framework for fighting organized crime comprises the following acts:

- Criminal Code (Official Gazette nos. 110/97, 27/98, 50/00, 51/01, 105/04)
- Criminal Procedure Act (Official Gazette nos. 110/97, 58/99, 12/99, 58/02)
- Act on the Office for Fighting Corruption and Organized Crime (Official Gazette nos. 88/01 and 12/02)
- Act on Prevention of Money Laundering (Official Gazette nos. 69/97, 106/97, 67/01, 114/01)
- Act on the Liability of Legal Persons for Criminal Offences (Official Gazette no. 151/03)
- Act on the Prevention of the

Conflict of Interests on Performance of Public Duties (Official Gazette no. 163/03)

- Witness Protection Act (Official Gazette no. 163/03).

The attitudes of Croatian Government on organized crime, as well as of the Ministries in charge of the area, are given in the "National Plans" and "Operative Guidelines" for each particular segment of the problem area, and per institution. We shall list here the following national programs passed by the Government of the Republic of Croatia and the relevant Ministries:

- National Plan for Fighting Corruption (adopted in 2001)
- National Plan for Fighting Trafficking (adopted in 2002)
- National Plan for Fighting Organized Crime (adopted in September 2004)
- Program Guidelines of the Ministry of the Interior for the period 2004 - 2007
- Annual guidelines for the operation of the intelligence service of the Republic of Croatia (adopted on July 21, 2003)
- Special Action Plan for Fighting Organized Crime (adopted in November 2003)
- National Program of the Republic of Croatia for EU Accession (Official Gazette no. 37/04).

The Criminal Code adopted in 1997 defined the terms organized group, criminal organization, and criminal association. Article 89, paragraph 22 gives a definition of an organized group, and paragraph 23 defines the term criminal organization. Article 333 of the Criminal Code incriminates association for the purpose of committing criminal offences, more precisely affiliation to a group or a criminal organization formed for the purpose of criminal activity. The last amendments to the Criminal Code of the Republic of Croatia (Official Gazette no. 105/04), in accordance with Articles 2 and 5 of the UN Convention on trans-

national organized crime, redefined the term criminal organization as well as trafficking and slavery in Article 175. Criminal offences incriminating corruption are the following: illegal mediation, Article 343; offering bribe payments, Article 348; accepting bribe payments, Article 347; and abuse of governmental powers, Article 338.

The movements and residence of foreigners in the Republic of Croatia, and their rights and obligations are regulated by: Asylum Act (Official Gazette no. 103/03), Foreigners Act (Official Gazette no. 109/03), and the State Border Surveillance Act (Official Gazette no. 172/03).

Institutions in charge of fighting organized crime

The following bodies are in charge of fighting organized crime:

- Office for Fighting Corruption and Organized Crime
- Office for Prevention of Money Laundry
- Ministry of the Interior
- Intelligence services (Counter-intelligence agency)
- Ministry of Finance, particularly the Customs Administration, Foreign Exchange Inspectorate, and Tax Administration

The Ministry of the Interior is primarily in charge of migrations, and divides

them into legal and illegal migrations, where legal migrations are under the authority of the Directorate for Inspection and Administrative Affairs, Asylum and Foreigners Department, and Section for Foreigners' Status Issues, while illegal migrations are under the authority of the Border Directorate, and Illegal Migrations Department. The migrations policy is controlled by the Parliament of the Republic of Croatia, pursuant to the provisions of the Foreigners Act. Every two years, the Parliament expresses its attitudes on the issue by defining the rules of procedure as well as the needs for the amendments to the existing legislation.

Asylum

Legal framework

The right to asylum in the Republic of Croatia is guaranteed by Article 33 of the Constitution of the Republic of Croatia (Official Gazette 41/01 - corrected text and 55/01 - corrected version) providing foreign citizens without citizenship asylum in the Republic of Croatia, provided that there have not been prosecuted for non-political crimes and offences contrary to the basic principles of international law. Foreigners legally residing on the territory of the Republic of Croatia shall not be banished or extradited to another country, except when a resolution passed in accordance with an international agreement or law needs to be executed.

Further and concrete development of the asylum issue is defined in the Asylum Act (Official Gazette no. 103/03), elaborat-

ing the following:

- Who is entitled to asylum in the Republic of Croatia and under which conditions,
- Bodies relevant for making decisions on asylum, deadlines and the course of the procedure before those bodies,
- Rights and obligations of asylum seekers,
- Certificates and documents issued to asylum seekers and asylees,
- Temporary protection as a special type of protection,
- Conditions and procedure for revoking the asylum seeker status, and the cessation of temporary protection of an alien in the Republic of Croatia.

The notion of asylum, persons and conditions for getting asylum

Asylum is a shelter received by a refugee in the Republic of Croatia pursuant to a resolution of a relevant body meeting his/her request for asylum for the reasons stated in the Act. A foreigner is a person who does not have Croatian citizenship (foreign citizen as well as a stateless person), while a refugee is a person defined by the 1951 Convention on the Status of Refugees and the 1967 Protocol on the Status of Refugees (hereinafter: The Geneva Convention and The Protocol), or rather all persons who do not reside in the country of their origin, and, for a grounded fear of persecution for their race, religion,

nationality, affiliation to a particular social group or political belief cannot, or due to that fear do not wish to apply for protection of that country, as well as stateless persons residing outside the country of previous residence who cannot, or due to that fear do not wish to return to that country. Asylum shall be given to an alien residing outside the country of his/her origin who, for a grounded fear of persecution for their race, religion, nationality, affiliation to a particular social group or political belief cannot, or due to the above-mentioned fear do not wish to apply for protection of their country. Additionally, this right shall

be granted to a stateless person residing outside the country of his/her previous residence, who cannot, or due to that fear does not wish to return to the country of his/her previous residence.

Asylum shall not be granted to a person for whom the collected data imply:

1. That he/she has committed a crime against peace, a war crime or a crime against humanity as defined by international documents and their provisions referring to such crimes,
2. that he/she has committed a serious non-political criminal offence outside the Republic of Croatia before his/her arrival to the Republic of Croatia,
3. That he/she has participated in planning, financing, organizing, or in any way assisting or executing terrorist activities or giving shelter to the participants in such activities,
4. That he/she has committed acts contrary to the goals and principles of the United Nations,
5. That the alien is currently under protection of, or getting assistance from the United Nations bodies of agencies, the Office of the High Commissioner for Refugees (UNHCR) excluded, while receiving such protection,
6. That a person was given the same rights and obligations as the citizens of the Republic of Croatia by the relevant bodies.

