

## Questionnaire

### Special rapporteur on the human rights of migrants

#### Inputs by the Republic of Croatia

- 1. Please provide information on any relevant legislation or policy in relation to the right to seek and enjoy asylum in your country, which guarantees that migrants including asylum seekers' protection needs are examined individually, and they are not pushed back at the international border without access to this assessment and other relevant procedures. Grateful if you could kindly submit the original text of the legislation or policy, accompanied by an English translation if it is in a language other than English, French or Spanish.**

In relation to the right to seek and enjoy asylum in the Republic of Croatia, the Act on International and Temporary Protection (OG: 70/15, 127/17), in Article 33, clearly indicates the procedure for making an application for international protection:

*“(T) A third-country national or a stateless person may express his/her intention to apply for international protection during border control at a border crossing.*

*(2) If a third-country national or stateless person is already in the territory of the Republic of Croatia, his/her expression of intention to apply for international protection may be made at the police administration, a police station or a reception center for foreigners.*

*(3) By way of derogation from paragraph 2 of this Article, an intention to apply for international protection may also be expressed in the Reception Centre for Applicants for International Protection (hereinafter: the Reception Centre) in extraordinary circumstances in order to allow access to the procedure for approving international protection.*

*(4) If the third-country national or stateless person cannot express his/her intention to apply for international protection for justified reasons pursuant to paragraphs 2 and 3 of this Article, the body before which the intention is expressed is obliged to duly inform the Ministry within three days from the expression of intention.*

*(5) In order to establish his/her identity, an applicant older than 14 years shall be subject to having his/her fingerprints and photograph taken.*

*(6) In the case of the temporary inability to take fingerprints for medical or other reasons which were not caused deliberately by the actions of the applicant, the applicant is obliged to provide fingerprints within the shortest possible period following the resolution of the reason why it was not possible to take fingerprints earlier.*

*(7) An applicant who without justified cause fails to act pursuant to paragraphs 5 and 6 of this Article shall have his/her fingerprints taken by police officers without his/her consent.*

*(8) Police officers or officers from the Reception Centre, immediately following the expression of intention to apply for international protection, shall take the applicant's fingerprints and shall photograph him/her, establish his/her identity, how he/she entered the Republic of Croatia, the travel route from the country of origin to the Republic of Croatia, and personal circumstances of importance for assessing the private and procedural guarantees referred to in Article 15 of this Act. They shall inform the Ministry of these things immediately and without*

delay.

(9) *The bodies referred to in paragraphs 1, 2 and 3 of this Article shall register the applicant in the records of the Ministry no later than 3 working days from the day the applicant expressed his/her intention to apply for international protection. If the intention was expressed pursuant to paragraph 4 of this Article, the Reception Centre shall register the applicant in the records of the Ministry within 6 working days from the day when he/she expressed his/her intention.*

(10) *The body which undertook registration pursuant to paragraph 9 of this Article shall issue a certificate of registration of the applicant in the records of the Ministry, and, as necessary, shall set a time limit in which the applicant must report to the Reception Centre to lodge an application. "*

After making an application (expressing the intention to apply for international protection), the procedure of lodging an application is prescribed in Article 34 as follows:

*“(7) Applications shall be lodged directly with the Reception Centre, orally for the record, whereby the procedure for approval of international protection begins.*

(2) *Applicants shall be permitted to lodge an application in the Reception Centre within the shortest possible time and no later than within 15 days from registration of their status in the records of the Ministry.*

(3) *By way of derogation from paragraph 1 of this Article, applicants shall be allowed to lodge applications outside the Reception Centre within an appropriate period, depending on their personal circumstances.*

(4) *For lodging an application, the provisions on interviews under Article 35 of this Act apply mutatis mutandis. ”*

Article 35(1) prescribes the individuality of the examination of the submitted application stating that *“an official from the Ministry shall as soon as possible undertake an investigation procedure and enable the applicant to explain all the facts and circumstances of importance for the procedure to approve international protection. ”*

The Act on International and Temporary Protection (OG: 70/15, 127/17) in Article 28(2) states the following: *“When assessing the application, the Ministry shall collect and consider all the relevant facts and circumstances, especially taking into consideration:*

