

**UNHCR**United Nations High Commissioner for Refugees  
Haut Commissariat des Nations Unies pour les réfugiés

## SECOND PROGRESS REPORT

### **Implementation of the Durable Solutions Process (Sarajevo Process) for refugees from Croatia displaced by the 91 – 95 conflict, including cessation of refugee status**

#### **A) Introduction**

In April 2014, UNHCR issued its Advisory on the *Implementation of the Durable Solutions Process (Sarajevo Process) for refugees from Croatia displaced by the 91 – 95 conflict, including cessation of refugee status* (hereafter Advisory).

The Advisory contained UNHCR's recommendation for the cessation of refugee status of persons from Croatia displaced by the 1991 – 1995 conflict pursuant to the "ceased circumstances" cessation clauses contained in paragraph 6(A)(e) and (f) of the UNHCR Statute and Article 1C(5) and (6) of the *1951 Convention*. UNHCR recommended that States ensure that all aspects of cessation were implemented in 2014, with cessation to take effect by the end of 2017 at the latest. In tandem, UNHCR provided recommendations on how to resolve remaining displacement challenges and further advance the Regional Durable Solutions Process.

This report covers the period of the first six months of 2015 and follows from the first Progress Report issued in line with UNHCR's commitment to monitor its cessation recommendation and States' commitments under the Regional Durable Solutions process, and should be read together with the Advisory. Disaggregated and concise half-year statistical data was not always available.

#### **B) Overview of the refugee situation (update)**

At the time of issuing the Advisory, there were 49,055 persons from Croatia registered as refugees in the region; in Serbia (41,724); Bosnia and Herzegovina (BiH) (6,726); Montenegro (567) and Kosovo 38 (S/RES/1244 (1999)). Much smaller numbers (around 800 individuals) are still being hosted in other countries outside the region from which the majority of (former) refugees from Croatia have either returned to their country of origin or acquired the nationality of their country of asylum.

Between the issuance of UNHCR's Advisory and the first Progress Report, the number of registered refugees from Croatia in the region has decreased to 32,264 in Serbia, 6,706 in BiH, 251 in Montenegro and 37 in Kosovo (S/RES/1244 (1999)).

According to the latest estimates of persons registered as refugees from Croatia, as of 30 June 2015, in Serbia there are still 25,962, in BiH 6,703, in Montenegro 194 and in Kosovo 36 registered refugees. The largest decrease is noted in Serbia where another 6,302 persons were de-registered as refugees.

The BiH authorities have not initiated or implemented administrative changes or any other procedures to verify or withdraw the status of the re-registered refugees. In other words, the cessation of refugee status was not officially or administratively completed for anyone.

After the 2009 re-registration exercise in Montenegro, some 1,400 persons were registered as refugees from Croatia and 28 persons returned. No returns were recorded since November 2014. While 1,167 persons acquired citizenship in Montenegro, no breakdown per country of origin is available. 939 refugees have been granted permanent residence and 31 temporary residence. Of this number, 240 refugees from Croatia and BiH were granted foreigner status since November 2014. As of 30 June 2015, the Government of Montenegro reports 194 refugees from Croatia still hold Displaced Person status as they are awaiting adjudication of their foreigner status applications.

In sum, there are still some 32,895 refugees from Croatia registered in the region which represents an overall decrease of 6,363 compared to the period when the first Progress Report was issued in November 2014. Between 1 January 2014 and 30 October 2014, UNHCR Croatia registered 139 minority returnees. In the period of November 2014 to 30 June 2015 another 24 cases were registered. This figure includes 15 refugees from Croatia assisted with voluntary repatriation from BiH, and 9 refugee households from Serbia returning through the Government-sponsored returns programme. In a similar period (until April 2015) 6 families (24 persons) were assisted by UNHCR to repatriate to Croatia from BiH. Out of those, 11 persons were first time returnees while 13 persons were assisted only with transport of their household belongings. Currently another 30 refugees from Croatia are being assisted to return.

