

SEMI-ANNUAL REPORT

OF THE INDEPENDENT MONITORING MECHANISM

ON THE CONDUCT OF POLICE OFFICERS OF THE MINISTRY
OF THE INTERIOR IN THE AREA OF BORDER PROTECTION,
IRREGULAR MIGRATION, AND INTERNATIONAL
PROTECTION

November 2022 – June 2023 – December 2023 – July 2024

Zagreb, July 2024.

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Note: *Due to delays in implementing the Mechanism's activities, the publication of the Semi-Annual Report and all related agreed activities (such as launching of the website) were postponed. Therefore, this Semi-Annual Report covers the following periods:*

- a) *From November 4, 2022, to June 15, 2023: On November 4, 2022, the Ministry of the Interior, the Croatian Academy of Medical Sciences, the Croatian Academy of Legal Sciences, the Centre for Culture of Dialogue, the Croatian Red Cross, and Prof. Dr Iris Goldner Lang signed the "Agreement on Cooperation for the Implementation of the Independent Monitoring Mechanism for the Protection of Fundamental Rights in the Conduct of Police Officers of the Ministry of the Interior in the Area of Border Protection, Irregular Migration, and International Protection." During this period, the Mechanism carried out a significant portion of activities defined by the Agreement, as well as numerous activities not defined by the Agreement. However, monitoring activities were not conducted due to multiple inconsistencies within the project itself, which the Ministry of the Interior subsequently presented to the Agreement's signatories.*
- b) *From June 15, 2023, to December 31, 2023: During this period, 53 on-site observations were conducted, which form the core basis of this Semi-Annual Report. Alongside monitoring, the Mechanism performed other activities defined by the Agreement, as well as activities outside its scope. The Ministry of the Interior (hereinafter: MOI) did not make regular payments for costs and compensations to Mechanism members, primarily due to administrative reasons. The first project payment was made on November 15, 2023, shortly before the meeting of the Mechanism's Advisory Board.*
- c) *From December 31, 2023, to July 23, 2024: During this period, due to communication breakdowns between the Ministry's Directorate for EU Affairs and Mechanism members, only basic activities and four direct observations were carried out. These were mostly triggered by information received through media reports or emails highlighting human rights violations of migrants. Part of the statistics included in this Report covers this period, which is not primarily part of the Semi-Annual Report but is considered equally relevant by the Mechanism for its work.*

1. In General About the Mechanism

Within its mandate and competencies, the Mechanism is equipped with powers that enable impartial, independent, and effective monitoring. It is important to note that the Mechanism is neither a ‘complaint’ nor an ‘internal affairs’ oversight body, as such entities already exist in the Republic of Croatia (e.g., State Attorney’s Office, Ombudsman, MOI’s Internal Control Department).

The Mechanism operates with limited jurisdiction, and its scope is determined by the jurisdiction of other actors within the general police oversight system. The core focus of the Mechanism's work lies in field-administrative operations, combining the analysis of primary and secondary data sources.

The Mechanism is not a static, one-off, or final response to the challenges of civil oversight of police conduct in the area of irregular migration in Croatia. Its establishment marks the beginning of an impartial, independent, and expert dialogue with the MOI, not solely aimed at detecting and prosecuting individual illegal conduct by police officers but also at identifying normative, institutional, systemic, operational, technical, and ultimately human factors contributing to or causing such conduct.

The Mechanism fulfils its mandate in accordance with the Agreement and the applicable Croatian legal framework, guided by the vision of direct, impartial, independent, and expert dialogue with the MOI. This dialogue indirectly involves a wide range of stakeholders through the Advisory Board and includes the public, from which the Mechanism gathers insights and to whom it transparently communicates its findings.

The broader domestic and European socio-political, geopolitical, geostrategic, security, human rights, and media context in which the Mechanism was designed and established is highly significant, especially given criticisms from certain civil society organizations regarding its creation, the expertise of its members, and the independence of its operations. However, it is even more significant that, at the time of its establishment, no comparable specialized (civil) police oversight mechanism existed in Europe in the area of irregular migration. There were no similar European mechanisms or established best practice guidelines to serve as a model for this Mechanism. Nevertheless, European examples and expert studies (e.g., the European Union Agency for Fundamental Rights - FRA) provided best practice frameworks for general police

oversight mechanisms, which informed the Mechanism's design and its subsequent operational activities. During the Mechanism's operation, FRA developed guidelines for establishing and operating independent national monitoring mechanisms for compliance with fundamental rights at the EU's external borders, partly inspired by this Mechanism and the future obligation to establish similar mechanisms across all EU member states.

Additionally, Article 10 of the newly adopted Regulation 2024/1356 on border checks for third-country nationals and Article 43(4) of Regulation 2024/1348 on the common asylum procedure mandate the establishment of such national mechanisms in all EU member states. These regulations, adopted on May 14, 2024, after prolonged negotiations on the EU Migration Pact, came into effect on June 12, 2024, and will be applicable from June 12, 2026. Given the similarities in purpose and scope between future national mechanisms and the existing Independent Monitoring Mechanism in Croatia, this pilot project represents a valuable practical experience not only for establishing and operating future national mechanisms in Croatia but also across other EU member states. In this context, all positive experiences, challenges, and recommendations developed by the Mechanism and the Advisory Board (see especially section 5.1) can serve as useful guidelines for future mechanisms.

1.1. First Phase (2021–2022)

“The Independent Monitoring Mechanism for Police Conduct in the Area of Irregular Migration and International Protection (hereinafter: Mechanism) was established by the “Agreement on Cooperation for the Implementation of the Independent Monitoring Mechanism for Police Conduct in the Area of Irregular Migration and International Protection,” signed on **June 8, 2021** (hereinafter: Agreement, ANNEX 1). The signatories included the Ministry of the Interior of the Republic of Croatia (hereinafter: MOI) on one side, and the Croatian Academy of Medical Sciences (hereinafter: CAMS), the Croatian Academy of Legal Sciences (hereinafter: CALS), the Centre for Culture of Dialogue (hereinafter: CCD), the Croatian Red Cross (hereinafter: CRC), and Prof. Dr. Iris Goldner Lang on the other. The Agreement defined the purpose, core terms, activities, types of activities (see Chapter 2), locations of implementation, structure, and financing of the Mechanism. The Agreement's initial term was one year (with the possibility of extension). During this time, the Mechanism conducted 20 direct observations (both announced and unannounced) of police conduct. The Mechanism consisted of a Coordination Board (five members, one representative from CAMS, CALS, CCD, CRC, and Prof. Dr. Iris Goldner Lang), who independently from the MOI

(whose officials did not attend the Board's meetings) decided about the implementation of the activities of direct activity providers (8 members, 2 members from CAMS,CALS,CCD and CRC.), who based on the Coordination Board's decision conducted observations in the field (police stations, border crossings, green border, reception Centres for foreigners, etc.).

The Head of the Coordination Board for the first six months was Prof. Dr. Davor Derenčinović (CALs). After his appointment as a judge at the European Court of Human Rights in Strasbourg on January 18, 2022, he was succeeded by Robert Markt, Univ. Spec. Oec. (CRC). Other Board members included Assist. Prof. Dr. Krunoslav Capak, MD (CAMS), Mr. Nermin Botonjić (CCD), Prim. Josip Jelić, MD (CRC, later a field operator), Prof. Dr. Iris Goldner Lang, and Prof. Dr. Anna-Maria Getoš Kalac (from January 18, 2022). Direct activity providers included Prof. Dr. Nadan Rustemović, MD, Prof. Dr. Mario Starešinić, MD (CAMS), Prof. Dr. Davorin Lapaš, Assoc. Prof. Dr. Damir Primorac (CALs), Samir Ilijazi, Mag. Iur., Mr. Admir Muhić (CCD), Robert Markt, Univ. Spec. Oec., As of January 18, 2022, Prim. Josip Jelić, MD and Mr. Branislav Tomić (CRC). Logistical support to the Mechanism was provided by the MOI, which, in accordance with the Agreement, appointed a contact officer to ensure smooth and timely exchange of information and to perform other tasks facilitating the implementation of supervisory and other activities of the Mechanism.

In December 2021, the Mechanism published the 1st Semi-Annual Report of the Independent Monitoring Mechanism for the Conduct of Ministry of the Interior Police Officers in the Area of Irregular Migration and International Protection for the period June–December 2021.

In June 2022, the Mechanism published the Annual Report of the Independent Monitoring Mechanism for the Conduct of Ministry of the Interior Police Officers in the Area of Irregular Migration and International Protection for the period June 2021–June 2022.

Following the publication of the Annual Report, the Advisory Board of the Mechanism prepared the Recommendations of the Advisory Board regarding the Annual Report of the Independent Monitoring Mechanism (June 2021–June 2022) (ANNEX No. 1).

1.2. Second Phase (2022–2023–2024)

On November 4, 2022, the Ministry of the Interior, the Academy of Medical Sciences of Croatia, the Academy of Legal Sciences of Croatia, the Centre for the Culture of Dialogue,

the Croatian Red Cross, and Prof. Dr Sc. Iris Goldner Lang signed the *"Agreement on Cooperation for the Implementation of the Independent Monitoring Mechanism for the Protection of Fundamental Rights in the Conduct of Police Officers of the Ministry of the Interior in the Area of Border Protection, Irregular Migration, and International Protection"* (hereinafter: *Agreement*).

On December 1, 2022, the Directorate for European Affairs, International Relations, and EU Funds of the Ministry of the Interior, acting as the Managing Authority in the management and control system for Internal Security Funds, issued a *Decision on the Direct Allocation of Financial Resources* for the implementation of the project *"Independent Monitoring Mechanism for the Protection of Fundamental Rights in the Conduct of Police Officers of the Ministry of the Interior in the Area of Border Protection, Irregular Migration, and International Protection"* under the Integrated Border Management Fund, Instrument for Financial Support in the Area of Border Management and Visa Policy (*Class: 018-08/22-09/3, Ref. No.: 511-01-136-22-2*).

On December 6, 2022, the Directorate for European Affairs, International Relations, and EU Funds of the Ministry of the Interior, acting as the Managing Authority, and the Ministry of the Interior signed the *Agreement on the Direct Allocation of Financial Resources* for the implementation of the project *"Independent Monitoring Mechanism for the Protection of Fundamental Rights in the Conduct of Police Officers of the Ministry of the Interior in the Area of Border Protection, Irregular Migration, and International Protection"* under the Integrated Border Management Fund, Instrument for Financial Support in the Area of Border Management and Visa Policy (*Class: 018-08/22-09/3, Ref. No.: 511-01-136-22-3*).

On January 2, 2023, Engagement contracts were signed with monitors, and on January 23, 2023, Engagement contracts were signed with members of the Coordination Board.

On May 9, 2023, the Directorate for European Affairs, International Relations, and EU Funds of the Ministry of the Interior, acting as the Managing Authority, and the Ministry of the Interior signed the *Addendum to the Agreement on the Direct Allocation of Financial Resources* for the implementation of the project *"Independent Monitoring Mechanism for the Protection of Fundamental Rights in the Conduct of Police Officers of the Ministry of the Interior in the Area of Border Protection, Irregular Migration, and International Protection"* under the

Integrated Border Management Fund, Instrument for Financial Support in the Area of Border Management and Visa Policy (*Class: 018-08/22-09/3, Ref. No.: 511-01-136-23-10*).