- 1. the relevant statements and evidence presented by the applicant, pursuant to paragraph 1 of this Article, including information about whether he/she was or could be exposed to persecution or the risk of suffering serious harm;*
- 2. current facts about the country of origin and, if necessary, the country through which he/she travelled, including the laws and regulations of that country, and the manner in which they are applied, as contained in various sources, especially those of the UNHCR and the European Asylum Support Office (hereinafter: EASO) and other organisations dealing with the protection of human rights;*
- 3. the position and personal circumstances of the applicant, including factors such as gender and age, in order to assess on those bases whether the procedures and acts to which he/she was or could be exposed, would amount to persecution or serious harm;*
- 4. whether the applicant's activities, since leaving the country of origin, were aimed at creating the essential conditions for the approval of international protection, in order to assess whether*

*those activities would expose the applicant to persecution or the risk of serious harm if returned to that country;*

*5. whether the applicant could receive the protection of a country of which he/she can prove nationality. ”*

Article 28(3) states that *“the fact that the applicant has already been exposed to persecution or serious harm, or the threat of such persecution or harm, is a serious indication of the applicant’s well-founded fear of persecution or risk of suffering serious harm, unless good reasons exist to consider that such persecution or serious harm will not be repeated. ”*

Related to the above is Article 6 which regulates the principle of the prohibition of expulsion or return (*non-refoulement*) which states that *‘77 is forbidden to expel or in any way return a third-country national or stateless person to a country:*

*- in which his/her life or liberty would be threatened on account of his/her race, religious or national affiliation, membership of a particular social group or due to his/her political opinion; or*

*- in which they could be subjected to torture, inhuman or degrading treatment; or*

*- which could extradite him/her to another country, whereby the principle referred to in indents 1 and 2 of this paragraph would be undermined. ”*

We would like to point out Article 32(1) which states that *“the Ministry shall decide on applications”*, as well as paragraph (2) which states that *“an administrative dispute may be brought before the administrative court against the decision by the Ministry. ”*

Also, Article 35, in paragraphs (1) and (2) states that *official from the Ministry shall as soon as possible undertake an investigation procedure and enable the applicant to explain all the facts and circumstances of importance for the procedure to approve international protection”* as well as that *“during the interview, the applicant shall give credible and convincing explanations of the reasons on which he/she bases his/her application, present all the available evidence used to support the application, and reply truthfully to all questions asked. ”*

**2. Please provide information on any existing good practices or measures taken (such as screening and referral mechanisms at borders) in your country to ensure that persons crossing international borders in mixed movements are protected according to international human rights law. Please indicate any specific measures aimed at reducing vulnerabilities of migrants, including by applying a human rights-based, gender- and disability-responsive, as well as age- and child-sensitive approach.**

The protection of vulnerable persons is prescribed in Article 182 of the Aliens Act (OG, 133/20), which states: *“(1) When applying the measures for ensuring return, the best interest of the minor and the needs of other vulnerable persons shall be taken into account, as well as family life and health condition of a third-country national who is subject to the relevant measures.*

*(2) Within the meaning of paragraph 1 of this Article, vulnerable persons shall mean minors,*

*persons with disabilities, elderly persons, pregnant women, members of single-parent families with minors, victims of human trafficking, victims of torture, rape or any other form of psychological, physical or sexual violence, such as victims of female genital mutilation, and persons with mental disorders.*

*(3) A third-country national who is subject to a return procedure shall be entitled to health care in line with regulations governing the health care of aliens and be entitled to education in line with legislation governing the education of aliens.*

*(4) Decisions regarding the return referred to in Article 196, paragraph 1 of this Act shall be adopted based on individual assessment in accordance with the rule of proportionality. ”*

In the sense of previously stated provisions, in every police action towards migrants, police officers are obliged to determine whether vulnerable persons are concerned and provide such persons with corresponding assistance and protection, if needed.