Whilst acknowledging the numerous achievements made by the Government of Croatia in ensuring the conditions for return, after more than two decades of exile, most of the remaining persons registered as refugees from Croatia opt to re-establish their lives in the host countries and strive to integrate locally. Information available to UNHCR also indicates that refugee returns to Croatia continue to slow down and relatively few individuals maintain the hope or believe that a return to their pre-war homes is possible.

Voluntary repatriation arrangements from Serbia to Croatia (including removal of personal belongings of returnees) have for several years been carried out by the respective Governments and National Red Cross Societies. The process generally functions well and the return of most personal belongings of refugees is processed in an expedited manner in keeping with their humanitarian character.

The transfer of personal belongings and household items of refugees returning from BiH and Montenegro, facilitated by UNHCR's partners, is in contrast treated as common commercial cargo subject to standard customs clearance procedures. According to reports received, unlike shipments from Serbia, no priority is accorded and the standard procedures are considerably more time-consuming and cumbersome. Considering the humanitarian character of the shipments, applicable Croatian customs formalities could be further streamlined to facilitate the return process. UNHCR brought this matter to the attention of the authorities concerned, suggesting simplification of existing procedures to the maximum extent.

In the first six months of 2015, progress in achieving durable solutions, and in particular returns, remained extremely slow. One obstacle facing non-citizen returnees (*i.e.* former habitual residents of Croatia) is to secure accommodation. This in turn partially hinges on the implementation of the national housing care programme and Regional Housing Programme (RHP). It should be borne in mind that the majority of refugees from Croatia in BiH today never obtained Croatian citizenship and

must therefore regularize their stay in Croatia. Obstacles confronting potential returnees include complex and relatively costly procedures to obtain relevant documentation and to acquire citizenship. Some potential returnees are discouraged by economic considerations and the prospects for sustainability of their reintegration in Croatia.

As regards local integration opportunities, during the reporting period, a first group of 20 refugee families from Croatia in BiH were allocated construction materials within the RHP BiH 1 project. Given their vulnerability, the Republika Srpska (RS) Ministry for Refugees and Displaced Persons (MRDP) committed to assist these families with additional financial means to cover the costs of installation of those materials. Unfortunately, this budget allocation has not been made operational to date, causing further delays in delivery of long awaited housing assistance. At the same time, the RS Ministry, together with UNHCR and OSCE, visited more than 160 families in eight RS municipalities for the RHP BiH 2 project. After consolidating the findings, the BiH Ministry for Human Rights and Refugees and the RS MRDP proposed 113 of these families for further verification in Croatia (in order to ascertain that they did not already have a viable housing solution there). Following the information collected from this administrative check in Croatia, the RS MRDP selected 30 of these families to be assisted within the RHP BiH 2 sub-project, bringing the total to 50 families of refugees from Croatia selected for the RHP (when added to the 20 families mentioned above that had earlier been selected for the BiH 1 sub-project). According to the RS MRDP, 1,550 refugee families / 5,208 persons have applied for RHP assistance for local integration in BiH, although solutions are available for only 600 families among this group, under the BiH project.

There is good reason to believe that not all refugees from Croatia may be sufficiently aware of the impact that cessation will have on their rights. There may for example be refugees who will fail to integrate but who may have compelling reasons not to return, and who may therefore continue to be in need of solutions. Such persons may not yet be aware of the possibility to apply for an exemption from cessation by invoking their reasons for being unable to return. Consequently, UNHCR Offices in the region in close consultation with the Governments concerned have stepped up efforts to identify and review residual problems that may be faced by refugees from Croatia, in line with the recommendations of UNHCR's Advisory.

### **C) Comments on progress on UNHCR's recommendation regarding application of the "Ceased Circumstances" cessation clauses to refugees from Croatia**

UNHCR recognizes that some host countries have ceased refugee status of persons from Croatia on an individual basis on grounds, for example, of their acquisition of the nationality of those host countries. However, at the time of writing, the principal host States of Serbia, BiH and Montenegro have not implemented nor informed UNHCR of their intention to implement cessation of refugee status for refugees from Croatia pursuant to paragraph 6(A)(e) and (f) of the UNHCR Statute and Article 1C(5) and (6) of the 1951 Convention, in line with the recommendation contained in UNHCR's Advisory. The Government of Serbia remains in disagreement with UNHCR's cessation recommendation.