On May 26, 2023, the Ministry of the Interior and the Academy of Medical Sciences of Croatia, the Academy of Legal Sciences of Croatia, the Centre for the Culture of Dialogue, the Croatian Red Cross, and Prof. Dr Sc. Iris Goldner Lang signed the *Addendum to the Agreement on Cooperation for the Implementation of the Independent Monitoring Mechanism for the Protection of Fundamental Rights in the Conduct of Police Officers of the Ministry of the Interior in the Area of Border Protection, Irregular Migration, and International Protection* (hereinafter: *Addendum to the Agreement*).

On June 1, 2023, the Directorate for European Affairs, International Relations, and EU Funds of the Ministry of the Interior, acting as the Managing Authority, and the Ministry of the Interior signed the *Second Addendum to the Agreement on the Direct Allocation of Financial Resources* for the implementation of the project "*Independent Monitoring Mechanism for the Protection of Fundamental Rights in the Conduct of Police Officers of the Ministry of the Interior in the Area of Border Protection, Irregular Migration, and International Protection*" under the Integrated Border Management Fund, Instrument for Financial Support in the Area of Border Management and Visa Policy (*Class: 018-08/22-09/3, Ref. No.: 511-01-136-23-13*).

On June 2, 2023, *Addenda to contracts for engagement* were signed with members of the Coordination Board and monitors.

On June 2, 2023, *contracts for engagement* were signed with administrative staff (*administrative and financial associate and public relations expert*).

On June 15, 2023, monitoring activities were initiated.

After prolonged coordination with the MOI regarding the necessary documentation for the financial disbursement request, the first financial disbursement request was submitted on July 26, 2023, covering payments for members of the Coordination Board, monitors, and administrative staff.

On September 21, 2023, during the 5th meeting of the Coordination Board, Robert Markt resigned from his position as Head of the Coordination Board. None of the Board members

were willing to accept the role of head. As of the writing of this report in July 2024, the Coordination Board remains without a head.

On September 27, 2023, the second financial disbursement request was submitted. It is important to note that since the adoption of the last financial plan, the Ministry of the Interior has repeatedly changed the format of the financial disbursement request, which has demotivated and complicated the administrative management of the project.

The first financial disbursement under the project, consolidating the first and second financial disbursement requests, was made on November 15, 2023.

The second financial disbursement, covering funds for the third financial disbursement request, was made on January 19, 2024.

On January 20, 2024, the fourth financial disbursement request was submitted. As of the writing of this report in July 2024, this disbursement has not been made.

Prolonged delays in cost reimbursements and payments for completed activities have negatively affected the operational dynamics of the Mechanism.

Activities carried out in the period from the signing of the Agreement for the second phase until December 31, 2023:

Leader/Deputy/Secretary/ Member of the Coordination Board/ Monitor/Administrator	Activity Name	Date of Task Completion
Robert Markt	1. Coordination Board Meeting	23.12.2022.
	2. Coordination Board Meeting	11.1.2023.
	3. Coordination Board Meeting	24.5.2023.
	4. Coordination Board Meeting	4.9.2023.
	5. Coordination Board Meeting	21.9.2023.
Iris Goldner Lang	1. Coordination Board Meeting	23.12.2022.
	2. Coordination Board Meeting	11.1.2023.
	3. Coordination Board Meeting	24.5.2023.
	4. Coordination Board Meeting	4.9.2023.
	5. Coordination Board Meeting	21.9.2023.

Nermin Botonjić	1. Coordination Board Meeting	23.12.2022.
	2. Coordination Board Meeting	11.1.2023.
	3. Coordination Board Meeting	24.5.2023.
	4. Coordination Board Meeting	4.9.2023.
	5. Coordination Board Meeting	21.9.2023.
Anna-Maria Getoš Kalac	1. Coordination Board Meeting	23.12.2022.
	2. Coordination Board Meeting	11.1.2023.
	3. Coordination Board Meeting	24.5.2023.
	4. Coordination Board Meeting	4.9.2023.
	5. Coordination Board Meeting	21.9.2023.
Krunoslav Capak	1. Coordination Board Meeting	23.12.2022.
	2. Coordination Board Meeting	11.1.2023.
	3. Coordination Board Meeting	24.5.2023.
	4. Coordination Board Meeting	4.9.2023.
	5. Coordination Board Meeting	21.9.2023.
Samir Ilijazi	1. Observation	15.6.2023.
	2. Observation	15.6.2023.
	3. Observation	15.6.2023.
	4. Observation	15.6.2023.
	5. Observation	1.12.2023.
	6. Observation	1.12.2023.
	7. Observation	1.12.2023.
	8. Observation	1.12.2023.
Nadan Rustemović	1. Observation	16.6.2023.
	2. Observation	16.6.2023.
	3. Observation	16.6.2023.
	4. Observation	12.9.2023
	5. Observation	16.6.2023.
	6. Observation	12.9.2023.
Mario Starešinić	1. Observation	15.6.2023.
	2. Observation	15.6.2023.
	3. Observation	15.6.2023.
	4. Observation	15.6.2023.

Josip Jelić	1. Observation	30.06.2023.
	2. Observation	30.06.2023.
	3. Observation	30.06.2023.
	4. Observation	30.06.2023.
	5. Observation	30.06.2023.
	6. Observation	30.06.2023.
	7. Observation	30.06.2023.
Davorin Lapaš	1. Observation	16.06.2023.
	2. Observation	16.06.2023.
	3. Observation	16.06.2023.
	4. Observation	12.09.2023.
Damir Primorac	1. Observation	3.07.2023.
	2. Observation	3.07.2023.
	3. Observation	3.07.2023.
	4. Observation	30.08.2023.
	5. Observation	30.08.2023.
	6. Observation	30.08.2023.
	7. Observation	30.08.2023.
	8. Observation	30.08.2023.
Branislav Tomić	1 Observation	30.06.2023.
	2. Observation	30.06.2023.
	3. Observation	30.06.2023.
	4. Observation	30.06.2023.
	5. Observation	30.06.2023.
	6. Observation	30.06.2023.
	7. Observation	30.06.2023.
	8. Observation	01.09.2023.
	9. Observation	1.12.2023.
	10. Observation	1.12.2023.
	11. Observation	1.12.2023.
	12. Observation	1.12.2023.
	13. Observation	1.12.2023.
Admir ef. Muhić	1. Observation	3.07.2023.

	2. Observation	3.07.2023.
	3. Observation	3.07.2023.
Maja Antić Vrbota	Administrative Support	11.2022.
	Administrative Support	12.2022.
	Administrative Support	1.2023.
	Administrative Support	2.2023.
	Administrative Support	3.2023.
	Administrative Support	4.2023.
	Administrative Support	5.2023.
	Administrative Support	6.2023.
	Administrative Support	7.2023.
	Administrative Support	8.2023.
	Administrative Support	9.2023.
	Administrative Support	10.2023.
Reana Bezić	Financial Monitoring	1.2023.
	Financial Monitoring	2.2023.
	Financial Monitoring	3.2023.
	Financial Monitoring	4.2023.
	Financial Monitoring	5.2023.
	Financial Monitoring	6.2023.
	Financial Monitoring	7.2023.
	Financial Monitoring	8.2023.
	Financial Monitoring	9.2023.
	Financial Monitoring	10.2023.
	Financial Monitoring	11.2023.
	Financial Monitoring	12.2023.
Ivana Radić	Public Relations Expert	5.2023.
	Public Relations Expert	6.2023.
	Public Relations Expert	7.2023.
	Public Relations Expert	8.2023.
	Public Relations Expert	9.2023.
	Public Relations Expert	10.2023.

	Public Relations Expert	11.2023.
	Public Relations Expert	12.2023.

1.3. Activities of the Mechanism

The Independent Monitoring Mechanism for the Conduct of Ministry of the Interior Police Officers in the Area of Border Protection, Irregular Migration, and International Protection consists of a total of 5 members of the Coordination Board and 8 direct monitors or monitors. The members of the Coordination Board represent organizations involved in the implementation of the Agreement on Cooperation for the Implementation of the Independent Monitoring Mechanism for the Protection of Fundamental Rights in the Conduct of Ministry of the Interior Police Officers in the Area of Border Protection, Irregular Migration, and International Protection: the Croatian Red Cross, the Academy of Legal Sciences, the Academy of Medical Sciences, the Centre for the Culture of Dialogue, and Prof. Dr. Iris Goldner Lang. Direct activity providers are appointed on behalf of the organizations participating in the implementation of the Agreement under Article 4 of the Agreement. On behalf of the Croatian Red Cross, Branko Tomić and Prim. Dr. Josip Jelić, MD were appointed; on behalf of the Academy of Legal Sciences: Prof. Dr. Davorin Lapaš and Prof. Dr. Damir Primorac; on behalf of the Academy of Medical Sciences: Prof. Dr. Mario Starešinić and Prof. Dr. Nadan Rustemović; and on behalf of the Centre for the Culture of Dialogue: Samir Ilijazi and Admir Muhić.

1.4. Monitors and Observations

In the period between June 1, 2023, and December 31, 2023, a total of 53 observations of police officers' conduct were carried out under the Agreement.

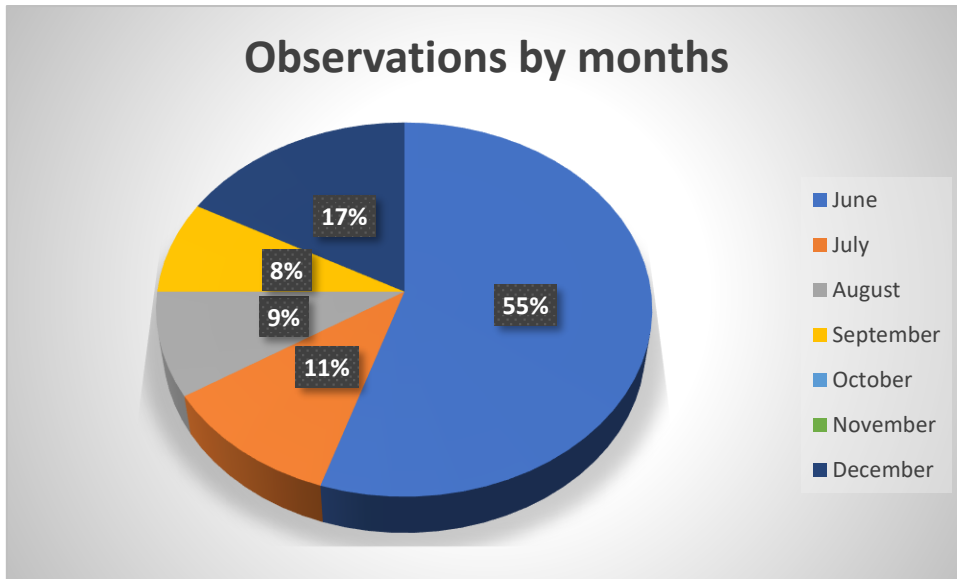


Chart 1. – Share of Observations by Months

According to the provided illustration (Picture 1), the highest number of observations was conducted in June with the aim of collecting as much input data as possible related to police officers' actions, so that individual cases could be monitored in subsequent observations.