Bodies with competence in decision-making on asylum, deadlines and the procedure before those bodies

Bodies with competence over decision-making on a request are the Ministry of the Interior and the Governmental Commission for Resolving the Requests of Asylum Seekers and Asylees. The Ministry

of the Interior is the body of first instance, while the Commission is the appellate body. An administrative suit can be filed before the Administrative court appealing against the decision of the Commission.

An alien files a request for asylum in the Centre for Asylum Seekers. The intention to file a request can be stated during border control at the border crossing. If an alien is already on the territory of the Republic of Croatia, he/she can state the intention to file a request in any police department or police station. Each request for protection from persecution is considered a statement of the intent to file a request for asylum.

The asylum seeker shall be given the opportunity to file a request for asylum as soon as possible, and shall be familiarised with the procedure for obtaining asylum, with the rights and duties he/she has during the procedure, as well as the possibility of contacting and getting free legal assistance from the representatives of the UNHCR and the representatives of other organizations protecting the rights of the refugees.

Having filed a request for asylum, the alien is placed in the Centre for the duration of the asylum granting procedure. If an asylum seeker (alien) has funds for his/her upkeep, or if his/her accommodation and care have been secured otherwise, the Ministry of the Interior shall, after a seven-day stay in the Centre, decide on his/her placement outside the Centre.

Having obtained the verified data relevant for making a decision, the Ministry of the Interior shall pass a decision on the request for asylum. The decision is passed in the form of a conclusion. In the event it is concluded that the request has been denied, the asylum seeker may file an appeal to the Commission within eight days.

The Commission shall pass a decision within 30 days of the receipt of the appeal. An administrative suit may be filed against the decision of the Commission.

A request for asylum can be granted or denied. A request is denied if the asylum seeker comes from a safe third country, if he/she has been denied or refused a request for asylum in Croatia before, or if the procedure has been suspended, and he/she did not give evidence to prove that the consequences in which the previous request was grounded have significantly changed in the meantime.

A request shall be denied if an asylum seeker does not meet the requirements for the recognition of the right to asylum, if there is a reason which directly prevents that pursuant to law, if a request is clearly ungrounded, or if an asylum seeker is also a citizen of a third country whose protection he did not apply for.

A clearly ungrounded request is considered to be a request which clearly does not have credibility, or a statement of the asylum seeker which is contradictory and inconsistent; or lacking content; or if an asylum seeker does not provide any signs that he/she would be in fear of persecution; or if an asylum seeker came to the Republic of Croatia for economic reasons exclusively; or if an asylum seeker was able to receive efficient protection in some other part of his own country; or if, having in mind the general political circumstances, legal situation or implementation of the law in the country of origin, it can generally be considered that there cannot be fear of persecution; or if an asylum seeker has been denied asylum in another country implementing the provisions of the Geneva Convention, and the circumstances on which the request is grounded have not changed; and if a request is based on an intentional fraud or abuse of the asylum procedure.

Rights and obligations of asylum seekers

The Asylum Act states the rights and obligations of asylum seekers and asylees, where they primarily refer to secur-

ing the minimum of living conditions and the minimum an asylum seeker is entitled to during the procedure, which is a precondition for understanding the procedure for obtaining asylum, and actively participating in it. The Act clearly states that an asylum seeker is entitled to basic living conditions including accommodation, food, financial assistance, health care, assistance with the basic toiletries, and to different kinds of humanitarian aid. The above rights shall be exercised in accordance with the means the Republic of Croatia has available. The asylees are entitled to: residence, accommodation, work, health care, education, freedom of religion and religious education of their children, joining the immediate family together, access to courts and legal help, financial assistance and assistance with integration in social life. Obligations of asylum seekers are the following: to respond when summoned by the Ministry of the Interior and cooperate during the entire procedure of asylum recognition; to report to the Ministry of the Interior within 3 days in the event of change of address; to comply with the instructions and measures of the Ministry of the Interior on the limitation of the freedom of movement; to undergo measures for determination of identity; and not to leave the Republic of Croatia for the duration of the asylum recognition procedure.

The obligations of the asylees are the following: to comply with the Constitution, laws and other regulations of the Republic of Croatia, and report the change of address to the Ministry of the Interior within 8 days of the change.

Receipts and documents issued to asylum seekers and asylees

The Ministry of the Interior shall issue a receipt on filing a request for asylum and an asylum seeker identity card. The asylee is issued an asylee travel document (upon his/her request), an asylee identity card, and a visa (upon his/her request).

Temporary protection as a specific type of protection

Temporary protection is protection provided the aliens (in the Republic of Croatia) whom their country of origin is not ready or not able to protect. Temporary protection may last up to three years. The reasons for granting temporary protection are a state of war or similar state of violence or internal conflict which caused the violation of human rights, and the inability of the country a person is coming from to provide protection. In addition to these general conditions, the persons are also required to have had permanent or temporary residence in the country with the above described danger, before the conditions due to which they are asking for protection occurred, and that they have arrived to Croatia due to the above described immediate danger; or that they had a legal residence in the Republic of Croatia at the time such events occurred, and therefore cannot return to their country. A person who has been granted temporary protection is entitled to residence in the Republic of Croatia, basic living conditions and accommodation, health care, elementary and high school education, legal assistance, and freedom of religion.

The conditions and the procedure for revoking the asylee status and termination of temporary protection of aliens in the Republic of Croatia

The Ministry of the Interior shall revoke the asylee status when the asylee voluntarily submits to the protection of his/her country of origin or another country wherein he/she has previously resided, or obtains citizenship and enjoys the protection of the country whose citizenship he/she has obtained, or if the circumstances based on which he/she was granted asylee status change, or if he/she does not observe the ban on engaging in political activity, or when he/she emigrated from the Republic of Croatia with the written statement of emigration, or when he/she resides outside the Republic of Croatia longer than 90 days without notifying the Ministry of the Interior, or if he has been banished, or if it has subsequently been established that he/she has acquired the asylee status through false presentation of facts essential for acquiring such status.

Institutional framework

Introducing the asylum system in the Republic of Croatia and its efficient implementation using efficient legal instruments presupposes the reform of the existing institutions and the establishment of new ones. The state administration body in charge of resolving the requests for asylum is the Ministry of the Interior, Directorate for Inspection and Administrative Affairs, Foreigners and Asylum Department, Asylum Section.