It is important to note that in each of these host States – and in particular in Serbia and Montenegro – cessation has been applied on an individual basis since before UNHCR issued its Advisory in April 2014. This process, undertaken in line with relevant local legislation and generally pursuant to Article 1C(1) or (3) of the 1951 Convention, continues today. Article 1C(1) states that a person's refugee status shall cease if s/he has re-availed himself / herself of the protection of his / her country of nationality, while Article 1C(3) states that a person's refugee status shall cease if s/he has acquired a new nationality and enjoys the protection of the country of his / her new nationality.

In Serbia, the cessation of refugee status of persons who have acquired Serbian nationality, in line with Article 1C(3) has continued. The de-registration process accounts for the significant decrease in numbers of registered refugees from Croatia noted above. Some of those who have acquired a Serbian citizenship certificate, but have yet to acquire a Serbian citizen's Identity Card, continue to hold a refugee Identity Card at the same time. The refugee ID card is only withdrawn, and consequently de-registration as a refugee effected, once the individual concerned acquires or seeks to acquire a Serbian citizen's ID card.

Given that a similar practice also exists in BiH, there is a continued need to verify relevant information and statistics on individuals affected by the cessation process.

In Montenegro, a small number of individuals from Croatia have acquired Montenegrin nationality, primarily through marriage, and consequently their status as refugees is ceased pursuant to Article 1C(3). There are also those who, in order to be able to apply for the status of foreigner with temporary or permanent residence in Montenegro (as an obligatory part of the process of their local integration including eventual acquisition of Montenegrin nationality), have re-availed themselves of the protection of the country of their nationality through acquiring Croatian nationality documentation, including passports. According to national legislation, such individuals' status as refugees is ceased once s/he has acquired the status of foreigner with temporary or permanent residence in line with relevant local legislation and generally pursuant to Article 1C(1).

For host States outside of the region from which feedback was obtained for the November 2014 Progress Report none indicated an intention to implement cessation pursuant to Article 1C(5) and (6) for refugees from Croatia.

It remains UNHCR's position that recognized refugees from Croatia and/or those on a pathway to citizenship retain their refugee status pending their transition to a permanent residency status or citizenship.

## **D) Recommendations relating to the implementation of the Regional Durable Solutions Process**

### **1. Overview of status of the Regional Durable Solutions Process (update)**

In its Advisory, UNHCR outlined the status of each of the main components of the Regional Durable Solutions Process as it pertains to refugees from Croatia. In UNHCR's view, there has been limited tangible progress under the Regional Durable Solutions Process since it issued its Advisory in April 2014, with the exception of recent positive developments under the Regional Housing Programme (RHP), with the approval and start of implementation of an initial group of sub-projects.

Donors have approved eighteen projects within the framework of the RHP, creating conditions for construction of more than 6,600 housing solutions for vulnerable refugee and IDP families across the region. A significant part is aimed at assisting refugees from Croatia. In Bosnia and Herzegovina, 195 housing solutions will be available for this group under the sub-projects already approved, including 20 families who have already been assisted with housing materials. The vast majority of 266 housing solutions designated for returnees to Croatia will be complemented with 62 housing solutions under a project that Croatia submitted to RHP donors (currently pending approval). In Montenegro, refugees from Croatia stand to benefit from three out of four approved sub-projects and some 15 families have been pre-identified as potential beneficiaries (5 under each sub-project). The largest group of RHP beneficiaries is in Serbia, and it is expected that refugees from Croatia will constitute between 65% and 75% of some 4,150 housing solutions for refugees. In Serbia, 5 sub-projects have been approved and their implementation started.

It is important to underline, however, that the implementation of the above projects is currently not expected to be completed until the end of 2018. UNHCR therefore invites all involved countries, partners in the Regional Durable Solutions Process and in the RHP, as well as all other stakeholders, to intensify efforts to expedite delivery of long-awaited housing assistance to this vulnerable population.