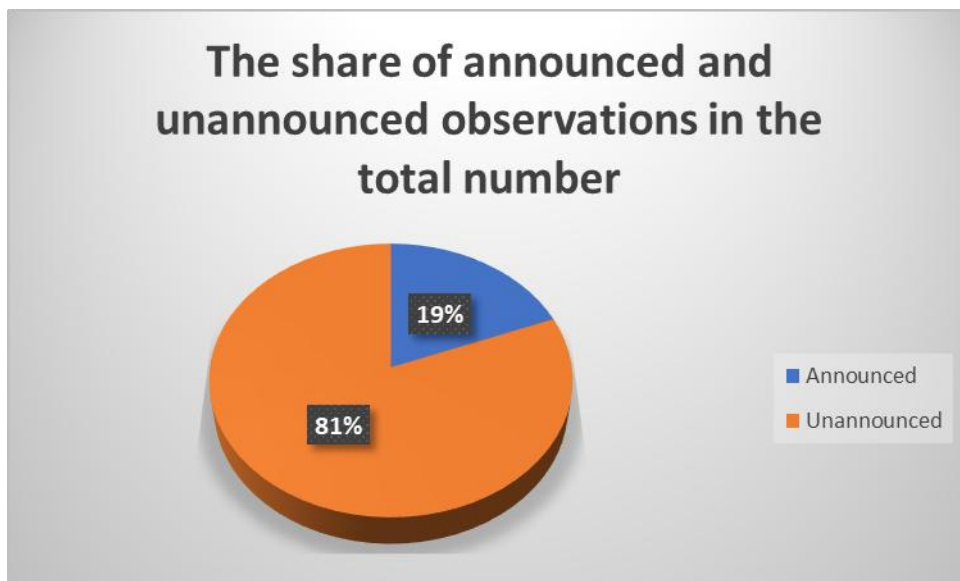


Chart 2. The Share of Announced and Unannounced Observations in the Total Number of Monitoring activities

(The outcome of resolving the status of irregular migrants) with continued monitoring of police officers' actions. Out of the total number of observations during the mentioned six-month period, 43 observations were unannounced, while 10 observations were announced, accounting for 81% unannounced and 19% announced observations (Chart 2).

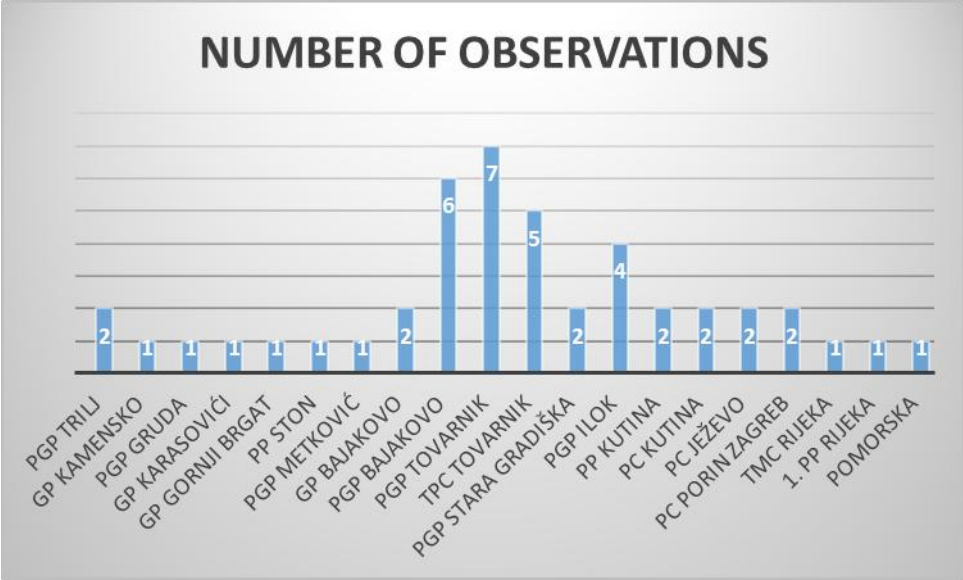


Chart 3. Number of Observations by Border Police Stations and Reception Centres

The monitoring covered a total of 20 locations, including border police stations, border crossings, police stations, transit reception centres, and reception centres for foreigners. In addition to independent observations, monitors conducted observations in cooperation with FRONTEX staff at the Bajakovo Border Police Station on September 27, 2023, and at the Stara Gradiška Border Police Station. In the past six-month period, locations for observations were selected based on information gathered from all available sources. Data provided by the Ministry of the Interior, particularly regarding the frequency of crossings, were taken into account.

Special attention was given to crossings in the far eastern and southern parts of the border due to reports received concerning police conduct. Additionally, focus was placed on interviewing migrants without the presence of police officers, aiming to identify all procedural steps leading to their arrival at reception centres, ensuring a more authentic representation of the system's functioning.

The opening of the Transit Point for Migrants in Rijeka sparked significant interest from the Coordination Board. Consequently, monitors conducted monitoring at the Transit Point, as well as at the 1st Police Station in Rijeka and the Maritime Police Station in Rijeka. A distinctive

feature of the Transit Point for Migrants in Rijeka is the high proportion of migrants apprehended inland in Croatia or while attempting to travel towards Western European countries. Monitor's findings indicate that, in terms of infrastructure, reception centres, border police stations, and police stations are adequate for both long-term and short-term accommodation of migrants. Depending on the location of apprehension and the required duration of stay, migrants are transported to facilities where accommodation is appropriate for their length of stay and group size. In cases where improvements are needed, recommendations have been issued by monitors (e.g., Ston Police Station and Gruda Border Police Station). Using a standardized questionnaire form, monitors collect data related to: observation location, individuals interviewed, conduct of police officers, information system of the Ministry of the Interior, accommodation and food conditions, transport (marked and unmarked vehicles for vulnerable groups), availability of opportunities to seek international protection, availability of interpreters and translators. The questionnaire also includes recommendations prescribed by the European Union Agency for Fundamental Rights, and findings related to these are an integral part of the monitor's reports. Several monitors highlighted the courtesy of police officers and the availability of information, which significantly facilitated the establishment of factual circumstances.

2. Quantitative Reports of the Mechanism's Direct activity providers

2.1. Quantitative Report A

Direct activity provider: [REDACTED]

A total of 8 observations were conducted, of which four were unannounced and four were announced. The monitoring took place at the following locations:

a) **Transit point for migrants in Rijeka** (main railway station in Rijeka), unannounced observation conducted on 15/06/2023. The police officers interviewed: [REDACTED], border control officer, and [REDACTED], shift supervisor at the border crossing.

b) **First police station in Rijeka, Đure Šporera 4, Rijeka**, unannounced observation conducted on 15/06/2023.

The conversation was held with MOI staff: [REDACTED], assistant head of the police station, [REDACTED], police officer for illegal migration, and [REDACTED], police officer for illegal

migration.

c) **Maritime police Rijeka, Riva 16**, unannounced observation conducted on 15/06/2023.

The conversation was held with police staff: [REDACTED], assistant head for border control, [REDACTED], assistant head for maritime police, and the acting head of the police station.

d) **Border police station Stara Gradiška**, Kralja Tomislava 8, Stara Gradiška, announced observation conducted on 27/09/2023.

The conversation was held with Ministry of Interior (MOI) staff: [REDACTED], head of the border police station Stara Gradiška, and [REDACTED], assistant head of the border police station Stara Gradiška. FRONTEX officers who participated in the joint monitoring: [REDACTED], FRONTEX monitor in the Human Rights Department, [REDACTED], FRONTEX monitor in the Human Rights Department, and [REDACTED], FRONTEX field officer.

e) **Border crossing Stara Gradiška**, announced observation conducted on 27/09/2023. The conversation was held with the same persons as at the Border Police Station Stara Gradiška.

f) **Border police station Bajakovo**, Lipovac, announced observation conducted on 27/09/2023. The conversation was held with Ministry of Interior (MOI) staff: [REDACTED], assistant head of the border police station for border control, and [REDACTED], assistant head of the Border Police Station for border protection. FRONTEX officers who participated in the joint observation: [REDACTED], FRONTEX monitor in the Human Rights Department, [REDACTED], FRONTEX monitor in the Human Rights Department, and [REDACTED], FRONTEX field officer.

g) **Border crossing Bajakovo**. An announced observation was conducted on 27/09/2023. -The conversation was held with the same persons as at the Border Police Station

Bajakovo.

Analysis of monitoring and conclusions:

During its extended mandate, the Independent Monitoring Mechanism placed emphasis on unannounced observation activities. On June 15, 2023, an unannounced observation was carried out at the Migrant Transit Point in Rijeka, where we had the opportunity to conduct direct interviews with migrants who provided their consent. We were able to select an interpreter for the Arabic language, who was present during the interviews. The conversation was conducted without the presence of police officers.

At the Migrant Transit Point, most of the migrants belong to a younger age group, predominantly male, and the number of migrants varies daily. On June 15, 2023, there were 20 individuals present, all of whom were of younger age.

The migrants with whom the conversation was held were: [REDACTED] from Afghanistan and [REDACTED] from Afghanistan. The migrants described the treatment they received from police officers in all the countries they travelled through before reaching Croatia. They praised the treatment by Croatian police officers as well as the medical assistance provided to them, while they expressed complaints about the police actions in Bulgaria and Turkey, citing instances of beatings, confiscation of personal belongings, and obstruction of their ability to apply for international protection.

During the visit to the Transit Point for Migrants in Rijeka, accompanied by police officers, we checked the temporary rooms designated for providing medical assistance and the rooms where meals are prepared for migrants. Medical assistance is provided, as well as a room containing medications, which the migrants confirmed. They also expressed satisfaction with the food.

With the extension of the Independent Monitoring Mechanism's mandate, its oversight powers have been expanded, allowing direct monitors, in accordance with Article 9 of the Agreement, access to the Ministry of the Interior's information system, where the actions of police officers are recorded. This enables monitors to monitor whether police officers acted towards migrants on a specific day and how they treated them in terms of respecting their fundamental rights. These are strictly confidential records stored in the Ministry of the Interior's system, which members of the Independent Monitoring Mechanism can now use during monitoring activities. This represents a significant expansion of powers in their work.

At the 1st Police Station in Rijeka, we were granted access to the Event Log and received all detailed information regarding the incident of May 20, 2023, which we had previously selected. Additionally, we were granted access to a file concerning an asylum seeker who is a minor and was assigned a guardian by a decision of the Social Welfare Institute in Rijeka. Regarding the Ministry of the Interior's information system, photographs exist for some of the recorded migrants, facilitating easier identification of individuals.

Conclusion: This represents a new development, as until now, the MOI information system did not include photographs of migrants being recorded. Photographs of migrants are visible in other countries that can also access the database. The Independent Monitoring Mechanism recommends that migrants be photographed and that these photographs be entered into the common database to aid in identity verification.