In order to secure successful implementation of the Asylum Act it shall be necessary to increase the number of employees at the headquarters of the Ministry of the Interior, because the Act demands that the asylum granting procedure be carried out in the Ministry headquarters. Based on the currently available data, 20 additional staff members will have to be employed, 15 with a university degree and 5 with a high school degree. In addi-

tion to the officers who are to decide on the request for asylum, efficient implementation of the Act requires an expert team to look after the asylum seekers in the course of the procedure, for example: interpreters, a psychologist, a medical doctor, social workers, etc. The above stated number of officers shall meet the needs in the initial stage of the application of the Act, and shall have to be increased in later stages, depending on the number of requests for asylum.

An administrative suit can be filed against the decision of the Ministry of the Interior, and the Asylum Act provides for urgent resolution of asylum-related administrative suits; therefore, it shall be necessary to increase the number of judges at the Administrative Court as well.

It should be pointed out that new human resources shall have to be educated and trained for the performance of the above described asylum-related matters.

As regards establishing new institutions, the Asylum Act provides for the establishment of the Centre for Asylum Seekers, as well as organizational units of the Ministry of the Interior that would secure emergency care, accommodation and basic care until the end of the procedure.

An Information and Documentation Centre shall also have to be established, which shall systematically collect, process and sys-

tematize all available data on the countries of origin of asylum seekers, which shall be essential for the procedure for granting asylum.

Education

Education of police officers shall be conducted through schooling at the Police Academy (four-year and two-year police college), seminars and courses, as well as through different types of specialist education. In addition to the above list, education shall be conducted through seminars organized by international organizations and the Council of Europe. The most important educational program at the moment is being conducted within the CARDS Twinning Project - the Asylum Reform.

The content of education - the Asylum Reform is:

- Development of an in-service training competence,
- Accommodation, integration and return,
- In-service training measures in the area of asylum and aliens management (with sub content: Coaching in Interview Techniques and practical help in asylum process)

The project starts in March 2003 and has been planned for the duration of 16 months.

Financial requirements

Since the Asylum Act completely and systematically regulated the asylum system in the Republic of Croatia for the first time, the implementation of the Act shall require additional funds from the state budget. According to the forecasts of the Ministry of the Interior, an expert exponent in the design of the Asylum Act, the initial stage of the Act implementation shall require

HRK 7.3 million from the State Budget, as follows:

- For employment of additional staff members, it shall be necessary to provide HRK 1.6 million annually.
- New records on the IT system of the Ministry of the Interior shall have to be formed, as well as IT networking, databases, and the

documentation centre; all necessary IT equipment, and appropriate applications shall have to be acquired, as well as a photographic studio for signaletic photography, a dactyloscopic unit with appurtenant equipment. It is estimated that HRK 3.5 million shall be required for the above.

- The design of the required forms, receipts, travel documentation and identity cards for asylum seekers and asylees, as well as for the design of information leaflets and other materials required to make asylum seekers familiar with their rights and obligations in the Republic of Croatia, shall in the initial stage require HRK 200,000.
- Before the beginning of the application of the Act, it shall be necessary to secure funds for the establishment of the Centre for Asylum Seekers which would, in the initial stage, provide emergency care for 200 asylum seekers. The renovation of the facility which is to hold the Centre shall require HRK 1 million from the State Budget. It is estimated that it shall

be necessary to provide HRK 1 million annually for emergency care and accommodation of about 200 asylum seekers in the Centre (which includes cost of food, utilities and toiletries, as well as facility maintenance). Here it should be taken into account that it is expected that jobs preparing food and cleaning the facilities shall be outsourced.

- In addition to that, an increase of Administrative Court workload is expected. It shall be necessary to secure funds for exercising the rights the asylum seekers are entitled to (primary health care, financial and legal assistance), the asylees are entitled to (right to work, health care, education, financial assistance, assistance with integration in the social life and the right to join the immediate family together), as well as the rights the persons who have been approved temporary protection are entitled to (basic living conditions, accommodation, right to work, primary health care, education and legal assistance).

EU Financial and technical support

Within the CARDS program (Community Assistance for Reconstruction, Development and Stabilization) the European Union provides support to the comprehensive economic and social development of Croatia, and is providing assistance to Croatia in meeting the obligations taken over in the Stabilization and Association Agreement. The funds the EU is allocating to the CARDS program in Croatia for the 2001-

2004 period amount to 255 million euro. Croatia is also using a regional CARDS program to which the EU has allocated 104 million euro in the 2001-2004 period.

Since March 2003, the European Commission has been providing financial support to the asylum reform in Croatia within the CARDS 2001 Project in the amount of 2.1 million euro, comprising three components:

- Twinning project with the German Federal Office for Refugees and the Slovene state administration (1.1 million euro)
 - Procurement of equipment required for the establishment of a documentation centre with data on the country of origin, as well as for the Ministry of the Interior/the Centre (0.3 million euro)
 - Renovation of the Asylum Centre (0.8 million euro). The Ministry of the Interior shall co-finance the reconstruction of the Centre in Stubička Slatina in the amount of 0.8 million euro.
- The CARDS 2004 project (1 million euro) shall provide additional support to the asylum reform in Croatia.
- Finally, the European Commission provides support to the regional CARDS 2002 program (1 million euro) related to the issues of asylum, migrations and visas for the 5 countries of the Western Balkans (Albania, Bosnia and Herzegovina, Croatia, Macedonia, and Serbia and Montenegro).

Education

Education of police officers shall be conducted through schooling at the Police Academy (four-year and two-year police college), seminars and courses, as well as through different types of specialist education. In addition to the above listed, the education shall be conducted through seminars organized by international organizations and the Council of Europe.

Migrations

Legal framework

The status issues of foreigners in the Republic of Croatia are regulated by the Foreigners Act (Official Gazette no. 109/03). Prior to the passage of the Act, the above mentioned issued were regulated by the Act on Movements and Residence of Foreigners (Official Gazette nos. 53/91, 26/03 and 29/94) which was further elaborated in the Regulations on the Method for Issuing Documents and Visas, and on the forms used for the documents and visas (Official Gazette nos. 54/91 and 4/97). The Foreigners Employment Act (Official Gazette no. 19/92) and the Instructions for Issuing Work Permits to Foreigners (Official Gazette no. 82/96) regulated employment and work of foreigners in the Republic of Croatia.