While UNHCR welcomes the commitment and the efforts that the governments in the region are investing in setting up the necessary structures for the efficient implementation of the RHP, the process has taken considerably longer than expected, with only a small number of sub-projects so far offering tangible solutions for refugees from Croatia.

Similarly, while UNHCR acknowledges the specific efforts made by governments as outlined below, there has been no tangible reduction of impediments to voluntary repatriation and sustainable reintegration. Complying with complex administrative requirements to return or to naturalize continues to be problematic for many, as they find it difficult to navigate existing procedures. For some individuals, the payment of numerous administrative fees remains an insurmountable obstacle, especially if they are socially vulnerable and have no access to free legal aid (see s2 below). For instance, in Serbia, refugees from Croatia and BiH are exempted from paying taxes in the citizenship procedure, but are obliged to pay taxes in the process of obtaining documents from the country of origin. Furthermore, the continuing backlog in implementation of Croatia's Housing Care Programme (HCP) remains of particular concern. For those opting to stay in their host country, pursuing opportunities for local integration or alternative legal status also remains a challenge (see s3 below).

While UNHCR recognizes this is an ongoing process, the recommendations as formulated in the Advisory remain relevant. There are some general observations which should be read in conjunction with Annex I of the Advisory which will be highlighted below.

## **2. Comments on the progress of UNHCR's recommendation to remove barriers to voluntary repatriation and sustainable reintegration in the country of origin**

### **a) Difficulties to regularize stay for refugees from Croatia without Croatian citizenship**

UNHCR notes that there has been no improvement with respect to the challenges faced by former habitual residents of Croatia with regard to the regularization of their stay in Croatia upon return. Even though the regularization process functions, the financial burden posed on the newly arrived returnees who are non-Croatian citizens whose pre-war addresses were/are in Croatia, remains formidable. UNHCR has therefore found it necessary to continue to assist, on an individual basis, the most vulnerable with free legal aid and partial coverage of applicable administrative fees. Between November 2014 and June 2015, UNHCR and its three legal aid partners have assisted some 200 returnees to regularize their stay in Croatia. Most issues related to obtaining "Returnee Status" (which entitles the recipient to 6 months of financial aid from the State, free medical insurance and access to humanitarian assistance, and is in principle available for all newly arrived returnees), were resolved successfully. However a certain number of returnees whose status was granted retroactively continue to face problems in obtaining access to free medical insurance.

### **b) Need for adequate housing**

In the context of the Regional Durable Solutions Process, housing remains the most pressing issue. UNHCR again notes that there has been limited progress towards meeting the need for adequate housing for (potential) returnees, and remains concerned about the large number of cases still pending

housing assistance through State-run programmes, including reconstruction. UNHCR estimates that there remain some 10,700 returnees, including potential returnees, who await various types of housing assistance.

UNHCR has established efficient cooperation with the Croatian Lead Institution for RHP (State Office for Reconstruction and Housing Care, hereinafter referred to as LI). In this regard, UNHCR and the Government have jointly developed a working document which focuses on a number of concrete issues related to the provision of permanent housing solutions and closure of collective refugee centres. A revised methodology on the selection of RHP beneficiaries, on achieving progress in specific RHP sub-projects and the resolution of property related issues, has been developed. BiH, Croatia, Montenegro and Serbia, the four Partner Countries in the region have also improved their working level cooperation in the RHP, in particular by engaging in a pro-active cross-border data verification exercise. In addition to the RHP, between November 2014 and June 2015 there have also been positive developments in the implementation of Croatia's national Housing Care programme. State budget allocations have been increased for the purchase of apartments for former occupancy/tenancy rights (OTR) holders in urban areas from EUR 1.3 million in 2014 to EUR 5.2 million in 2015. EUR 1.1 million have been allocated for housing care of former OTR holders in war affected areas.