At the 1st Police Station in Rijeka, we chose to inspect and investigate an event that occurred on May 20, 2023. This involved police officers applying compensatory measures on ŽC5017 in Klana, Petrolejska cesta bb, 100 meters before the turn-off for Klana, when they stopped a white “Škoda” Superb with Romanian license plates TM■■■■, driven by a Romanian citizen ■■■■, who was transporting four foreign nationals without identity documents. A criminal investigation was underway against the four individuals for illegal stay in Croatia, while the Romanian citizen was arrested on suspicion of committing a criminal offense under Article 326 of the Criminal Code: *-unlawful entry, movement, and stay in the Republic of Croatia, another EU member state, or a signatory of the Schengen Agreement.*

After being brought to the official premises of the Rijeka Police Station (PS Rijeka) and providing statements about their personal information, it was determined that the individuals in question were Turkish nationals: ■■■■ (2003), without identification documents; ■■■■ (2006), without identification documents; ■■■■ (1993), without identification documents; and ■■■■ (2002), without identification documents. Through the conducted procedure and interviews with the Turkish nationals, assisted by a Turkish language interpreter ■■■■, it was established that these individuals had arranged a legal trip to Italy while still in Turkey. Their parents paid a smuggler €6,000 per person for the journey. On May 15, 2023, they all departed Istanbul by plane to Sarajevo, where they stayed for four days. Following the smuggler's instructions, they discarded their travel documents in Sarajevo and continued their journey towards the Republic of Croatia using various private vehicles. Upon arrival in Bihać, they were picked up by another private vehicle and directed towards the Croatian border, which they crossed on foot during the night of May 18-19, 2023, at an unspecified location in the

jurisdiction of the Karlovac Police Administration (PU Karlovačka). After crossing the border, they were picked up by another unidentified private vehicle and transported towards Zagreb, where they stayed until the evening before continuing their journey to Rijeka by bus. They spent the night in Rijeka outdoors, staying in the city Centre until the morning hours. On May 20, 2023, at around 9:00 AM, a “Škoda” vehicle arrived to pick them up and headed towards Italy. However, at 9:50 AM, they were stopped by officers from the Rijeka Police Station – Compensatory Measures Group on County Road ŽC 5017 near the town of Klana, as previously mentioned.

The individuals in question requested international protection in the Republic of Croatia. In accordance with the Standard Operating Procedure (SOP), their fingerprints were taken, and registration certificates were issued. The Turkish nationals were informed about the contents of FRONTEX's reintegration program through an informational leaflet and additional clarifications. However, they declined participation in the program and remained firm in their intention to seek international protection, which they confirmed by signing a declaration. Since one minor, ██████ (accompanied by his brother ██████), was part of the group, the Social Welfare Centre in Rijeka was contacted. An on-duty social worker, ██████, arrived at the premises of the First Police Station and will issue a guardianship decision and accompany the minor to the reception Centre for asylum seekers in Zagreb. Upon completion of the procedure, the individuals were to be transferred to the reception Centre for asylum seekers in Zagreb. This approach enables objective monitoring of the treatment of migrants from the moment they are encountered in the territory of the Republic of Croatia onward, allowing for a more detailed analysis of police officers' conduct in terms of respecting migrants' rights.

Regarding the interviewed migrants, we requested access to the Ministry of the Interior's (MOI) information system and determined that ██████, an asylum seeker, expressed an intention to apply for asylum at the Slunj Police Station (PS Slunj) on June 7, 2023. On the same day, he crossed the green border on foot in a group of seven individuals. For ██████, we confirmed that he is also an asylum seeker, his photograph is visible in the system, and his illegal border crossing was recorded as part of a group of ten people. According to the event log, he was intercepted on June 11, 2023, in Slunj at 6:10 AM, along with nine other individuals, all of whom expressed their intention to seek asylum. It is noted that he left Afghanistan three months earlier. He travelled from Serbia to Bosnia and Herzegovina, passing through Sarajevo and Bihać. His intention was to reach Italy (all details are recorded in the event description within the information system).

Conclusion: During the monitoring at the 1st Police Station in Rijeka, we identified an issue with the information system. The EOS system (Records on Certain Categories of Foreigners and Records of International Protection), which is part of the Information System, and the Information System itself are not automatically connected. The recommendation is to integrate the Information System.

For the first time, direct activity providers conducted a direct monitoring at the Maritime Police in Rijeka. Their jurisdiction covers the maritime area – territorial sea and internal waters. So far, there have been no cases of migrants being intercepted at sea. At the border crossing area, there were situations involving Syrians, but they did not have migrant status; they were crew members. As border police, they do not interact with migration, they do not accommodate migrants, they do not have holding facilities, and in cases where it would be necessary to accommodate a migrant (e.g., due to a misdemeanour or criminal offense), the general police are notified.

Conclusion: The Maritime Police do not interact with migration, they do not accommodate migrants, they do not have holding facilities, and in cases where it would be necessary to accommodate a migrant (e.g., due to a misdemeanour or criminal offense), the general police are notified.

Announced Monitoring with FRONTEX

Direct activity providers, for the first time in their mandate, and in accordance with the Conclusion from the meeting held on September 25, 2023, in Zagreb, were involved in joint monitoring with FRONTEX members. They carried out the monitoring on September 27, 2023, at the Border Police Station Stara Gradiška, the Stara Gradiška border crossing, the Border Police Station Bajakovo, and the Bajakovo border crossing. Meetings were held with official personnel at the aforementioned locations, where we received official information about the number of illegal attempts to cross the state border and the methods used, as well as the number of applications for international protection. We had the opportunity to verify how the heartbeat detector works, which is used to check if there is a person in trucks attempting to cross the border illegally. Additionally, the officials pointed out that at the Bajakovo border crossing, they have a trained staff member for detecting *trafficking*, serving as a trainer for fundamental human rights.

During the joint monitoring, we also visited the premises used by FRONTEX staff, which are open every day, 24/7.

Conclusion: We particularly emphasize the difference in authority between the Independent Monitoring Mechanism and FRONTEX. FRONTEX staff do not have the same authority in monitoring as the Independent Monitoring Mechanism. Specifically, direct activity providers have the ability to speak directly with migrants without the presence of police officers, which allows for obtaining more detailed information about the treatment of migrants. Additionally, direct activity providers can review files for irregular migrants and request access to complaints filed by migrants regarding police conduct. What we particularly emphasize is that FRONTEX staff do not have access to the Ministry of the Interior's information system.

2.2. Quantitative Report B

Direct activity provider: [REDACTED]

Date, location, and type of observation:

1. June 30, 2023, Border Police Station Bajakovo, unannounced observation, observation of accommodation facilities.
2. June 30, 2023, Border Police Station Bajakovo, unannounced observation, access to the information system.
3. June 30, 2023, Border Police Station Tovarnik, unannounced observation, observation of accommodation facilities.
4. June 30, 2023, Border Police Station Tovarnik, unannounced observation, access to the information system.
5. June 30, 2023, Border Police Station Tovarnik, unannounced observation, monitoring of the green border.
6. June 30, 2023, Transit Reception Centre Tovarnik, unannounced observation, observation of accommodation facilities.
7. June 30, 2023, Transit Reception Centre Tovarnik, unannounced observation, access to the information system.
8. September 1, 2023, Transit Reception Centre Tovarnik, unannounced observation, information from a secondary source.
9. September 27, 2023, Border Police Station Stara Gradiška, announced observation with FRONTEX.
10. September 27, 2023, Stara Gradiška Border Crossing, announced observation with FRONTEX.

11. September 27, 2023, Border Police Station Bajakovo, announced observation with FRONTEX.
12. September 27, 2023, Bajakovo Border Crossing, announced observation with FRONTEX.
13. September 28, 2023, Border Police Station Tovarnik, announced observation with FRONTEX.
14. January 4, 2024, Border Police Station Ilok, unannounced observation, information from a secondary source.
15. January 4, 2024, Border Police Station Ilok, unannounced observation, access to the information system.

Analysis:

Based on the Agreement on Cooperation for the Implementation of the Independent Monitoring Mechanism for the Protection of Fundamental Rights in the Actions of Police Officers of the Ministry of the Interior of the Republic of Croatia in the Areas of Border Protection, Irregular Migration, and International Protection, the Coordination Board of the Independent Monitoring Mechanism directs its direct activity providers/monitors to announced or unannounced field observations at the external border of the Republic of Croatia, including the green border, at border crossings/police stations/police departments of the Republic of Croatia, with Bosnia and Herzegovina, Montenegro, and the Republic of Serbia, as well as in reception facilities and reception centres for foreigners.

In the 15 field visits mentioned above, I conducted 10 unannounced observations and 5 announced observations, of which 10 were at border police stations, 3 at the transit reception Centre for foreigners, and 2 at border crossings.

In total, I conducted 15 interviews with 22 authorized Ministry of the Interior officials at the mentioned border police stations, border crossings, and transit reception Centre for foreigners. I carried out 3 inspections of accommodation facilities, 1 inspection of the green border, 4 accesses to the Ministry of the Interior's information system, 2 verifications of information gathered from secondary sources, and conducted 5 joint field inspections with FRONTEX representatives.

Monitoring of accommodation facilities:

In accordance with Article 7 of the Agreement, direct activity providers were allowed access to the condition of accommodation facilities at the Border Police Stations Bajakovo, Tovarnik, the Transit Reception Centre (TPC) Tovarnik, and the Border Police Station Ilok. This allowed for verification of compliance with the standards set forth in Article 13, Paragraph 2 of the Regulation on the Treatment of Third-Country Nationals (Official Gazette 68/2018), namely whether the facilities were equipped with basic furniture, had separate sanitary rooms, were not under video surveillance, and provided access to light, air, and appropriate heating or cooling.

The monitoring at the Bajakovo Border Police Station took place on June 30, 2023. The facility was financed by EU funds and, during its design and construction, fully complied with European standards. As a result, it fully meets the requirements for conducting police duties and accommodating irregular migrants. At the time of the observation, no irregular migrants were found or accommodated at Bajakovo.

The accommodation capacities at the Tovarnik Border Police Station, also financed by EU funds and fully compliant with European standards in its design and construction, are not intended for long-term accommodation of irregular migrants. Instead, after completing the initial procedures, migrants are referred to the nearby Transit Reception Centre in Tovarnik, which is also financed by EU funds and built according to European standards. The Tovarnik Border Police Station is equipped with a “*live scanner*” to take fingerprints of all ten fingers of detained irregular migrants, which are then recorded in the EURODAC data exchange system. However, at the time of the monitoring (June 30, 2023), the device was on loan to the Reception Centre for Foreigners in Ježevo. For fingerprinting purposes, the Tovarnik Border Police Station uses equipment at the nearby Transit Reception Centre. At the time of the monitoring at Tovarnik Border Police Station, no irregular migrants were found or accommodated.

The Transit Reception Centre for Foreigners in Tovarnik was built in 2016, right next to the Tovarnik border crossing, with EU funds, in compliance with international standards. The Centre consists of accommodation and administrative areas. Since the Tovarnik Transit Reception Centre is intended for restricting the movement of foreigners who were caught attempting to cross the external border illegally, it has been equipped to ensure the respect of human rights and the protection of dignity during the longer stay of individuals at this facility.

Health and psychosocial care are provided for accommodated foreigners, along with security services at the Centre and measures taken to improve the conditions of stay. Irregular migrants are transported in official police vehicles, while unmarked civilian vehicles are used when transporting minors or unaccompanied children. At the time of the unannounced observation on June 30, 2023, six individuals detained for attempting illegal border crossing were being accommodated at the Tovarnik Transit Reception Centre, and their cases were in the process of resolution.

A monitoring of the accommodation facilities at the Ilok Border Police Station, for individual accommodation that meets the requirements of the Regulation on the Treatment of Third-Country Nationals, was conducted on January 4, 2024. In the event of a need for longer detention of a larger number of individuals, they are transported in marked police vehicles, or in the case of vulnerable groups, in unmarked police vehicles to the nearby Transit Reception Centre in Tovarnik. At the time of the monitoring at the Ilok Border Police Station, no irregular migrants were found.

Direct activity providers did not identify any deficiencies in the accommodation facilities at the mentioned locations.