The Foreigners Act separates the issue of the visa regime and that of the residence permits and work permits. It also defines the business permit, and specifically defines the category of foreigners and the conditions under which they can be forcibly removed. It also provides for the concept of retaining foreigners as well as forcibly retaining foreigners in the Centre. The Act regulates that migration policy shall be defined by the Croatian Parliament every two years, and based on a clearly defined migration policy it shall be possible to assess the need to pass new, or amend the effective legislation. It should also be said that the new Foreigners Act has been

aligned with the 1990 Schengen Convention to the highest possible degree, taking as a starting point the current status and the status of the Republic of Croatia in the process of EU accession.

Illegal migrations of foreign citizens on the territory of the Republic of Croatia are currently mostly for the purpose of transit: namely, for most illegal immigrants caught on its territory, the Republic of Croatia is not the destination country. In the period 1996 - 2001 75,617 misdemeanour charges have been filed against foreign citizens for illegal entry to or exit from the Republic of Croatia. Citizens of Romania, Serbia and Montenegro (mostly Albanians from Kosovo), Macedonia, Turkey, Bosnia and Herzegovina, Iraq, Iran, China and other Asian and African countries make up the greatest part of illegal immigrants caught on the territory of the Republic of Croatia.

In the first nine months of 2002, an almost 60% drop in illegal entries/exits of foreign citizens in comparison to previous years was recorded.

A foreigner is a person who is not a Croatian citizen. A foreigner with multiple citizenship is considered to be a citizen of the country which has issued him the travel document with which he/she has entered the Republic of Croatia. A foreigner may enter the Republic of Croatia and reside on its territory with a valid travel document

with either a visa or residence permit in it. Foreigners the Republic of Croatia is required to take pursuant to international agreements may enter the country without a valid travel document.

Travel documents of foreign nationals include a foreign travel document and a travel document for foreigners. A foreign travel document is a passport (personal or family), joint passport, diplomatic passport, official passport, seaman's discharge book, seaman's sailing book and other travel documents valid pursuant to an international agreement. Travel document for aliens is a travel document for refugees, travel document for stateless persons and a travel paper for an alien.

A foreigner is considered to have entered the Republic of Croatia when he/she crossed the state border, or passed through the place where border control is performed. Each person is required to submit to border control when entering or exiting the country. Border control of foreigners entering the Republic of Croatia also includes establishing the reason why entry into the Republic of Croatia has been denied. The Foreigners Act stipulates that a foreigner shall not be allowed in the Republic of Croatia in the event when: he/she does not have a valid travel document with a visa or a residence permit; he/she does not have sufficient funds to support himself/herself in the Republic of Croatia, or to return to the country he/she came from, or to take a trip to a third country; he/she is in transit but does not meet the requirements for entry into a third country; when a measure of banishment is in force; he/she does not have vaccination certificate and comes from an area swept by an epidemics of a contagious disease; for reasons related to the protection of the rule of law, national security or public health; there is grounds for suspicion that his/her stay shall be connected with the performance of criminal offences prosecut-

ed in the line of duty; he/she is registered as an international offender in the records of a relevant body; there is grounds for suspicion that his/her short stay shall not be used as intended.

The ban of entry shall be recorded in the travel document. The Government of the Republic of Croatia shall define the amount required for supporting oneself.

Foreigners are free to leave the Republic of Croatia except when they have somebody else's, expired or invalid travel document; or do not fulfil the conditions required for entry in another country; or where there is grounds for suspicion that he/she is trying to avoid a criminal or a misdemeanour procedure, execution of punishment, court order, arrest or property rights obligations that fall due; and if so required for the purpose of protection of the rule of law, national security or public health.

Foreigners Act defines the residence of foreigners as: a 90-day stay, temporary residence and permanent residents.

A stay of up to 90 days is a stay without a visa, with the visa or with a border pass. Temporary residence may last up to one year, and it is granted for studying in the Republic of Croatia, or employment, or joining the family together, or performing work that requires no work permit with the intention to stay longer than 30 days, as well as in the event a person has a valid visa and the purpose of the stay turns out to be different from that for which the visa had been issued. In order for the temporary residence to be granted a foreigner has to have funds required to support himself/herself, accommodation, health insurance, and there should be no reasons for cancellation of the residence. A foreigner shall have to prove the request for temporary residence justifiable.

Permanent residence is permitted to foreigners with five years of continuously granted temporary residence at the time of submission of the request, or have been

married for three years, either to a Croatian citizen, or a foreigner granted permanent residence. Foreigners who come to the Republic of Croatia (unless in transit) are required to report their stay of residence. All legal and private entities providing accommodation services can do so, or rather, are required to do so.

A foreigner staying in the Republic of Croatia illegally, or one who does not

leave the country immediately after he/she has been banished, shall be forcibly removed.

A foreigner who cannot be forcibly removed shall be placed in the Centre for aliens. He/she is allowed to stay in the Centre for up to 90 days; exceptionally, the stay can be prolonged. Illegal stay is considered to be one with no visa or residence permit.

Employment of foreigners

Foreigners are allowed to work in the Republic of Croatia based on a work or business permit. Work permit is issued upon request of a legal or private entity employing a foreigner if the legal requirements have been met, of which the most important are that there is intent to sign an employment or other adequate contract, or that it has already been signed, and that the employer has settled all of his/her tax obligations. A work permit is issued for the period corresponding the duration of the employment contract. The Act stipulates which categories of persons need not have a work permit.

A business permit is issued to a foreigner with a registered business or a similar operation, or a freelancer, or manager of operations in his/her own company or a legal entity in which he/she has a majority stock, or provides services on behalf of a foreign employers and meets the requirements for being granted temporary residence.

In accordance with the migration policy, and acknowledging the status of the labour market the Government of the Republic of Croatia confirms annual work permit quotas, upon the proposal of the ministry in charge of labour.

Institutional framework

The Ministry of the Interior, Directorate for Inspection and Administrative Affairs, Foreigners and Asylum Department, is in charge of legal migrations, while Police Administration, Borders Directorate, Illegal migrations Section, is in charge of illegal migrations. The Centre for Aliens has a special task as a component part of the Borders Directorate. The implementation of the provisions relating to the employment of foreigners is

monitored by the State Inspectorate.