Non-refoulement is prescribed by Article 207 of the Aliens Act, which reads as follows:

*"(1) It shall be prohibited to forcibly remove a third-country national to a country where his or her life or liberty is endangered because of his or her racial, religious or national affiliation, because of his or her belonging to a particular social group or political opinion, or where he or she may be subjected to torture or inhuman and degrading treatment or punishment or could be sentenced to death or to a country in which he or she is in danger of being forcibly removed to such State.*

*(2) Prior to forcible removal of an unaccompanied minor who is a third-country national, it shall be established whether the minor will be surrendered to a family member, an appointed guardian or a suitable reception facility in the country of return. ”*

On 30 August 2018, the Government of the Republic of Croatia adopted a new' Protocol on the treatment of unaccompanied children in order to regulate the treatment of underage migrants and unaccompanied applicants for international protection and the issue of treating unaccompanied minors is a topic of the training for police officers in police administrations and stations regularly organised by this Ministry. In addition, the treatment of unaccompanied minors is one of the topics in the basic course of the border police. In 2019, UNHCR organised 4 trainings for police officers and employees of social welfare centres concerning the Protocol on the treatment of unaccompanied children.

Furthermore, in line with the Aliens Act, vulnerable persons have the right to free legal assistance in the return procedure in the form of free legal representation for writing complaints and representation before administrative courts.

The trainings of police officers regarding fundamental human rights of migrants are regularly held. In 2019 and 2020, the Croatian Red Cross organised trainings on the following topics: International humanitarian law, Searching service and restoring family links, Urgent first aid procedures, Understanding cultural differences, Vulnerable groups of migrants, Prevention of occupational stress and burnout and Cultures and social situations in the countries of origin. Likewise, in 2019 and 2020, International Organization for Migration (IOM) organised the trainings on the following topics: Health risks associated with migration, Providing assistance in non-urban conditions, Use of automated external defibrillator,

Resuscitation and application of automated external defibrillator and Dealing with vulnerable groups. In 2019 and 2020, the Croatian Law Centre organised trainings on the following topics: Human rights of migrants, Access to the asylum system, Protection of vulnerable groups of migrants and asylum seekers, Responsibility of police officers and Treatment of applicants for international protection. On 25 February 2020, the European Agency for Fundamental Rights organised the workshop “Training on the Schengen Borders Code (Reg. (EU) No. 2016/399), fundamental rights and access to international protection”.

We would also like to emphasize that in 2020, the three-year project “Social services and psychosocial support to applicants for international protection”, co-financed through AMIF and led by the Croatian Red Cross, started with its implementation in reception centres in Zagreb and Kutina. The purpose of the project is to improve the quality of life and the level of psychosocial support available to people residing in both centres. The aim of the project is to strengthen the most vulnerable among above- mentioned population, especially women and children.

The health services in the reception centres are designed with multilevel approach that takes into consideration not only physical but also mental and social components of the health status. They are available also through the project co-financed under AMIF.

People in the reception centres are informed about their rights and available support they can get. The purpose of this kind of approach is to fulfil their primary needs but also to empower them to fully access the services they are entitled to or the services they need.

In order to improve living standards and the quality of life in the reception centres for international protection seekers in Zagreb and Kutina, the Ministry has continuously been making additional efforts to adjust reception and accommodation system in line with the growing needs of applicants for international protection in reception centres.

In addition to the above, the employees of the Ministry are constantly improving their competences through the trainings of EASO and other organisations that participate in the work with applicants for international protection. Some of the trainings that officials received last year are the following: Trafficking in Human Beings, Interviewing children, Gender Identity and Sexual Orientation, Interviewing Vulnerable Person, Basics of psychosocial support in working with migrant women and children. In addition, it is worth adding that in 2020 the Standard operating procedures for family reunification and cooperation with special guardians were developed.

**3. Please provide information on existing restrictions or limitations in law and in practice in relation to the right to claim and seek asylum at international borders in your country (e.g., border controls, restricted access to territory) and elaborate the impact of these restrictions on the protection of the rights of migrants crossing international borders.**

As mentioned in the answer to the first question, Article 33 in paragraphs (1) and (2) of the Act on International and Temporary protection states that “*a third-country national or a stateless person may express his/her intention to apply for international protection during*

*border control at a border crossing. If a third-country national or stateless person is already in the territory of the Republic of Croatia, his/her expression of intention to apply for international protection may be made at the police administration, a police station or a reception centre for foreigners. "*

There are no legal restrictions or limitations in relation to the right to claim and seek asylum at international borders. This is also confirmed by the number of expressed intentions, which has been relatively constant over the past few years (in 2016 - 2,234, in 2017 - 1,887, in 2018 - 1,068, in 2019- 1,986, in 2020 - 1,932 applications made - expressed intentions). It should be noted that even during this period of COVID, the number of expressed intentions (applications made) did not fall despite travel restrictions.