Monitoring of the green border:

Based on Article 8 of the Agreement, direct activity providers were allowed to observe the green border in the area of responsibility of the Tovarnik Border Police Station on June 30, 2023, which was carried out in an official police vehicle. The Tovarnik Border Police Station covers the border crossing from the eastern side into the European Union, and the land area along the green border is 20 km long. The border area is monitored using patrol police vehicles, and modern technical equipment such as drones, cameras, and thermal imaging is also used for surveillance.

During the monitoring of the green border in the area of responsibility of the Tovarnik Border Police Station, no irregular migrants were found or observed.

Access to the Ministry of the Interior information system:

In accordance with Article 5 of the Agreement on Cooperation for the Implementation of the Independent Monitoring Mechanism for the Actions of Police Officers of the Ministry of the Interior in the Areas of Irregular Migration and International Protection, the Head of the

Illegal Migration Service of the Border Administration of the Ministry of the Interior provides the Independent Monitoring Mechanism with statistical data on actions taken regarding irregular migrants and applicants for international protection at the external border by the 10th of each month for the previous month.

Based on Article 9 of the Agreement, monitors were granted access to the Ministry of the Interior's information system at monitoring locations for the purpose of comparing data or verifying information from secondary sources.

On June 30, 2023, direct activity providers conducted an unannounced observation activity at the Bajakovo Border Police Station. They were granted access to the information system and to the files according to the event log from June 30, 2023: file number [REDACTED] related to [REDACTED] and file number [REDACTED] related to [REDACTED].

During the unannounced observation at the Tovarnik Border Police Station on June 30, 2023, access to the information system was granted, confirming the received statistical data on the number of irregular migrants. They were also granted access to the Event Log from May 29, 2023, and file No. 388/2023, which covered Russian nationals [REDACTED] (born 1993), [REDACTED] (born 2022), and [REDACTED] (born 1991), who had expressed their intention to apply for asylum.

On June 30, 2023, direct activity providers were granted access to the Ministry of the Interior's information system at the Tovarnik Transit Reception Centre, and a report was provided showing the current number of persons detained and accommodated in the rooms, with details about their nationality, year of birth, gender, the police station, or border police station that detained them, and the date of their reception. A statistical report for the Tovarnik Transit Reception Centre was also provided, with comparative data for the period January-May 2022 and January-May 2023. A significant increase in the number of persons accommodated in the Tovarnik Transit Reception Centre was observed, compared to the same period in the previous year (225 persons from January-May 2022, and 599 persons from January-May 2023), which represents a 166% increase. There was also a significant increase in the number of readmission procedures (127 persons from January-May 2022, and 453 persons from January-May 2023), representing a 257% increase.

On January 4, 2024, authorized personnel at the Ilok Border Police Station granted direct activity providers access, upon written request, and provided a report of the relevant case from the Ministry of the Interior's information system.

Verification of claims from secondary information sources:

Based on the collection of information from secondary sources, the Coordination Board of the Independent Monitoring Mechanism decided on August 31, 2023, in accordance with Article 6 of the Agreement, to conduct an unannounced observation at the Tovarnik Transit Reception Centre on September 1, 2023, to verify the claims from secondary information sources.

The secondary source of information was a message received on August 30, 2023, at 18:49 via email, stating: *"On August 17, 2023, at the Tovarnik TPCS, [REDACTED], [REDACTED], and [REDACTED] expressed their intention to seek international protection and were directed to the Reception Centre for Asylum Seekers in Zagreb, but ... all three ... asylum seekers in Croatia were kidnapped on August 17, 2023, at the Tovarnik railway station by four plainclothes policemen, forced into an unmarked van, and after an hour and a half of driving, were 'pushbacked' (from pushback) into Bosnia."*

During the unannounced observation at the Tovarnik Transit Reception Centre on September 1, 2023, the claims from secondary sources were verified through conversations with relevant personnel at the Tovarnik Transit Reception Centre and through access to the Ministry of the Interior's information system. A printout was obtained from the Ministry's information system for the three individuals ([REDACTED], [REDACTED], and [REDACTED]) and a statistical overview of the irregular migrants detained at the Tovarnik Transit Reception Centre by nationality.

All three individuals mentioned in the secondary source ([REDACTED], [REDACTED], and [REDACTED]) arrived by airplane from Turkey to Sarajevo on July 27, 2023, from where they were to be transferred to the Republic of Croatia after paying an unnamed person.

The unnamed person transported them by vehicle from Sarajevo to the Sava River coast on July 29, 2023, from where they crossed into the Republic of Croatia near Pričac in a group of 20 people and were detained. They were all transferred to the BPS Slavonski Brod facilities, where further processing continued. It was established that they were 17 Turkish nationals and

3 Iraqi nationals. All were informed of their rights, provided with food, and refused reintegration and medical assistance.

BPS Slavonski Brod submitted a request to the Banja Luka Field Centre of the Ministry of Security of Bosnia and Herzegovina for the reception of individuals in a shortened procedure. The Banja Luka Field Centre issued a notice on July 31, 2023, regarding the reception of 17 persons based on the Readmission Agreement in three stages: August 18, 2023, August 22, 2023, and August 25, 2023, at the Stara Gradiška border crossing.

██████ and ██████ were scheduled to be returned to Bosnia and Herzegovina on August 18, 2023, at 10:00, and G.O. on August 25, 2023, at 10:00. Before the readmission procedure was carried out, they were transferred to the Tovarnik Transit Reception Centre, where they were received on August 1, 2023, at 12:20. Regular procedures were followed. Since they did not have any personal identification documents, their identities were recorded based on their personal statements using the bilingual Form No. 6. They stated that they spoke Turkish and Kurdish. A first medical check was conducted, and the police officer at TPC Tovarnik took fingerprints of all ten fingers for entry into EURODAC.

On August 17, 2023, the day before the scheduled first readmission date to Bosnia and Herzegovina, all three individuals (██████, ██████, and ██████) expressed their intention to seek international protection at TPC Tovarnik. An official note was made regarding their intention to go to the Reception Centre for Asylum Seekers in Zagreb.

On the same day, Thursday, August 17, 2023, at 16:50, all three (██████, ██████, and ██████), along with a fourth individual, ██████, were released from the Tovarnik Transit Reception Centre for Foreigners, with proper documentation indicating that they were required to report to the Reception Centre for Asylum Seekers in Zagreb by 23:55 on Friday, August 18, 2023.

According to the TPC Tovarnik police officer for reception and deportations who accompanied them to the exit from the Tovarnik Transit Reception Centre on Thursday, August 17, 2023, they were in good spirits as they left and called out to others in the group waiting for readmission at TPC Tovarnik, saying they would contact them by phone. Upon departure, they were informed of the nearby railway station in Tovarnik and the train schedule to Zagreb. They all had sufficient funds to pay for public transportation from Tovarnik to Zagreb.

During the monitoring at the Tovarnik Transit Reception Centre on September 1, 2023, no irregular migrants were found as mentioned in the secondary source, because they had been released from TPC Tovarnik on August 17, 2023, at 16:50, with proper documentation and an official note regarding their intended arrival at the Reception Centre for Asylum Seekers in Zagreb, where they were expected to arrive by public transport by August 18, 2023, at 23:55.

Upon reviewing the documentation, it is confirmed that all the individuals mentioned in the secondary source had their rights fully respected, were referred to the legal procedures, and their rights related to their status were acknowledged. Following their expressed intention to seek international protection, they were properly documented and sent from Tovarnik to the Reception Centre for Asylum Seekers in Zagreb by public transport on August 17, 2023. Sending them to their destination by public transport with proper documentation is the usual procedure for individuals in good health who do not belong to vulnerable groups.

The Head of the Tovarnik Transit Reception Centre did not confirm whether [REDACTED], [REDACTED], and [REDACTED] reported to the Reception Centre for Asylum Seekers in Zagreb within the expected time frame, so it can be concluded that they did not report to the PC Porin.

Based on the proper and credible documentation and the information system printout from the Ministry of the Interior for all three individuals mentioned in the secondary source, it can be concluded that the legally prescribed procedure was fully followed, and their human rights were entirely respected.

Due to the verification of claims from a secondary source, on January 4, 2024, an unannounced extraordinary monitoring was conducted on the individual case of [REDACTED] at the Ilok Border Police Station.

The secondary source of information for the extraordinary monitoring was an unsigned message, which, as indicated by the text, was sent by her brother on January 4, 2024, at 00:40 via email, stating that the Syrian national [REDACTED] was being held against her will and in poor health at the Ilok Border Police Station. Due to the urgency of the matter, the Coordination Board of the Independent Monitoring Mechanism ordered the extraordinary unannounced monitoring at the Ilok Border Police Station on the afternoon of January 4, 2024.

The direct activity providers of the Independent Monitoring Mechanism were received at the Ilok Border Police Station on January 4, 2024, at 16:10 by the Assistant Head of the

Border Police Station for Border Control and a police officer from BPS Ilok for Illegal Migration. Upon written request, the authorized personnel at BPS Ilok allowed the direct activity providers to view and provided a printout of the relevant case from the Ministry of the Interior's information system, including the file for [REDACTED].

Through the analysis of official documentation, review of case file [REDACTED], examination of the printout from the Ministry of the Interior's information system, and the conducted interviews with the deputy head of the Ilok Border Police Station for border control and the police officer of the Ilok Border Police Station for illegal migration, the direct activity providers of the Independent Monitoring Mechanism determined that [REDACTED] illegally crossed the green border between Croatia and Serbia on foot at around 10:30 PM on January 2, 2024, near Neštin. Following a prior arrangement with an unknown person, she entered a Hyundai Santa Fe with Serbian license plates, which had legally crossed from Serbia into Croatia at the Ilok Border Crossing at 10:40 PM on January 2, 2024, driven by Serbian national [REDACTED]. Since the entry of the then unidentified person into the vehicle was recorded, the border protection police officers informed the Ilok Border Police patrols to stop the vehicle and carry out a check, which was done at 11:20 PM on January 2, 2024, in Šarengrad, at 49 Vukovarska Street.

During this check, the Ilok Border Police officers discovered that the Hyundai Santa Fe, which had legally entered Croatia, contained an undocumented female who had illegally entered the Republic of Croatia. [REDACTED] and the irregular migrant were then escorted without the use of force to the Ilok Border Police Station at 11:40 PM on January 2, 2024. Since the irregular migrant did not have personal documents, her identity was recorded based on her own statement on a bilingual Form 6. [REDACTED] is proficient in English, and she was provided with documentation, forms, and instructions regarding her rights in both her native Arabic and English, which she understands. An official translator was engaged for the purposes of translation, as documented in the official record.

[REDACTED] stated that the reason for leaving Syria was the poor economic conditions there. She had left Syria about ten days earlier, traveling through Turkey to Serbia with the intention of reaching the Netherlands. She had arranged through an unknown person in Belgrade that she would cross into Croatia on foot on January 2, 2024, via the green border and wait for a vehicle for further transport, which occurred, though they were recorded and soon apprehended during police check in Šarengrad at 11:20 PM on January 2, 2024. Both the driver [REDACTED] and the irregular migrant were brought to the Ilok Border Police Station.

At the Ilok Border Police Station, [REDACTED] stated that she did not want to remain in Croatia and wanted to go to the Netherlands. She refused free legal assistance. She did not express any intention of seeking international protection/asylum in Croatia, and her fingerprints were not taken. [REDACTED] was informed that she was arrested under Article 211, paragraph 1 of the Foreigners Act due to a violation under Article 183 of the Foreigners Act. She was also informed about Article 36 of the Vienna Convention but stated that she did not wish for the Syrian diplomatic or consular mission in Croatia to be notified of her arrest.