The Foreigners Act does not require the establishment of new institutions; however, certain changes in the relevant bodies shall have to be made. This primarily refers to the increase of the number of employees to secure the implementation of the Act. It has been estimated that 45 people will have to be employed, 30 of which with a high school degree and 15 with a university degree. Out of that num-

ber, 4 new staff members with a university degree and 3 with a high school degree will be employed at the headquarters of the Ministry of the Interior, while the rest of them shall be distributed in all police stations in the Republic of Croatia as required. In addition to that, additional education and professional training as well as computerization are required to secure efficient implementation of the Act.

The Centre for Aliens of the Ministry of the Interior was established in 1997 to house illegal aliens who need to leave the Republic of Croatia but cannot be removed immediately. In the 1997-2001 period, the Centre housed 5,455 illegal aliens from 55 countries. The main building is currently in poor conditions due to great

fluctuation of aliens and frequent, intentionally inflicted damage. In December 2002, a thorough rehabilitation and reconstruction of the main building was conducted, and an addition to the current sanitary unit was built, which should provide a long-term solution.

In addition to that, passing secondary legislation to support the Foreigners Act is a priority for the Ministry of the Interior, as well as signing an agreement on the resumption of the admission provision in agreements with the Republic of Albania, rehabilitation of the main building and addition of a sanitary unit in the Centre for Aliens in Je'evò, as well as professional training of the employees of the Ministry of the Interior (during the year 2004) .

Financial support

The implementation of the Foreigners Act shall require HRK 5.1 million, which is the total amount that should meet the technical and personnel requirements (space, computerization and acquisition of IT equipment, increase in the number of employees, employee training, design of new visa and residence permit forms, and the design of work and business permits) in the Ministry of the Interior of the

Republic of Croatia as a relevant body for the implementation of the Act⁵. The funds quoted above have not been allocated in the State Budget, but should rather be secured from the total funds of the Ministry of the Interior.

The rehabilitation of the main building of the Centre for aliens shall be financed from the State Budget (where HRK 5 million has been allocated to that end for the year 2004).

Border surveillance

Legal Framework

Surveillance of the state border is regulated by the State Border Surveillance Act passed in 2003 (Official Gazette no. 173/03), as well as the regulations on the method of surveillance and control of the border crossing, regulations on the movements and stopping at the border crossing site, regulations on keeping records and reporting, regulations on the signs on the state border and border crossings, and regulations on defining and dealing with the instance of violation of the state border. In the control, surveillance and protection of the state border relevant international agreements are complied with.

The State Border Surveillance Act contains provisions defining the bodies in charge of the state border surveillance as well as their authority; the manner of state border crossing; border control, its scope and implementation; border crossings and movements at border crossings; international transit; tasks of the border police in the interior of the country, international border cooperation, as well as other issues of importance for the surveillance of the state border.

The State Border Surveillance Act was passed within the scope of the activities of the Republic of Croatia on the alignment of its legislation to that of the EU,

where special attention (in addition to other aspects) is devoted to border control and building up the border police capacity. Within the framework of the Stability Pact, a National Action Plan (NAP) was designed, which clearly defined the shortcomings and problem areas in the border control system and the state border protection, as well as the measures that need to be implemented in order to improve it and align it with European standards. According to the National Action Plan, in the area of "Alignment of Legislation" pursuant to the Stabilization and Association Agreement, the above mentioned Act was adopted at the end of 2003, to the greatest extent possible aligned with European requirements, especially with the Second Conclusion of the Council 1999/435 of May 20, 1999, and Chapter II of the Schengen Implementation Agreement.

Although the Republic of Croatia concluded agreements on the state border, there are still outstanding issues of border demarcation with certain neighbouring countries. The Republic of Croatia is a legal successor of all earlier agreements closed between the former SFR Yugoslavia and the Republic of Italy and Republic of Hungary, as well as agreements and conventions relating to the borders. The State Border

Agreement between the Republic of Croatia and Bosnia and Herzegovina was signed on July 30, 1999. It established an Interstate diplomatic commission that conducts negotiations between Croatia and Bosnia and Herzegovina on the Annex to the Agreement.

The negotiations on the State Border Agreement with the Republic of Slovenia (initialled in July 2001) are under way. In late 2001, the procedure for defining the Croatian-Yugoslavian border started. The Interstate diplomatic commission

was established with the task to identify the demarcation line and prepare the State Border Agreement.

Progress was made in the harmonization of differing initial standpoints with the signing of the Protocol on Principles for Identification of the Demarcation Line and Preparation of the State Border Agreement in April 2002, which set the framework for future cooperation. The Border Commission, established in July 2001, is in charge of leading the negotiations on the state border agreements.

Institutional framework

The Ministry of the Interior is in charge of surveillance of the state border. The Ministry of the Interior is organized so that there is no independent border police. Organizational units of the police conducting the tasks of the border police are a component part of the Police Administration. The organization of all units, as well as the entire police force, is based on the Police Act passed on December 14, 2000, and the relevant decisions regulating the internal organization and job classification of the police. The entire police force is organized on three levels: state, regional and local.

On January 15, 2002, the Border Directorate was organized on state level, and it became operational on July 1, 2002. It is in charge of conducting and coordinating the tasks of the border police (state border surveillance and fighting illegal migrations).

In accordance with the Program of the Government of the Republic of Croatia for the 2003 - 2007 period, and the operative Implementation Plan for 2004, the Ministry of the Interior of the Republic of

Croatia takes upon itself to design the Border Police Development Strategy. The Strategy should be a guideline as to how Croatian border police shall reorganize to be able to accept EU standards which shall be a guarantee of our ability to protect the state border following the EU accession.

This Strategy provides for the action plan for the 2004 - 2009 period, when Croatia is expected to be able to completely protect its borders according to EU standards and apply the Schengen legal system on the EU external border.

The Twinning project titled Integrated border control - border police is under way, which produced a draft of a new organizational and personnel approach to the border police, because the current one is considered inadequate.

The starting point for the design of the new approach was the attitude that the implementation of state border surveillance measures according to the "Schengen criteria" requires efficient border control with professional and highly specialized personnel familiar with the demanding and comprehensive legal framework in this field.

The implementation of tasks on the state border protection requires efficiency where the knowledge of the "Schengen legislation" is not crucial, but rather mastering the police tactics in a concrete area, having in mind the safety risks. Pursuant to the above, the current model of state border supervision in the Republic of Croatia has been modified, taking into consideration the specific characteristics of the Croatian state border and adjusting it to fit Croatian needs.