Here we would like to emphasise that a very small number of applicants for international protection has the intention to stay in the Republic of Croatia, i.e. the Republic of Croatia represents exclusively a transit country' for this category of persons on their way to final destinations in the countries of Western Europe. Precisely due to this reason, migrants generally do not want to submit an application for international protection in the Republic of Croatia nor have their fingerprints taken for the Eurodac system and even those persons who have been granted international protection in the Republic of Croatia go to other EU Member States after some time. Therefore, a majority of migrants or persons who have been granted international protection abuse this institute in order to illegally transit through the Republic of Croatia and go to other EU Member States exclusively for economic reasons.

**4. Please provide information on any concrete instances of pushbacks, including an analysis on the circumstances of the event.**

As a Member State of the European Union, the Republic of Croatia has the obligation and right to protect its state border which is also the external border of the European Union and prevent illegal migration in accordance with national and European legislation. Namely, pursuant to Article 5 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), it is established that external borders may be crossed only at border crossing points and during the fixed opening hours. In accordance with the Schengen Borders Code, state border surveillance means the surveillance of borders between border crossing points and the surveillance of border crossing points outside the fixed opening hours, in order to prevent persons from circumventing border checks. Furthermore, Article 13 of Schengen Borders Code prescribes the purpose of state border surveillance and it states that the main purpose of border surveillance shall be to prevent unauthorised border crossings, to counter cross-border criminality and to take measures against persons who have crossed the border illegally. State border surveillance shall be carried out in such a way as to prevent and discourage persons from circumventing the checks at border crossing points. Namely, in accordance with opening remarks 6 and 8 of the Schengen Borders Code, border control is in the interest not only of the Member State at whose external borders it is carried out but of all Member States which have abolished internal border control. Border control should help to combat illegal immigration and trafficking in human beings and to prevent any threat to the Member States' internal security, public policy, public health and international relations of Member States. Moreover, state border control comprises not only checks on persons at border

crossing points and state border surveillance between those border crossing points, but also an analysis of the risks for internal security and of the threats that may affect the security of external borders.

As forms of deterrence, Member States of the European Union regularly use different technical barriers, such as barricades (e.g. during attempts at violent entry into the Republic of Croatia from Bosnia and Herzegovina), fences (a wire fence has been installed on almost the entire length of the state border of the Republic of Croatia with Slovenia and Hungary) or walls (Spanish enclave towns in Morocco). Besides technical barriers, other technical measures are applied as well, such as the installation of border monitoring devices (thermal imaging and other cameras, drones and other types of aircrafts), landscaping along the border (clearing of woods), use of service dogs and special service vehicles and the use of devices emitting light or sound signals (searchlights, sirens).

However, basic measures for implementing deterrence at the external border of the European Union refer to the positioning and engagement of border police officers, which prevents the entry of persons who attempt to illegally cross the state border. Since the borders with Serbia and Bosnia and Herzegovina face the greatest threat of illegal migration, a large number of police officers has been deployed precisely to this part of the border and technical devices for deep optic and radar monitoring of the borderline by day and night, under all weather conditions have been installed in the aim of deterrence. Everything is done in accordance with Article 13 of the Schengen Borders Code.

Likewise, on 18 July 2018 the border between the Republic of Croatia and Bosnia and Herzegovina as well as the sea border with Montenegro is monitored from air in cooperation with Frontex through the use of a specialised airplane. The airplane's operational base is Zadar Airport, and Croatian police officers also participate in the implementation of aerial border monitoring, both in flight operations, as well as through working in the Frontex monitoring centre in Warsaw.

Since deterrence measures are applied towards persons who illegally attempt to cross the state border of the Republic of Croatia, i.e. these persons are not even located in the territory of the Republic of Croatia, there is no legal basis, no factual possibility to implement official hearings nor issue written decisions on deterrence and thus it is not possible to keep official records of these procedures.