The deputy public prosecutor in Vukovar was notified of the incident on January 2, 2024, at 11:55 PM.

After the administrative procedure, [REDACTED] was issued a decision on her expulsion from Croatia with a ban on entry and residence in Croatia or the European Economic Area for six months.

A request for readmission of [REDACTED] was also sent to the Ministry of the Interior of the Republic of Serbia.

The driver [REDACTED] admitted to committing a criminal offense under Article 326, paragraph 1 of the Criminal Code, and a criminal report was filed against him with the Municipal Public Prosecutor's Office in Vukovar. On January 3, 2024, he was handed over to the detention supervisor of the Vukovar-Srijem Police Department. Later that day, at 5:15 PM, he was transferred to the Osijek prison, and based on a ruling from the Vukovar County Court, KIR- [REDACTED], pre-trial detention was ordered for one month.

Upon receiving confirmation from the Ministry of the Interior of Serbia on January 3, 2024, at 1:47 PM, regarding the execution of the readmission process, [REDACTED] was returned to Serbia on January 4, 2024, at 10:00 AM via the Ilok / Bačka Palanka Border Crossing.

Since the readmission process for [REDACTED] had already been completed, and she had been taken over by the Ministry of the Interior of Serbia by the time of the unannounced extraordinary monitoring, which began on January 4, 2024, at 4:10 PM, the direct activity provider of the Independent Monitoring Mechanism was unable to conduct an interview with the irregular migrant in a private and confidential setting without the presence of the police.

Based on the analysis of official documentation, review of the case file [REDACTED], review of the printout from the Ministry of the Interior's information system, and the conducted interviews with the deputy head of the Ilok Border Police Station for border control and the

police officer for illegal migration, the direct activity providers of the Independent Monitoring Mechanism did not identify any unlawful actions or human rights violations towards ██████. This case is evaluated as a classic example of human trafficking based on credible documentation.

Announced Monitoring with FRONTEX

Based on the conclusion of the meeting held on September 25, 2023, in Zagreb, the direct activity providers of the Independent Monitoring Mechanism along with FRONTEX representatives, were tasked on September 27, 2023, with conducting monitoring at five locations: at the Stara Gradiška Border Police Station, Stara Gradiška Border Crossing, Bajakovo Border Police Station, Bajakovo Border Crossing, and on September 28, 2023, at the Tovarnik Border Police Station.

On September 27, 2023, at 10 a.m., the direct activity providers of the IMM, together with FRONTEX representatives, held a meeting with authorized personnel at the Stara Gradiška Border Police Station, which is fully equipped and organized according to all standards. This station is one of the busiest border crossings between the Republic of Croatia and Bosnia and Herzegovina, ranking second in Croatia in terms of recorded vehicle traffic. The Stara Gradiška Border Police Station is responsible for the area along the left bank of the Sava River from Lužani to the border of the Brod-Posavina County with the Sisak-Moslavina County. To patrol the coastal area, part of which is flooded, the police also use quad vehicles.

Since Croatia joined the Schengen Area on January 1, 2023, this border crossing, including the green border (the Sava River, which forms the natural boundary between Croatia and Bosnia and Herzegovina), is now part of the European Economic Area. As a result, there have been numerous attempts at illegal border crossings. In the first eight months of 2023, 1,825 people were caught attempting illegal border crossings, and 1,683 expressed their intention to seek international protection. The majority of irregular migrants attempt to cross the border with the help of human traffickers, using rubber boats. Last year, four people drowned in the Sava River. There has also been an increase in the number of irregular migrants found hiding in the trailers of freight trucks. There were 12 such cases, involving 82 adults.

The Croatian Border Police is significantly assisted by equipment donated by FRONTEX, such as "*heart beat*" detectors, which detect heartbeats. Items suitable for attack or

self-harm are confiscated from those caught, and there have been no cases of resistance. The individuals are fingerprinted (all ten fingers) for entry into EURODAC, photographed, and provided with written information about their rights in multiple languages. Communication with irregular migrants is carried out in English, which many border police officers speak, or with the help of authorized interpreters or Google Translate. If necessary, irregular migrants are provided with medical care. If they do not have identification documents, their identity is recorded based on their personal statements on Form 6. For those who do not express an intention to seek international protection, the readmission procedure is initiated. The relevant authorities of Bosnia and Herzegovina generally complete readmission within 2-3 days, or within 72 hours, after a request from the Stara Gradiška Border Police Station. If needed, irregular migrants are transferred by police vehicles to reception centres for foreigners in Ježevo, Trilj, or Tovarnik. In the case of unaccompanied minors, the Center for Social Welfare Nova Gradiška is contacted.

On September 27, 2023, representatives of FRONTEX and the direct activity providers of the IMM, accompanied by the head and deputy head of the Stara Gradiška Border Police Station, visited the Stara Gradiška Border Crossing. Here, they met with FRONTEX staff, who have an office at the border crossing and work 24/7, and had the opportunity to observe the control of freight vehicles entering Croatia from Bosnia and Herzegovina, using the "*heart beat*" detectors.

The Croatian Ministry of the Interior of the Republic of Croatia acquired these heartbeat detectors with financial support from EU funds. These devices allow for nearly 100% accuracy in detecting the presence of *stowaways* inside vehicles. By connecting the device to the chassis of an empty or loaded vehicle, even the smallest movement, breath, or heartbeat can be detected.

At the time of the supervision, no cases of irregular migrants hidden in freight vehicles were recorded.

On September 27, 2023, the direct activity providers of the IMM, along with FRONTEX representatives, conducted supervision at the Bajakovo Border Police Station. In this modern, fully equipped facility, they met with authorized personnel of the Bajakovo Border Police Station. Bajakovo is the largest border crossing from the east into the European Union, with a responsibility spanning 24.6 km, including 600 meters along the Bosut River. On the other side of the border, 7 km away in Adaševci, Serbia, there is a migrant Centre from which migrants,

particularly at night, try to cross the border by hiding in transport vehicles they enter unnoticed. Regular monthly coordination meetings are held between the Croatian and Serbian border police at the Bajakovo-Batrovci contact point to exchange police information and address current issues.

A permanent FRONTEX point is established at the Bajakovo Border Crossing, with 11 police officers working there 24/7. MOI considers the cooperation with FRONTEX to be excellent.

The MOI places special attention on continuous training and knowledge refreshment for its personnel regarding migration and human rights issues. Training is conducted monthly at the level of the Vukovar-Srijem Police Department in various modules. The Bajakovo Border Police Station also employs a person specially trained to detect trafficking and a trainer for basic human rights. In addition to well-trained and experienced police officers using modern equipment, specially trained dogs are employed to detect people and drugs. Compared to previous years, the number of illegal migrants has decreased. In the first eight months of 2023, 88 cases of attempted illegal border crossings were recorded, involving 277 people (mainly citizens of Afghanistan, 129, Turkey, 77, and China, 70). Four cases of asylum applications were made by four Russian citizens.

Although the facilities meet the standards for housing, there is generally no need for migrant accommodation. In spring 2015, a fire occurred in the accommodation facilities at Bajakovo Border Police Station, resulting in the deaths of three people. After an investigation by the state prosecutor's office, it was determined that irregular migrants had caused the fire by igniting bedding with a lighter they had smuggled into the room.

MOI conducted an internal investigation and initiated disciplinary procedures against two police officers responsible for guarding irregular migrants. They were accused of failing to properly search the migrants and confiscate items suitable for attack or self-harm, such as a lighter, which they used to ignite bedding after being left unsupervised while the officers were handling administrative tasks.

At the BCP Bajakovo, the number of irregular migrants has decreased as the migrant route has changed. Migrants now primarily use the area near Cetingrad to enter Croatia. There is a well-established procedure in place to provide medical care for injured, ill, or physically

exhausted individuals through the Vukovar-Srijem County Emergency Medical Service, with transportation to the General County Hospital in Vinkovci if necessary. Communication with irregular migrants is conducted in English or with the help of Google Translate, and their rights are explained to them in writing in their languages. In most cases, irregular migrants do not have personal documents, so their identity is recorded based on personal statements on Form 6. Their fingerprints are taken for entry into EURODAC, and they are photographed. By the time of the supervision in 2023, 54 people had applied for asylum at the BCP Bajakovo. For passage through Croatia to the Porin Reception Centre in Zagreb, they are provided with documents in Croatian and English. Additionally, 34 people with forged documents and 20 with someone else's identification papers were discovered. Among these individuals, there were many economic migrants from Kosovo, Cuba, Turkey, and China.

Recently, there has been an increase in the number of people attempting to enter Croatia without meeting the entry requirements for the European Union, due to the visa policy of Serbia not being aligned with the EU's. Nationals from certain countries (Russia, Iran, China, Cuba) do not need a visa to enter Serbia, and they attempt to continue their journey into the European Union through Croatia, often hiding in trucks without personal documents or visas.

On September 27, 2023, the direct activity providers of the Independent Monitoring Mechanism, along with FRONTEX representatives and the Tovarnik Border Police Station officers, met at the Tovarnik Border Crossing at 9:30 a.m. The authorized personnel from the Tovarnik Border Police Station, including the deputy head, assistant head, police officer for illegal migration, and border control officer, welcomed the group.

Since the newly constructed Tovarnik Border Police Station, which was built and equipped with EU funds according to all standards, was severely damaged during the storm on July 19, 2023, it is still undergoing repairs. Therefore, the meeting with authorized personnel from Tovarnik Border Police Station took place at the temporary facilities used by the station at the Tovarnik Border Crossing.

The deputy head of the Tovarnik Border Police Station introduced the area of responsibility of the station, which covers the eastern border crossing into the European Union, with 20 km of land area along the green border. In addition to vehicle patrols, border surveillance is carried out with the help of modern technical equipment such as cameras, thermal imaging, drones, and the "*heart beat*" detector. Prior to the introduction of the Schengen

Area, timely preparations were made, including continuous training on migration and human rights issues, as well as equipping the station with modern border surveillance and detection equipment, much of which was provided by FRONTEX. The Tovarnik Border Police Station also employs an officer authorized to identify *trafficking*. Police officers regularly receive training on this issue, with knowledge refreshers every three months.

There are frequent visits from non-governmental organizations (NGOs) dealing with migration and human rights protection, and good cooperation exists with UNHCR and the Croatian Red Cross.

Since the introduction of Schengen, the number of irregular migrants caught has decreased, as they now choose other routes to reach Western European countries, typically by traveling through Bosnia and Herzegovina, paying unknown individuals to cross the Sava or Una rivers. There have also been reports of life-threatening methods being used, such as hiding on the axles of freight vehicles or climbing power lines for orientation.

In terms of the profile of irregular migrants, there has been a noticeable decrease in the number of Syrian nationals, with the highest frequencies now being from Kosovo, Afghanistan, Burundi, Cuba, Russia, and even Mongolia.

Irregular migrants typically attempt to cross the border in groups, with one member often speaking English. The Tovarnik Border Police Station is greatly assisted by technical equipment provided by FRONTEX to detect hidden irregular migrants. Communication with irregular migrants is mostly in English or using Google Translate in their native language, and their rights are explained to them in writing in languages they understand. Irregular migrants are generally not interested in international protection or asylum in Croatia.