Pursuant to the starting principles and the realistic framework, the following was decided on:

- No separate border police shall be established; it shall remain a component part of the Police Administration;
- A required level of policemen specialist training in performing border control activities shall be achieved (establishing a Specialized border control station where required);
- Competencies of police stations within the same organizational level on the same territory shall not overlap;
- Protection of the state border remains one of the core tasks of all police stations;
- The highest possible level of independence shall be introduced on the police station level by establishing "state border surveillance-line of operation groups" internal rules and regulations);
- When establishing the above stated organizational forms, the following criteria should be kept in mind:
 - a. The state border surveillance
 - Length and type of state border (land, sea, rivers),
 - Number and categorization of border crossings,
 - Specific characteristics of border control (in air, maritime, railway and river traffic),
 - Issue of state border violation (number, type, consequences)
 - b. Illegal migrations:
 - The issue of illegal migrations (illegally crossing the state border and illegally stay in the country);
- On the local level, where required for safety reasons, police jobs shall be opened to fight cross-border crime (officers trained for independent dealing with criminal offences related to cross-border crime - pursuant to a catalogue of criminal offence to be designed by the Police Directorate) and to fight illegal migrations.

The Project Integrated Border Control, containing actions for this year, included the referred items.

Education

Education is conducted at the Police Academy of the Ministry of the Interior, which offers basic education for policemen, university education, and specialist training.

In the Ministry of the Interior of the Republic of Croatia there are two types of

basic education: regular education of policemen, and re-training (education of adults). University police education is conducted at the four-year police college which is also a part of the Police Academy. It offers the following programs: CRIMINOLOGY (two-year college), ASSOCIATE IN

CRIMINOLOGY (four-year college) and BACHELOR OF CRIMINOLOGY (university degree). Activities on the surveillance of the state border are taught in the course titled Protection of State Borders. It encompasses 15 lectures - legal documents related to state border surveillance and 15 hours of practice (of which 2 are devoted to the Schengen Agreement).

All specialist education in the Ministry of the Interior is conducted through a Department for Professional Advancement and Specialist Training, which is also an organizational unit within the Police Academy. There, the basic program is a 6-week Border Police Course, 4 weeks of lectures (the total of 125 hours) and two weeks of practice at border crossings, which, in shifts, amounts to 84 hours (the total of 208 hours in 6 weeks).

The Course consists of a general and specialist part. The general one discusses the following: method of operation of the border police (27 hours: territorial sector; restriction of movement in a certain area or facility; use of coercive means, asking for identity papers, bringing persons in, keeping them at the crossing, search for persons and objects, illegal trading and smuggling, forging documents and money).

To a degree, it also covers the recapitulation of the basic training, but only when deemed necessary, which is agreed with the State Border Supervision Section.

The specialist training covers the following: state border surveillance (40 hours: legal framework, movements and residence of foreigners, international and interstate agreements relating to state border surveillance including Schengen, polite communication, basics of anti-explosives protection, identifying suspicious objects and their treatment, basics of customs service, the customs, road traffic regulations - international traffic, transport of dangerous substances, special transport, basics of the customs procedure). The third part of the course, which takes up 84 hours, is conducted at three border crossings (Bregana, Krapina and Koprivnica). There, each participant has a mentor appointed in cooperation with the State Border Surveillance Section, who supervises the participant's work, gives him everyday tasks and finally grades him. In the practical part of the course, the participants study the following: organization of work in a border police station, all types of procedures, using records, using technical tools, learning about all activities within the scope of work of border police.

Infrastructure and equipment

Technical equipment/emergency funds currently employed by the border police are insufficient and partially outdated. This primarily refers to devices for efficient protection of the state border (especially at night), as well as devices for travel documents control. Also, due to insufficient number of means of transportation (cars, off-road vehicles, boats for the control of the river and sea border), Croatian border police is not mobile enough. Also, it

does not have technical equipment which is considered standard in Western European countries, such as thermo-visual devices (both mobile and stationary), software solution for the control of original and forged passports, helicopters, etc.

The situation is especially difficult on the eastern borders with Bosnia and Herzegovina and Serbia and Montenegro, and the modernization of those shall be stressed.

In order to improve the level of technical equipment, a priority list for the acquisition of technical equipment was devised: thermo-visual devices (mobile, stationary and manual), night surveillance devices, glasses (binocular type), patrol vehicles with police equipment (cars and minivans), off-road vehicles with police equipment, devices for travel documents control with a camera and a printer, document devices, appropriate reference material for original and forged passports (handbooks, original and forged passports and

identification cards, preferably in electronic form, boats for river and maritime police, bullet-proof vests (heavy).

The required optimum quantity of technical equipment definitely depends on the new organization, since there will be a significant increase in staff numbers, which requires equipping new police officers with personal equipment and weapons, as well as other technical equipment standardized per number of vehicles, number of patrols and the total number of employees in an organization unit.

Cooperation

The surveillance of the state border is performed by the border police, customs officers and other inspectorates. Their field of operation is regulated by laws, and they are required to cooperate with each other on the protection of the state border, as

well as the prevention and discovery of criminal offences and misdemeanours. It should be pointed out that these are the bodies listed in the introductory part of the report, whose task is to ensure safety of the citizens by fighting crime.

International cooperation

For the purpose of fighting cross-border crime, the Republic of Croatia has signed or is in the process of devising and signing the Cross-border Police Cooperation Agreement with the neighbouring countries. Thanks to such agreements and good cooperation of the border police, pilot projects of joint border patrols are being implemented on the borders with Slovenia and Hungary. In addition to these agreements, the regulations regulating the readmission or return of persons illegally residing on the territory of the parties to the agreement are also important.

The Republic of Croatia has to date signed 22 such readmission agreements with the neighbouring countries, as well as with most EU countries, and the realization of those agreements may be considered satisfactory, Serbia and Montenegro excluded, since the agreement has not been ratified in Serbia (the issue of admission of Albanian nationals presents a problem).

In addition to the above stated, bilateral agreements on cooperation with the institution of the Council of Europe-the Interpol and the Europol-should also be mentioned.

Financial requirements

Within the scope of the Integrated Border Control Project (CARDS 2001/07), the European Commission shall provide technical support to the border police of the Ministry of the Interior in the analysis of shortcomings and requirements for alignment with the EU/Schengen standards, design of the new and amendment of the existing legislation, and in the design of the guidelines, regulations and work methodology in accordance with the positive practice of the EU member states. The project beneficiary is the Border Directorate of the Ministry of the Interior of the Republic of Croatia, and the project value is 500,000 euro.