The LI started distribution of building materials for 469 beneficiaries in the war affected areas, known as "Areas of Special State Concern". The collective center in Strmica near Knin was closed on 31 March 2015. All collective centre residents have been provided with housing assistance in the wider Knin area. As for the right to buy off State owned apartments allocated under the HCP/RHP scheme, an inter-sectorial expert group with UNHCR participation finalized a new draft Government Decision that should positively impact all occupancy/tenancy right holders in realizing ownership rights.

Croatia progressed with construction work under the RHP project and by the end of May 2015, 23 RHP families (52 persons) had received the keys of their newly allocated housing units. An additional 29 families (60 persons) should have received their new RHP funded apartments in the newly-built multi-apartment building in the town of Korenica, in August 2015. The RHP Budget for Croatia amounts to EUR 10.9 million, of which the national contribution is EUR 2.6 million, while EUR 8.3 million come from donor contributions.

The Government introduced amendments to the *Act on the Areas of Special State Concern* and incorporated a number of comments and suggestions made by UNHCR. Important innovations include a simplified application process for housing assistance and a reduction of the number of documents required to be submitted with the application. For urgent cases, a form of *Temporary housing care* was devised. While the Act came into force on 1 January 2015, the processing of applications for housing remains cumbersome and time consuming due to limited capacity of local administrations.

The majority of current RHP projects concentrate on the southern regions of the country, and UNHCR considers that the geographical coverage could be more balanced. The Government has started to jointly identify eligible beneficiaries also in the Northern regions of Croatia. UNHCR also advocates for better inclusion of urban returnees in the RHP scheme as well as in the national housing care program. Sustainability aspects need to be improved in future RHP sub-projects to be proposed by Croatia. In another development, the Government and UNHCR have jointly approached IKEA to donate basic household items for all RHP beneficiaries who receive new housing units.

The implementation of the State-run reconstruction program also needs to be accelerated as at least 2,300 families still await assistance.

### **c) Access to basic public infrastructure**

UNHCR notes that many minority returnee communities continue to lack access to certain forms of basic infrastructure, including power supply, and that there has been no significant improvement in this regard since the issuance of its Advisory. Areas of Special State Concern where most Serb refugees return to, continue to lack adequate infrastructure. One specific problem that affects primarily Serb returnees is the (re)connection to the electrical grid with some 50 rural settlements (mainly remote hamlets) still living without electricity. To supplement Government reconstruction efforts UNHCR and UNDP Croatia have started a number of projects to promote sustainable/renewable power supply sources (solar panels).

### **d) Employment and basic means of subsistence**

While acknowledging the general economic situation affecting employment across the country, as well as the small increase (between 2012 and 2013), in the share of employment of national minorities in public service this nonetheless remains an area of concern. UNHCR is not aware of specific measures undertaken to advance the employment of national minorities this year, nor has UNHCR received reports of the implementation – in 2014 – of measures set out in the Action Plan for the Implementation of the Constitutional Law on the Rights of National Minorities (hereafter Action Plan). At field level, UNHCR has not received reports about advancement of national minority rights with regard to employment possibilities, *i.e.* introducing measures of “positive discrimination”.

### **e) Difficulties related to private property repossession**

UNHCR welcomes the amendments made to the Law on Areas of Special State Concern, adopted in January 2015, as these should contribute to the resolution of the so-called unauthorized (or unsolicited) investment cases. UNHCR also welcomes the out-of-court settlements that have been reached and fully concluded in 3 (out of 18) of the most pressing cases. Five additional cases are assumed to be close to a positive outcome. The remaining cases are currently pending clearance by the Attorney-General. A stakeholder group led by the Government includes UNHCR. UNHCR urges the government to resolve all pending cases.

### **f) Access to legal aid**

UNHCR welcomes improvements to the legal aid regime made in 2014 through the entry into force of the Act on Free Legal Aid, providing *inter alia* for revised criteria for access to legal aid and a simplified application procedure. However, the resources allocated remain insufficient to meet the current needs and not all vulnerable returning refugees enjoy access to free legal aid. As of 30 June 2015, three UNHCR implementing partners that are also registered free legal aid providers, continued to render free legal aid services to 4,751 cases (Serb National Council 730; Hocu Kuci - Knin 1,455; and Civil Rights Project - Sisak 2,566). In April 2015, the Ministry of Justice allocated HRK 1.5 million to 18 NGOs for primary legal aid and four UNHCR partner agencies benefited. In comparison to last year, Government grants to NGOs have been reduced by between 10 and 30% and the legal aid scheme does not manage to serve all cases in need. To fill this gap, UNHCR has been obliged to continue supporting a modest network of free legal aid providers in areas of return, in order to assist RHP beneficiaries who cannot obtain Government sponsored free legal aid.