In the first eight months of 2022, 24 cases were recorded involving 67 people, and in the first eight months of 2023, there were 33 cases involving 83 people. In the first eight months of 2022, 14 individuals applied for asylum, while 5 individuals did so in the first eight months of 2023.

The statistics on the citizenship of irregular migrants encountered in the area of responsibility of the Tovarnik Border Police Station change with the situation, particularly with the emergence of new crisis hotspots in the Middle East, Asia, and Africa. In addition to economic migrants, individuals who leave their home countries out of fear for their own safety

are also recorded as irregular migrants. Following the outbreak of the Ukrainian crisis last year, the situation in Armenia is also closely monitored at the Tovarnik Border Police Station.

During the COVID-19 pandemic, migrants in reception centres in Serbia were under police or military surveillance, which led to a decrease in the number of attempts to illegally cross into the Republic of Croatia. At the nearby contact point Bajakovo-Batrovci, regular coordination meetings between Croatian and Serbian police are held on a monthly basis, and more frequently, if necessary, for the exchange of police data.

Although cooperation with Serbia is good, a problem arises due to truck transit, as the Serbian side is not sufficiently equipped to detect all irregular migrants, especially those attempting to enter vehicles at night. Truck drivers do not feel guilty for damaging seals, unnoticed entry, or hiding irregular migrants in their vehicles, with fines ranging from €5,000 to €6,000.

FRONTEX established its service at the Tovarnik Border Crossing in 2017, and since then, FRONTEX officers have been working at this crossing every day, 24 hours a day. The authorized personnel at the Tovarnik Border Police Station assess cooperation with FRONTEX as good, without any major issues, but there is room for improvement, primarily in terms of the number of personnel working on these matters.

In the final part, FRONTEX representatives and the direct activity providers of the Independent Monitoring Mechanism (IMM), accompanied by authorized personnel from the Tovarnik Border Police Station, had the opportunity to observe the control of Croatian border police officers over trucks entering the Republic of Croatia from the Republic of Serbia, using so-called "heart beat" detectors, financed by the Schengen Instrument. These devices can detect hidden people in trucks with nearly 100% accuracy by identifying even the slightest movement, breathing, or heartbeat through the chassis of an empty or loaded vehicle. During the control of the observed truck, no movement, breathing, or heartbeat of hidden individuals was detected with the "heart beat" device.

Compared to FRONTEX's methodology for monitoring irregular migrants' human rights, a difference was noticed between FRONTEX's and the Independent Monitoring Mechanism's mandates, particularly in the area of monitoring the fulfilment of accommodation standards at border police stations, access to the Ministry of the Interior's information system,

access to files kept by border police stations for each asylum seeker, and direct communication with irregular migrants. FRONTEX staff have their offices at Croatian border crossings and work 24/7.

Conclusion:

Based on Article 6 of the Agreement on Cooperation for the Implementation of the Independent Monitoring Mechanism (IMM) regarding police officers' conduct in the area of illegal migration and international protection, which outlines IMM activities at the external border, border crossings, police stations, police directorates, reception centres, and foreigner accommodation centres, the Coordination Board of the Independent Monitoring Mechanism directs the direct activity providers/monitors to conduct both announced and unannounced observations at the external border of the Republic of Croatia, including the green border, at border crossings, police stations, and police directorates, as well as at reception centres and foreigner accommodation centres.

Direct activity providers of the Independent Monitoring Mechanism, duly identified with accreditation issued by the Ministry of the Interior and visible yellow vests with IMM markings, upon arrival at the designated inspection site, conduct interviews with authorized persons from the police directorate/police station/border crossing/reception Centre or foreigner accommodation Centre.

As direct activity provider, I can express satisfaction with the cooperation of authorized Ministry of the Interior personnel, who were extremely correct, professional, and highly competent in answering questions during both announced and unannounced monitoring activities, enabling us to carry out tasks specified in the Agreement, access to observed case files, printouts from the Ministry's information system, and monitoring of accommodation capacities.

Based on the conducted monitoring, analysis of statistical data from the Ministry of the Interior's information system, monitoring of accommodation capacities at border police stations, border crossings, and foreigner reception centres, as well as interviews with individuals detained during attempts to illegally enter the Republic of Croatia and placed in the TPC Tovarnik pending readmission procedures, we can conclude that the accommodation capacities meet the standards for the long-term stay of the detained individuals. Border police

officers treat the detained individuals with full respect for their human rights, providing them with communication through translators and informing them of their rights in languages they understand. The necessary documentation is properly maintained both in written and digital form.

2.3. Quantitative report C

Direct activity provider: ■■■■

Date, location, and type of observation:

1. 30.6.2023. Border Police Station Bajakovo, unannounced observation, accommodation capacity monitoring.
2. 30.6.2023. Border Police Station Bajakovo, unannounced observation, access to information system.
3. 30.6.2023. Border Police Station Tovarnik, unannounced observation, accommodation capacity monitoring.
4. 30.6.2023. Border Police Station Tovarnik, unannounced observation, access to information system.
5. 30.6.2023. Border Police Station Tovarnik, unannounced observation, green border patrol.
6. 30.6.2023. Transit Reception Centre Tovarnik, unannounced observation, accommodation capacity monitoring.
7. 30.6.2023. Transit Reception Centre Tovarnik, unannounced observation, access to information system.
8. 4.1.2024. Border Police Station Ilok, unannounced observation, information from secondary source.
9. 4.1.2024. Border Police Station Ilok, unannounced observation, access to information system.

Analysis:

Based on the Agreement on Cooperation for the Implementation of the Independent Monitoring Mechanism for the Protection of Fundamental Rights in the Actions of Ministry of the Interior Police Officers in the Areas of Border Protection, Irregular Migration, and International Protection, the Coordination Board of the Independent Monitoring Mechanism directs its direct activity providers to conduct announced or unannounced field observations at the external border of the Republic of Croatia, including the green border, at border crossings,

police stations, and police directorates of the Republic of Croatia, with Bosnia and Herzegovina, Montenegro, and the Republic of Serbia, as well as at reception facilities and foreigner accommodation Centres.

In the aforementioned 9 unannounced field observations, 7 were conducted at border police stations, and 2 at a transit reception Centre for foreigners.

During the 9 unannounced field observation visits, I conducted interviews with 9 authorized Ministry of the Interior officers at the visited border police stations, border crossings, and transit reception Centre for foreigners. I performed 3 monitoring visits of accommodation capacities, 1 visit to the green border, 4 inspections of the Ministry of the Interior's information system, and 1 verification of information gathered from secondary sources.

Monitoring of accommodation capacities:

In accordance with Article 7 of the Agreement, direct activity providers were provided access to the state of accommodation capacities and the verification of whether they meet the standards prescribed in Paragraph 2 of Article 13 of the Regulation on the Treatment of Third-Country Nationals (Official Gazette 68/2018), specifically whether they are equipped with basic furniture, have separate sanitary facilities, are not under video surveillance, have access to light and air, and appropriate heating or cooling.

During this period, I conducted monitoring of the accommodation capacities at the Border Police Stations (BPS) Bajakovo, BPS Tovarnik, and the Transit Reception Centre (TRC) Tovarnik.

1. Monitoring of accommodation capacities at the Border Police Station Bajakovo was conducted on June 30, 2023. At the time, there were no irregular migrants being detained or accommodated. This facility was funded by EU funds and, during its design and construction, was fully aligned with European standards. A total of 40 beds are available for the accommodation of detained individuals. The area of each room is approximately 6 x 5 meters, which meets the standard of 7 m² per person for individual accommodation and at least 5 m² per person for group accommodation. The accommodation rooms are not under video surveillance. All rooms for the accommodation of detained individuals are equipped with basic furniture (table, chair, and bed with bedding) and each has a separate sanitary facility (WC, sink, shower). All

rooms have appropriate natural and artificial light, fresh air flow, and, since they are connected to the central heating and cooling system, they provide adequate heating or cooling, as do all other official premises of BPS Bajakovo. This facility fully meets all requirements for the performance of police duties and the accommodation of irregular migrants.

2. Monitoring of accommodation capacities at the Border Police Station Tovarnik was conducted on June 30, 2023. This facility was also funded by EU funds and, during its design and construction, was fully aligned with European standards. The premises are not intended for the long-term accommodation of irregular migrants, but after completing the initial procedure, they are directed to the nearby Transit Reception Centre in Tovarnik.
3. Monitoring of accommodation capacities at the Transit Reception Centre Tovarnik was conducted on June 30, 2023. The TPC Tovarnik was built in 2016 with funds from the Schengen instrument, located immediately next to the Tovarnik - Šid border crossing. Since the TPC Tovarnik is intended for the restriction of movement of foreigners who were caught illegally crossing the external border, everything has been designed and constructed to ensure that during their longer stay, individuals' human rights are respected and their dignity is protected.

The section of TPC Tovarnik designated for the reception and accommodation of third-country nationals cover an area of 1,175 m² and consists of reception and activity rooms on the ground floor. Included in this section are rooms for children's play, a library, a room for table tennis, board games, and a TV room. Posters on the walls provide information to irregular migrants about their rights.

On the upper floor, there are sleeping quarters with a capacity for 62 individuals, consisting of 14 four-person rooms and two family three-person rooms, all furnished with basic furniture and equipped with a proper sanitary facility. The rooms are not under video surveillance, are well-ventilated, have daylight, heating, or cooling, and provide a surface area of 7 m² per person for individual accommodation and at least 5 m² per person for group accommodation. There is also a laundry room available for the maintenance of clothing cleanliness, and all rooms are fresh and clean. For maintaining physical fitness and motor skills, the TPC Tovarnik complex has a workout area, a basketball court, a handball/football field, and a children's playground.

The Ministry of the Interior (MOI) and the company "Pleter" have signed a contract under which adults accommodated in TPC Tovarnik are served 3 meals a day, prepared in accordance with their dietary habits, while children under 12 years old are provided with 4 meals daily.

The TPC Tovarnik is regularly visited by the staff of the Asylum and Migration Department of the Croatian Red Cross, who conduct interviews with detained individuals and, when necessary, provide necessary items such as clothing, shoes, and toys.

Transportation of irregular migrants is carried out using official police vehicles, and if minors or unaccompanied children are involved, they are transported in unmarked civilian vehicles. During the unannounced observation on June 30, 2023, six individuals detained for attempting to illegally cross the border were accommodated in TPC Tovarnik, and their belongings were in processing.

Direct activity providers were allowed to speak with the detained irregular migrants of Iranian nationality, ██████ (1995) and ██████ (1975), who were accommodated in TPC Tovarnik. They were detained by police officers from BPS Vrbanja on June 29, 2023, while attempting to illegally enter the Republic of Croatia from the Republic of Serbia and were then brought to the Transit Reception Centre Tovarnik to undergo the readmission procedure.

The direct activity providers conducted the interview with ██████ and ██████ in Croatian because they had been residing in these areas for a long time, attempting to cross the border and move westward. ██████ and ██████ stated that they were aware of the procedure and their rights, had no complaints about the conduct of the police officers, nor the accommodation conditions at TPC Tovarnik.

As a doctor by profession, it is particularly important to me that constant attention is given to the health and psychosocial care of detained foreigners at all observed locations, especially at the Transit Reception Centre Tovarnik.

If individuals detained for illegal border crossing and accommodated at the TPC Tovarnik require medical assistance, an agreement has been made with ██████, who operates a general/family medicine practice in Tovarnik, to provide medical care for those in the

accommodation facilities at TPC Tovarnik. A proper record of each examination and medical service provided is maintained in the documentation of the Transit Reception Centre Tovarnik.