In most cases, persons who attempt to illegally cross the state border abandon their attempt to illegally cross and return into the depth of the territory of the neighbouring country after noticing the measures which are implemented in order to deter them. In any case, police officers who apply deterrence while conducting state border surveillance activities are specially trained to interact with migrants and to recognise persons in need of help and protection. Multiple cases have been registered in which the Croatian border police rescued migrants on the state border who were in life threatening situations, e.g. because of deep snow, impassable mountains or because they were injured.<sup>1</sup>

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<sup>1</sup><https://www.tportal.hr/vijesti/clanak/video-pogledajte-kojom-ekstremnom-rutom-migranti-prelaze-u-hrvatsku->

However, in spite of the previously mentioned, false information on illegal actions of the Croatian border police towards migrants are constantly presented in media reports. As an example, I would like to cite the case of 16 December 2018 when a recording was posted on the website of the organisation Border Violence Monitoring aiming to portray the Croatian police in illegal forcible removals of migrants to Bosnia and Herzegovina, although this concerned deterrent measures in line with Article 13 of the Schengen Borders Code. The video recordings were made in secret, at the borderline between the Republic of Croatia and Bosnia and Herzegovina and persons who recorded it set up the camera on purpose in a way that the official marking of approaching the state border “State

Border of the Republic of Croatia” is not visible in the video. This was all aimed to implicate the illegal actions of the police. The material was recorded in the area of Police Administration Lika-Senj, Police Station Donji Lapac, in the location at the borderline between the Republic of Croatia and Bosnia and Herzegovina which is 2-3 kilometres away from the International Road Border Crossing Point Užljebić. This is a mountain and forest area which is almost impassable in winter time, but in other seasons it is exposed to increased illegal attempts at crossing the state border. Precisely in this area the border police frequently deters migrants who attempt to illegally cross the state border and directs them to the nearest forest path which can safely bring them back to the depth of the territory of Bosnia and Herzegovina from where they came to the state border of the Republic of Croatia. By inspecting the recorded material, it was determined that people are not visible in most of the recordings or that they were taken at night. Police officers who direct migrants on the move can be seen only in a small number of recordings and the use of force towards migrants cannot be seen in any of the recordings. The presented recordings confirm that, in spite of secret recording of the treatment of police officers in the alleged period of 10 days, not one recording demonstrates any use of means of coercion towards migrants.

The purpose of releasing such malicious and incorrect information is precisely to discredit the Republic of Croatia, especially at the moment when the adoption of the political decision on joining the Schengen Area is expected. As it has been emphasised thus far, the policy of the Government of the Republic of Croatia is zero tolerance towards illegal use of means of coercion in regard to any category of persons as well as zero tolerance towards failure

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to process any criminal offences or misdemeanours committed by police officers. Precisely due to the stated reasons, all available information on alleged illegal police actions towards migrants are thoroughly inspected by competent services of the Ministry and other competent state authorities.

**5. Please indicate any specific challenges that your Government has encountered in the context of the COVID-19 pandemic, on ensuring the human rights of migrants crossing international borders, either by land or by sea.**

As most of the countries in the world, we have also faced certain challenges regarding the COVID-19 pandemic. When it comes to the measures that are being taken to prevent the spread of the infection and to ensure appropriate care, the Ministry has restricted access to the reception centres in Zagreb and Kutina, allowing access only to those persons who are necessary for their normal functioning.

Applicants are under constant medical surveillance and a physician is available in reception centres on a daily basis. According to the recommendation issued by the Croatian Institute of Public Health, parts of the reception centres are set up to be used for a 14-day quarantine for new applicants who arrive from countries with an increased number of COVID-19 cases or for those who develop any symptoms. In case of any suspicion of COVID-19, they are tested as soon as possible. Also, measures of protection are taken inside the facilities (e.g. floor marking for social distancing, toilets, medical staff, temperature measuring at the entrance to the restaurant). Increased efforts have been invested in maintaining high hygienic standards aimed at preserving the health of applicants, but also of the staff working in both centres.

Although this is challenging for organizing normal functioning of the reception facilities on a daily basis, it is the best way to prevent the spread of the disease and ensure that all necessary material reception conditions are available at the same time.

In the field of education, the Ministry of the Interior, in cooperation with the Croatian Red Cross, has ensured that children in reception centres have the possibility to follow special broadcast on public TV as well as online school in order to be able to continue with their educational activities in the same way as Croatian citizens.

The processing of applications for international protection is continued in compliance with all epidemiological measures, applicants are interviewed and all other procedures are carried out regularly.

Furthermore, due to the impact of the COVID-19 pandemic, the returns of illegal migrants, both voluntary and forcible, are conducted under difficult conditions and to a lesser extent.