### **g) Representation of minorities**

UNHCR welcomes the publication of the 2013 progress report on the Action Plan for Implementation of the Constitutional Act on the Rights of National Minorities, and such developments as the support being provided to national minority councils and improvements to the elementary education of national minorities. UNHCR remains of the opinion however that mechanisms for ensuring the full implementation of the Constitutional Act can be further strengthened, and notes that it has yet to receive updates on any further implementation of the Action Plan undertaken in 2014.

Inter-ethnic tensions in Vukovar manifesting themselves since 2013, for example by defacement/removal of official bilingual signs, have been reported. The Government enforces the law and insists on the replacement of illegally removed signs. During the reporting period bilingual signs have been installed for the first time in the Serb minority return area of Donji Lapac. UNHCR also noted positive developments in the elementary education of minority returnee children.

Employment in the state administration bodies requires improvement. By the end of 2013, of 52,691 state administration employees only 1,853 (3.51 %), were members of national minorities.

### **h) Remaining security issues**

UNHCR acknowledges efforts to combat hate crimes, such as training provided to police officers, public prosecutors, judges and civil society representatives, the adoption of the National Programme for the Promotion of Human Rights 2013-2016, and the Protocol for Dealing with Cases of Hate Crime.

UNHCR is not aware of major security incidents having taken place between the issuance of its Advisory and this report, although expressions of intolerance and sporadic incidents targeting the Serb minority do occur. Repatriation takes place in safety and dignity but some returnees continue to fear and/or to report difficulties, perceiving these as forms of discrimination.

UNHCR also welcomes ongoing de-mining efforts, including plans to fully remove mines from two counties and to clear agricultural areas in three counties by the end of 2015.

UNHCR notes with concern however that there has been no significant improvement with respect to prosecution of war crimes since its Advisory was issued. Positive developments have however been noted with regard to strengthening the Croatian witness protection programme.

### **i) Discrimination of Roma returnees**

UNHCR acknowledges the ongoing implementation of – and funding allocation for – the Action Plan for the Implementation of the National Strategy for Roma Inclusion, as well as the increasing number of Roma Integration Strategies adopted at local levels. Discrimination against Roma, including returnees, remains however a concern and requires greater attention. In the absence of other remedies, the free legal aid required by 869 Roma and provided by two NGO partners during the reporting period had to be funded by UNHCR.

## **3. Comments on progress in respect of UNHCR's recommendation to pursue opportunities for local integration or alternative legal status in countries of asylum**

*Host countries in the region*

### **a) Regularized stay**



While the legal status of refugees from Croatia in BiH, as refugees, has never been clear, in the absence of precise records UNHCR continues to estimate that some 95% of those who fled to BiH have acquired BiH citizenship. Those individuals who have acquired a new nationality and enjoy the protection of the country of their new nationality should no longer be recorded as refugees, and should therefore be required to return their refugee documentation once they have been issued their identity card. UNHCR is currently working with the BiH authorities to ascertain the correct number of remaining persons of concern. At present some 86 individuals are being assisted by UNHCR partners to obtain citizenship and another 30 individuals to repatriate.

UNHCR has welcomed the new BiH Citizenship Law and hopes it will be instrumental in assisting the remaining refugees from Croatia to acquire BiH citizenship. The procedure leading to obtaining BiH citizenship for refugees from Croatia remained unimproved, *i.e.* complex, costly and time consuming. The fees for relevant documentation also remained unchanged. According to the current legal regulations and procedures in Croatia and BiH, it is projected that 15 persons may obtain BiH citizenship in 2015, 14 in 2016, 10 in 2017, 1 in 2018, 12 in 2019 and 34 in 2020. For those who opt to apply for citizenship BiH in this year, they may become eligible in 2023. This is not consistent with the time frame of end 2017 recommended by UNHCR in its Advisory.