The same project provides for the design of the national border control strategy. It has more beneficiaries, one of which is Border Directorate of the Ministry of the Interior of the Republic of Croatia, and the

project value is 1.8 million euro.

The CARDS 2002/15 Project provides for the project titled Development of the national IT system for border control, which is supposed to result in the design of an IT system that would be compatible with the current IT system of the Ministry of the Interior, which, in turn, is to be aligned with the IT system of the member states. It shall be applied at the headquarters and at at least two border crossings (Zagreb Airport and Bregana) within a pilot project of adjusting the legislation related to the above described. The project also provides for employee training.

The project beneficiary is the Border Directorate of the Ministry of the Interior of the Republic of Croatia, and the project value is 2.5 million euro. The timetable for the project is 2003 to 2007.

The visa regime of the Republic of Croatia

Legal framework

Foreigner Act (Official Gazette no. 109/2003), in power as of January 1, 2004, regulates the status issues of foreigners, and thus the issue of visas. The Act was the basis for the passage of the Regulations on Travel Documents of Foreigners, Visas, Border Passes and the Treatment of Foreigners ((Official Gazette no. 57/2004). The visa regime is prescribed by the Government of the Republic of Croatia. Pursuant to the Act on the Government of the Republic of Croatia (Official Gazette nos. 101/98, 15/2000 and 117/2001) and the Foreigners Act, the Government of the Republic of Croatia has passed a Decree on the Visa System (Official Gazette no. 57/2004) which is effective as of June 1, 2004.

The Decree regulates the visa system of the Republic of Croatia and the amount of required support funds a foreigner needs to have during his stay in Croatia, or to return to the country he came from, or travel to a third country.

The Republic of Croatia has signed readmission agreements with the following EU countries: Greece, France, Italy, Austria, the Benelux countries, and Sweden. The readmission agreements with Spain, Denmark and Finland are currently being prepared. The Republic of Croatia has signed readmission agreements with the following candidate countries: Hungary, Poland, Slovakia, Slovenia, Latvia, Lithuania, Estonia, the Czech Republic, Romania and Bulgaria. Readmission agreements with Turkey and Cyprus are currently being prepared and negotiated. In July 2000, the Republic of

Croatia signed a readmission agreement with Bosnia and Herzegovina, while the agreement with Macedonia was signed in September 2001. Readmission agreement with the Federal Republic of Yugoslavia (now Serbia and Montenegro) was signed on April 23, 2002, in Belgrade (not applied). The above readmission agreements are being applied although they have not yet been ratified. As regards the regulation of relations with the Republic of Albania in the field of readmission, on September 15, 1999, the Ministry of the Interior sent to Albanians Croatian proposal for the wording of the Readmission Agreement, to which Albania responded on June 21, 2002. In the meantime, the circumstances and standards for closing readmission agreements have changed. The Ministry of the Interior therefore designed a new draft agreement on August 1, 2002, and sent it to the relevant ministries for comments. The Albanian side has been notified about it in an official letter sent on September 17, 2002. This created the prerequisites for reopening of negotiations on the signing of the Readmission Agreement. It is expected to be signed on December 16, 2002.

All readmission agreements are in accordance with the Council Recommendation dated November 30, 1994, relating to the signing of the readmission agreements of member states with third countries, except the agreement with Slovenia, which was signed before the Recommendation referred to above had been passed.

Basic provisions of the visa regime in the Republic of Croatia

A foreigner shall obtain a visa before entry into Croatia. A visa is issued by a diplomatic mission of a consular office of the Republic of Croatia, exceptionally by a police officer at the border crossing. The following visas are issued: travel visa, transit visa, airline transit visa, group visa, diplomatic and official visa. Travel visa is issued for one or multiple entries into Croatia for tourist, business, personal or other travel, with a validity period of one year. Travel visa with a validity period longer than one year may, subject to reciprocity, be issued to the personnel of a diplomatic or consular office of a foreign country in the Republic of Croatia.

A foreigner is issued a transit visa for one, two or exceptionally multiple travel through the territory of the Republic of Croatia. It is valid for six months. With a transit visa a foreigner may, during each travel, stay in Croatia for five days at the most, and it is issued to a foreigner who proves that he/she has secured entry in the country he/she is travelling to. Airline-transit visa is issued to a foreigner for one or multiple transits through the international

transit area at the airport, whereby he/she is allowed to stay there for 24 hours at each transit. A group visa is issued to a group of 5 to 50 persons for one entry or a transit through the Republic of Croatia. A group visa for one entry in the Republic of Croatia allows one to stay in the country for up to 30 days. A foreigner shall file a request for a visa in written form and in person. The request for issuing a visa for a group of foreigners on a cruise in the international maritime, river or air traffic may be filed by the group leader or, exceptionally, at the border crossing. The documents attached to the request shall be originals or certified copies and, if foreign, also translated into Croatian.

The body in charge of the border crossing control may issue a foreigner a travel or a transit visa for one entry or transit if it is so required by humanitarian, credible professional or personal reasons, or in the event that the foreigner was not able to file the request in a diplomatic mission of a consular office of the Republic of Croatia on time due to lack of time, and there are no reasons to deny him/her a visa.

Institutional framework

The Ministry of the Interior, Directorate for Inspection and Administrative Affairs, Foreigners and Asylum Department, Visa Section is in charge of issuing visas in the Republic of Croatia, while the Border Directorate, Neighbouring Countries Section, Maritime and Airport Police Section issues visas at the

border. Also, the Ministry of Foreign Affairs, political administration and the Directorate of consular affairs, international legal affairs, Croatian minorities, emigrants and immigrants, Department of consular affairs, Visas and citizenship section, are in charge of issuing visas, as well as departments in the diplomatic missions

and consular offices of the Republic of Croatia in a foreign country. In order to fulfil the obligations adopted through the Stabilization and Association Agreement and to implement the Foreigners Act, additional professional training of employees at the Visas and Citizenship Section of the Ministry of Foreign Affairs, as well as the Visas Section at the Ministry of the Interior is required. The training program should cover 95 persons. The training would be in the field of issuing visas in diplomatic missions and consular offices,

which also includes the training for work on the IT system of the Ministry of the Interior, the IKOS. The training would be provided by a group of expert instructors from the Ministry of Foreign Affairs and the Ministry of the Interior. Border police officers shall be educated through the Ministry's system of professional training and education.