**6. Please indicate any challenges and/or obstacles faced by Governmental institutions or civil society organizations and individuals in protecting the human rights of migrants at international borders, including those in distress at sea and in situations where pushbacks or pullbacks are likely to take place.**

The Ministry of the Interior has established active cooperation with numerous international organisations and civil society organisations and it conducts joint projects with some in the area of the protection of migrant rights. As we previously stated in the answer to the question no. 2, in cooperation with the Croatian Red Cross, Croatian Law Centre and International Organisation for Migration (IOM), the trainings of police officers at the external border were organised and conducted regarding access to the system of international protection and the protection of human rights of migrants, providing emergency medical assistance and health protection, fundamentals of humanitarian law etc.

Likewise, the project of monitoring forced returns of third-country nationals has been continuously implemented under the Asylum, Migration and Integration Fund in cooperation with the Croatian Law Centre. The objective of the project is to ensure independent monitoring of forced returns implemented by a civil society organisation.

The Republic of Croatia is one of the few EU Member States that has incorporated into its national legislation a provision on the admission of assisting illegal migrants for humanitarian reasons (Article 53 of the Aliens Act), which was transposed from Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorized entry, transit and residence (OJ L 328, 5.12.2002). However, this provision does not allow assistance in illegal crossing of the state border, except in the case of saving lives and preventing injuries, which some civil society organizations clearly do not want to accept.

The monitoring of police actions towards migrants is ensured by the Ombudswoman who conducts two independent monitoring mechanisms in accordance with the Law on the Office of the Ombudsperson as well as the Law on the National Preventive Mechanism established under the 2002 Optional Protocol to the Convention Against Torture.

Besides that, the legality of police actions was also subject of the independent monitoring mechanism which was established in Croatia already in 2008. In the period from 2008 to 2011, this mechanism was implemented within the framework of the MATRA project in cooperation with the Ministry of Foreign Affairs of the Netherlands and the association Croatian Law Centre. From 2012 to 2019, the mechanism was implemented on the basis of the Protocol which was concluded between the Ministry of the Interior, UNHCR and the Croatian Law Centre. To be precise, based on that mechanism, 20 on-site visits to border crossing points, police station and reception centres for aliens were conducted in 2019. Investigations of 146 cases concerning 680 persons were conducted and 50 interviews were completed with 123 applicants for international protection that same year. Within the framework of the project during 2019, 5 meetings of the Advisory Board were held and the Final Report with concrete findings and recommendations was submitted to all participating parties, as well as to the European Commission. The monitoring mechanism in question was completely independent, its implementation was under the competence of UNHCR and the Croatian Law Centre and it was financed using UNHCR funds.

However, taking into consideration that this monitoring mechanism was subjected to harsh criticism because some NGOs operating in Croatia wanted to be involved (primarily because of financial reasons) and which are explicitly against Croatian membership in the Schengen Area, while the

European Parliament requested the participation of the Ombudswoman<sup>2</sup>. In cooperation with the European Commission and in accordance with the proposal of the Pact on Migration and Asylum, Croatia started the establishment of the independent monitoring mechanism.

According to the new Pact, such a monitoring mechanism is envisaged in all EU Member States. The establishment of the independent monitoring mechanism would make Croatia the first EU Member State to implement this provision of the new Pact. The legal basis for the establishment of the independent monitoring mechanism is in an advanced stage of preparation. At the moment, the formal confirmation of all stakeholders included in its implementation is awaited. Afterwards the legal basis will be sent for approval to the Office of the Prime Minister and the Cabinet of the Minister of the Interior. With their consent, the document will be sent for approval to the Commission and FRA. Once all these steps have been finalised the legal basis would be signed by the stakeholders (NGOs, legal experts from the Faculty of Law of the University of Zagreb and one MEP) participating in its implementation.

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<sup>2</sup> The participation of the Ombudswoman in such a monitoring mechanism according to the valid national legal framework is not possible because it oversteps the legal framework which governs the work of the Ombudswoman in the Republic of Croatia, i.e. the participation of the Ombudswoman in such a mechanism would require to have her mandate expanded, which is only possible, as previously mentioned, by amending the laws governing the competence of the Ombudswoman. In order to accomplish this, an appropriate request should be addressed to the Croatian Parliament.