The exact number of refugees from Croatia who still lack proper identity documents and who may continue to require assistance to obtain them in future remains unknown. The profiles of currently assisted beneficiaries show that these individuals are highly socially vulnerable, often with limited or no financial means. Many reside in remote areas. In these circumstances, loss of refugee status through cessation would further increase their vulnerability.

UNHCR therefore proposed to the BiH authorities to better identify the extent of the residual impediments by jointly mapping problem areas with a view to further simplifying the naturalization process. In this regard, UNHCR continues to advocate for the waiver or reduction of administrative fees for needy applicants, and calls for the swift adoption of implementing legislation in all constituent entities of BiH, without which no application for citizenship or naturalization can yet be processed.

Serbia continues to de-register as refugees those individuals who have acquired a new nationality (see above). UNHCR welcomes the adoption of the Serbian Government's "*National Strategy for Resolving Issues of Refugees and IDPs for period from 2015-2020*". It envisages a set of measures aimed at increasing employment possibilities for refugees, including women and persons with special needs through income generating programmes, intensified information dissemination on available employment programmes in cooperation with the National Employment Service, youth vocational programmes, facilitated access to start up loans for small and medium enterprises and self-employment. In this regard it will be most welcome for an action plan to be adopted with concrete timelines, budget allocations and indicators to measure progress.

In Kosovo (S/RES/1244 (1999)) UNHCR has come across individuals in the Leposaviq/c municipality holding both Serbian and Croatian nationality documentation, while at the same time remaining in possession of Serbian refugee ID cards identifying them as refugees from Croatia. While these individuals may still be in need of a durable housing solution, they should no longer be regarded as refugees.

In Montenegro, the process of regularization of stay of ex-Yugoslav refugees – including those from Croatia – through the acquisition of the status of 'foreigner with temporary or permanent residence' is

continuing to some extent. While the deadline for submitting applications expired on 31 December 2014, a number of applications are yet to be processed by the Ministry of Interior. UNHCR would welcome the continued extension of consular assistance by Croatia to refugees from Croatia residing in Montenegro, as well as the continued waiver of fees for certain services. Although not a recent development, UNHCR acknowledges the reduction in fees by Montenegro for the application for permanent residence for foreigners, which have enabled some members of this group to apply for alternative legal status.

UNHCR does remain concerned however about vulnerable refugees who may still be in need of assistance to obtain the status of foreigner (with either temporary or permanent residence). A more detailed review of the outstanding needs of all remaining refugees from Croatia residing in Montenegro is planned for September 2015.

UNHCR will also begin working with the Government on a post-2015 action plan as part of its strategy of responsible disengagement from an operational role in programmes for all ex-Yugoslav refugees and displaced persons, which it intends to achieve across the region by the end of 2017.

#### **b) Adequate housing**

As outlined above, there remains a need to expedite the implementation of the RHP whilst at the same time applying all necessary safeguards for the selection of the most vulnerable beneficiaries and ensuring that the housing solutions offered suit their choice of durable solution.

Since the issuance of UNHCR's Advisory, 50 families of refugees from Croatia have been selected as beneficiaries under the RHP in BiH, supporting their local integration. An additional 145 housing solutions are planned for families of refugees from Croatia within the scope of the other RHP sub-projects in BiH that have been approved thus far.

The Government of Serbia reported that an additional 461 beneficiaries of housing units with a buy-out option were selected, with another 150 beneficiaries having been identified for pre-fabricated houses.

In Montenegro no beneficiaries of approved RHP sub-projects have been selected to date, but the eligible groups have been pre-identified, and a process has started to gather relevant information and to identify those persons within the pre-identified groups that are most in need.