Thus, the activities of next year shall be directed toward the continuation of the introduction of the IKOS IT system in diplomatic mission and consular offices.

Financial requirements

It was estimated that the implementation of the Foreigners Act shall require HRK 5.6 million from the State Budget.

A portion of those funds, although not specifically stated in the bill, refers to the

implementation of the provisions regulating the issue of visas and their issuing.

For training see paragraph on border control.

For infrastructure and equipment see paragraph on border control.

Police cooperation

Legal framework

The Ministry of the Interior is in charge of police cooperation. It is implemented pursuant to multilateral or bilateral agreements signed by the Republic of Croatia or the Ministry of the Interior of the Republic of Croatia. Croatia has signed practically all relevant agreements passed by the UN and European institutions.

The Republic of Croatia has signed agreements on cooperation in fighting illegal trade of narcotics and psychotropic substances, against international terrorism and organized crime with the following EU member states: Austria, Italy and Greece. The agreement with Spain is currently being prepared. On March 1, 2002, a Memorandum was signed regarding agreement and cooperation in the fight against serious crime, illicit drug trading, smuggling people, trafficking, international terrorism and the related issues of common interest for the Ministry of the Interior, Ministry of Finance and the Public Prosecutor of the Republic of Croatia with the Association of Police Chiefs, the Royal Prosecutor of England and Wales, the Serious Fraud Office, Her Majesty's Customs and Excise, UK Immigration Services, National Crime Force, National Criminal Intelligence Service of Great Britain and Northern Ireland. The Republic of Croatia has

signed agreements on cooperation in the fight against international illicit narcotics and psychotropic substances trading, international terrorism and organized crime with the following EU candidate countries: Bulgaria, Czech Republic, Latvia, Poland, Slovenia, Slovakia, Romania and Turkey. The agreements with Estonia and Lithuania are currently being prepared. The Republic of Croatia has signed the above agreements with Albania, Macedonia, Yugoslavia (now Serbia and Montenegro) and Bosnia and Herzegovina.

In addition to that, the Republic of Croatia has signed the 1999 Charter on cooperation in preventing and combating cross-border crime in South East Europe (SECI).

On November 6, 2002, the Agreement on Cross-Border Police Cooperation between the Republic of Croatia and the Republic of Slovenia was signed. It provides for the exchange of information, mutual communication and telecommunication connection, coordination of police activities, use of special police equipment, education, professional training and assistance in important events, natural and civilization disasters. The Agreement provides for special organizational types of cross-border cooperation such as joint patrols along the state bor-

der, joint contact services, joint work groups, and sending the liaison officers to the police bodies of the other contractual party. The parties to the Agreement shall also sign a protocol on the implementation of special organizational types of cross-border police cooperation. Police

Cooperation Agreements with Belgium and France are being prepared. The Republic of Croatia actively participates in the International Criminal Police Organization (ICPO INTERPOL), and is currently negotiating the cooperation agreement with EUROPOL.

Institutional framework

Ministry of the Interior, the Minister's cabinet - International Relations Department, Police Administration, Criminal Police Directorate - International Police Cooperation Department are in charge of the implementation of police cooperation. The cooperation is conducted through international institutions, primarily the Interpol and Europol. The CARDS project (for years 2004

to 2006) on international police cooperation with Croatia participating is under way. Its goal is the improvement of international police cooperation, and general cooperation among the countries in the region. The goal of the project is the design of the regulation on cooperation as well as a type of handbook that would be available to all police officers in the region as a guideline.

Financial requirements

The implementation of the police cooperation agreement is a regular activity of the Ministry of the Interior, and the funds have been provided for it in the State Budget. Whether more will have to be allocated we

cannot say at the moment. This primarily depends on the operationalisation of the Cross-border Cooperation Agreement between the Republic of Croatia and the Republic of Slovenia.

Conclusion

The following can be concluded based on available and collected information:

- Croatian legislation is essentially compatible with the EU legislation
- Primary legislation is not accompanied by secondary; secondary legislation is passed at a later stage, sometime outside the deadlines set in the primary legislation itself, which makes the implementation of the laws more difficult
- There are no clear rules for inter-institutional cooperation between local institutions
- Laws are not accompanied by adequate education of employees in charge of law enforcement
- All government institutions are insufficiently equipped, especially in the field of border surveillance
- Capacities required for implementation of the laws are insufficient, primarily those for accommodation of migrants and asylum seekers
- There are no adequate studies of organized crime which would include the weakness of the bodies in charge of combating it.

References

- National Plan for Fighting Corruption (adopted in 2001)
- National Plan for Fighting Trafficking (adopted in 2002)
- National Plan for Fighting Organized Crime (adopted in September 2004)
- Program Guidelines of the Ministry of the Interior for the period 2004 - 2007)
- Annual guidelines for the work of the intelligence service of the Republic of Croatia (adopted on July 21, 2003)
- Special Action Plan for Fighting Organized Crime (adopted in November 2003)
- National Program of the Republic of Croatia for EU Accession (Official gazette no. 37/04).
- Criminal Code (Official Gazette nos. 110/97, 27/98, 50/00, 51/01, 105/04)
- Criminal Procedure Act (Official Gazette nos. 10/97, 58/99, 12/99, 58/02)
- Act on the Office for Fighting Corruption and Organized Crime (Official Gazette nos. 88/01 and 12/02)
- Act on Prevention of Money Laundering (Official Gazette nos. 69/97, 106/97, 67/01, 114/01)
- Act on the Liability of Legal Persons for Criminal Offences (Official Gazette no. 151/03)
- Act on the Prevention of the Conflict of Interests on Performance of Public Duties (Official Gazette no. 163/03)
- Witness Protection Act (Official Gazette no. 163/03).
- Regulations on travel documents of foreigners, visas, border passes and the treatment of foreigners (Official Gazette no. 57/2004)
- Decree on the Visa System (Official Gazette no. 57/2004)
- The Constitution of the Republic of Croatia (Official Gazette - corrected text and 55/01 - corrected version)
- Asylum Act (Official Gazette no. 103/03)
- State Border Supervision Act passed in 2003 (Official Gazette no. 107/03)
- Web pages:
 - Ministry of the Interior
 - Government of the Republic of Croatia
 - Ministry of Justice
 - Official Gazette
 - Poslovni forum
 - IOM
 - Council of Europe

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