UNHCR welcomes donors' commitment to fully maintain their funding pledges for the RHP, as presented at the Donor Conference in Sarajevo in April 2012, and is pleased to note that the funding committed so far has enabled the financing of an important number of durable housing solutions. UNHCR encourages donors to continue lending their support until the RHP fully meets its declared objectives.

#### **c) Employment**

Economic and employment prospects in the region have not improved in the reporting period. It is not known how many refugees from Croatia secured jobs during this period and no data is available on municipality, Entity or state programs for employment for this category of persons.

UNHCR notes ongoing challenges with respect to access to employment for refugees from Croatia in host countries in the region, whether due to existing restrictions based on law or a lack of implementation of more favourable provisions where these exist. UNHCR continues to advocate for

improved employment opportunities including through income generation programmes within the context of projects undertaken to support the Regional Durable Solutions Process.

#### **d) Access to acquired pension rights**

There is still a lack of tangible progress towards resolving the pension issue between Croatia and Serbia. Intensified efforts including dialogue at the political level are needed. During the reporting period, UNHCR once again called for the resolution of this long outstanding issue with the concerned governments, as well as with the international stakeholders. During a meeting held between Croatian and Serbian Foreign Ministers in Zagreb on 11 March 2015 it was agreed to resume the work of the Commissions to amend the agreement on Social Security between the two countries. The Croatian Government confirmed to UNHCR that the new draft bilateral agreement on Social Security issues will include the issue of outstanding pension payments. Reportedly, the draft agreement is currently under review and two government Commissions have been established for this purpose. To UNHCR's knowledge, the actual dialogue between Croatia and Serbia has not yet commenced.

#### **e) Social assistance and health care**

Whilst acknowledging the provisions of Montenegro's 2014 Law on Social and Child Care, which includes refugees from former Yugoslavia as beneficiaries of the state social welfare scheme, UNHCR notes that no tangible changes occurred in the law's implementation and refugees from Croatia continue to face obstructions that restrict access to social care.

### **E) Conclusion**

Whilst there has been limited implementation of UNHCR's recommendation to declare the cessation of refugee status for refugees from Croatia displaced by the 1991-1995 conflict, pursuant to the "ceased circumstances" cessation clauses contained in paragraph 6(A)(e) and (f) of the UNHCR Statute and Article 1C(5) and (6) of the 1951 Convention by the principal host States, UNHCR welcomes the reduction in the numbers of registered refugees from Croatia since the issuance of its Advisory through the application of relevant local legislation, and pursuant to Article 1C(1) or (3) of the 1951 Convention. UNHCR continues to urge host States to ensure that all aspects of the cessation Advisory are implemented by the end of 2017.

UNHCR acknowledges the ongoing efforts being made by both the country of origin and by host States to ensure access to durable solutions for refugees from Croatia. The information available to UNHCR at the time of writing suggests that further efforts are required to ensure continued development and effective implementation at all levels (national, municipal) of laws, policies and programmes aimed at remedying the effects of displacement, reducing discrimination, and the removal of unnecessary administrative hurdles that affect refugees and returnees differently from the general population. These hurdles include obtaining nationality and regulating civil status, accessing rights including housing, acquired pension rights and entitlements, and accessing basic services including water, electricity and healthcare.

In order to facilitate solutions and close the displacement chapter, UNHCR will continue to analyze remaining challenges and to work closely with partners to identify especially needy persons without a durable solution who may still be in need of basic assistance. In close consultation with the Governments concerned, specific additional responses and timeframes may be formulated to implement concrete recommendations.

In light of the above, UNHCR maintains its position that the recommendations contained in its April Advisory remain relevant. UNHCR remains committed to explore pragmatic solutions and continue active dialogue with the concerned States in the context of the letter and the spirit of the Joint Declaration on Ending Displacement and Ensuring Durable Solutions for Vulnerable Refugees and Internally Displaced Persons of 7 November 2011.

UNHCR wishes to invite partners to lend all necessary political, material, legal, social and other forms of support, especially within the RHP, to achieve durable solutions for all refugees from Croatia, to end their displacement and enable them to live as equal citizens without any form of discrimination.

**UNHCR**

**September 2015**