During the course of the above-mentioned observed activities, the direct activity providers found no deficiencies in the accommodation capacities at the facilities in question.

Monitoring of the green border:

1. Based on Article 8 of the Agreement, on June 30, 2023, direct activity providers were provided with official transport from the Tovarnik Police Station and accompanied by authorized personnel to observe the green border in the area under the responsibility of the Tovarnik Border Police Station.

The Tovarnik Border Police Station's area of responsibility covers the border crossing on the eastern side of the European Union, and the land area along the green border extends for 20 km. Border area surveillance is conducted using police patrol vehicles, and modern technical equipment such as drones and cameras, including thermal imaging, is also utilized for monitoring.

The municipalities that fall under the jurisdiction of this border crossing—Tovarnik, Tompojevci, and Lovas—donated two drones to the Ministry of the Interior in 2022 as part of a joint project called "Safe Srijem." These drones are used for aerial monitoring of the border area.

A problem arises from the use of the Tovarnik border crossing by foreign freight vehicles transporting goods who, in order to avoid paying road tolls, bypass the Bajakovo border crossing to continue their journey westward. As a result, there is an increase in freight vehicle traffic at this border crossing, which also requires monitoring and results in long waiting times in queues. Irregular migrants often take advantage of these delays to enter unnoticed and hide in the attached vehicles of trucks.

During the green border monitoring in the area under the responsibility of the Tovarnik Border Police Station, no irregular migrants were detected or observed.

Insight into the Ministry of the Interior Information System:

In accordance with Article 5 of the Cooperation Agreement for the implementation of the Independent Monitoring Mechanism for the conduct of Ministry of the Interior police officers in the field of illegal migration and international protection, the head of the Illegal

Migration Service of the Border Administration of the Ministry of the Interior provides the Independent Monitoring Mechanism with tables containing statistical data on actions taken towards irregular migrants and applicants for international protection at the external border by the 10th of each month for the previous month.

Based on Article 9 of the Agreement, monitors are allowed access to the Ministry of the Interior information system at the monitoring sites to compare data or verify information from secondary sources.

1. On June 30, 2023, the direct activity providers conducted an unannounced observation activity at the Bajakovo Border Police Station. They were granted access to the information system and the records according to the event log of June 30, 2023: File No. [REDACTED] concerning [REDACTED] and File No. [REDACTED] concerning [REDACTED].
2. During the unannounced observation at the Tovarnik Border Police Station on June 30, 2023, access to the information system was provided, which confirmed the received statistical data on the number of irregular migrants. The event log from May 29, 2023, and File No. [REDACTED] were reviewed, which included Russian nationals [REDACTED] (born 1993), [REDACTED] (born 2022), and [REDACTED] (born 1991), who expressed their intention to apply for asylum at the time.
3. On June 30, 2023, the direct activity providers were given access to the Ministry of the Interior's information system at the TPC Tovarnik and were provided with a printout showing the current number of individuals accommodated in the rooms, with data on nationality, year of birth, gender, police station (or border police station) that encountered them, and the date of their reception. Additionally, they were given a printout of the statistical report from TPC Tovarnik, comparing data for the period January-May 2022 and January-May 2023.

A significant increase in the number of individuals accommodated at TPC Tovarnik was observed compared to the same period last year (225 individuals during January-May 2022 and 599 individuals during January-May 2023), which represents an increase of 166%. There was also a significant increase in the number of readmission procedures (127 individuals during January-May 2022 and 453 individuals during January-May 2023), an increase of 257%.

According to the printout from the TPC Tovarnik information system, during the period January-May 2022, 30 health examinations of detained individuals were conducted, and 22 therapies were prescribed, while in the period January-May 2023, 333 health examinations were conducted, and 52 therapies were prescribed. This represents an increase of 1,010% in examinations and 136% in therapies compared to 2022.

In May 2023, 74 health examinations of detained individuals were conducted at TPC Tovarnik, which represents a 640% increase compared to May 2022, when only 10 health examinations were carried out. Also, in May 2023, 10 therapies were prescribed to detained individuals, representing a 57% increase compared to May 2022, when only 7 therapies were administered.

4. On January 4, 2024, the direct activity providers conducted an unannounced observation at the Ilok Border Police Station due to an individual observation case. They were granted access to the information system and the following file: ██████, concerning ██████, born ██████ in ██████ (Syria), a Syrian national, residing in ██████ (Syria), ██████.

The direct activity providers found that the documentation in the Ministry of the Interior's information system was being properly maintained.

Verification of Statements from Secondary Information Sources

Based on the collection of information from secondary sources, the Coordination Board of the Independent Monitoring Mechanism, on January 4, 2024, in accordance with Article 6 of the Agreement, decided to conduct an urgent unannounced extraordinary monitoring of the individual observation case of Syrian national ██████ at the Ilok Border Police Station to verify the statements from secondary information sources.

The secondary source of information for conducting the extraordinary monitoring was an unsigned message, which, as can be inferred from the text, was sent via email at 00:40 on January 4, 2024, from an unknown location by the brother of the detained irregular migrant woman. The message stated that Syrian national ██████ was allegedly being held against her will and in poor health at the Ilok Border Police Station.

Due to the urgency of the procedure, the Coordination Board of the Independent Monitoring Mechanism determined via email on January 4, 2024, at 10:22 AM, that an unannounced extraordinary monitoring would be conducted that same afternoon at the Ilok Border Police Station. Authorized personnel of the Ilok Border Police Station (BPS Ilok) enabled direct activity providers, upon written request, to review and print the relevant case from the Ministry of the Interior's (MOI) information system on January 4, 2024.

The direct activity providers of the Independent Monitoring Mechanism (IMM) were received at the premises of the Ilok Border Police Station on January 4, 2024, at 4:10 PM by the Deputy Chief of the Ilok Border Police Station for Border Control and a Police Officer of BPS Ilok for Illegal Migration. Upon written request, the authorized personnel of BPS Ilok enabled the direct activity providers to review and print the relevant case from the MOI information system, as well as to review the file ██████ concerning ██████.

Given that at the time of the unannounced extraordinary monitoring, which began on January 4, 2024, at 4:10 PM, the readmission procedure for ██████ had already been carried out, i.e., ██████ had already been handed over to the Serbian Ministry of the Interior on January 4, 2024, at 10:00 AM at the Ilok/Bačka Palanka border crossing, the direct activity providers of IMM were unable to conduct an interview with the irregular migrant in a private and confidential setting without police presence.

Through the analysis of official documentation, the review of file ██████, the printout from the MOI information system, and a conversation with the Deputy Chief of BPS Ilok for Border Control and the Police Officer of BPS Ilok for Illegal Migration, the direct activity providers of the Independent Monitoring Mechanism did not identify any unlawful conduct towards ██████ or any violation of ██████'s human rights. Based on credible documentation, this case can be classified as a classic example of human smuggling. Monitors did not receive information from MOI officials on whether the migrant had requested asylum and whether her rights to international protection had been explained to her.

Conclusion:

Based on Article 6 of the Agreement on Cooperation for the Implementation of the Independent Monitoring Mechanism of Police Officers' Conduct in the Area of Irregular Migration and International Protection, which provides for IMM activities at the external border, border crossings, police stations, police administrations, and in reception centres and

facilities for foreigners, the Coordination Board of the Independent Monitoring Mechanism assigns direct activity providers /monitors to conduct announced or unannounced observations at the external border of the Republic of Croatia, including the green border, at border crossings/police stations/police administrations of the Republic of Croatia with Bosnia and Herzegovina, Montenegro, and the Republic of Serbia, as well as in reception centres and facilities for foreigners.

As a direct activity provider, I am extremely satisfied with the cooperation at all monitoring locations with the authorized personnel of the Ministry of the Interior (MOI), who, during both announced and unannounced observations, responded exceptionally correctly, professionally, and highly competently to the questions posed by direct activity providers. They enabled us to carry out the tasks provided by the Agreement, access accommodation facilities, review case files, and obtain printouts from the MOI information system.

Additionally, as a direct activity providers/monitor, and especially professionally as a physician, based on the powers provided by the Agreement, conducted observations, analysis of statistical data from the MOI information system, assessment of accommodation capacities at border police stations, border crossings, and the reception Centre for foreigners, as well as conversations with authorized MOI personnel and individuals apprehended while attempting illegal entry into the Republic of Croatia and accommodated in TPC Tovarnik until the readmission process is completed, I can conclude that the accommodation capacities at the monitoring locations meet the standards required for prolonged stays of apprehended individuals. Police officers treat apprehended individuals with full respect for their human rights, ensuring communication with the help of interpreters, informing them about their rights in languages they understand, providing appropriate healthcare and psychosocial support, and maintaining proper documentation in both case files and the MOI information system. Monitors did not receive information from MOI officials on whether migrants had requested asylum or whether their rights to international protection had been explained to them.

2.4. Quantitative Report D

Direct activity provider: [REDACTED]

Date, location, and type of observation:

All observations were UNANNOUNCED and were carried out on the following dates:

- July 3, 2023 – Border Police Station Trilj – Split-Dalmatia Police Administration (together with direct activity provider ██████),
- July 3, 2023 – Permanent Border Crossing for International Traffic of Passengers and Goods "Kamensko" – Border Police Station Trilj – Split-Dalmatia Police Administration (together with direct activity provider ██████),
- July 3, 2023 – Transit Reception Centre for Foreigners Trilj – Split-Dalmatia Police Administration (together with direct activity provider XXXX),
- August 30, 2023 – Border Police Station Gruda – Dubrovnik-Neretva Police Administration,
- August 30, 2023 – Road Border Crossing for International Traffic of Passengers and Goods with Inspection Services Karasovići – Border Police Station Gruda – Dubrovnik-Neretva Police Administration,
- August 30, 2023 – Road Border Crossing for International Traffic of Passengers and Goods with Inspection Services Gornji Brgat – Border Police Station Gruda – Dubrovnik-Neretva Police Administration,
- August 30, 2023 – Police Station Ston – Dubrovnik-Neretva Police Administration,
- August 30, 2023 – Border Police Station Metković – Dubrovnik-Neretva Police Administration.

Effectiveness of the legal framework:

When it comes to the legal framework concerning irregular migrants, it consists of the relevant provisions of the Constitution of the Republic of Croatia, appropriate laws and bylaws of the Republic of Croatia, European Union regulations, and relevant ratified international agreements. This legal framework effectively guarantees the protection of human rights and fundamental freedoms of irregular migrants, particularly those belonging to vulnerable groups.

Particularly commendable is the Agreement on Cooperation for the Implementation of the Independent Monitoring Mechanism the Protection of Fundamental Rights in the Conduct of Police Officers of the Ministry of the Interior of the Republic of Croatia in the Area of Border Protection, Irregular Migration, and International Protection from November 4, 2022 (hereinafter: Agreement). This Agreement expanded the powers of field activity providers,

allowing them to conduct unannounced observations at green borders and access information from the Ministry of the Interior's Information System based on written or oral requests.

In addition to the activities of field direct activity providers described in Articles 8 and 9 of the Agreement, I believe it would be appropriate to include **an obligation** for the Ministry of the Interior (MOI RH) to **immediately** inform the Independent Monitoring Mechanism of every received or submitted complaint regarding alleged unlawful conduct towards irregular migrants and applicants for international protection. This would enable the determination of all relevant facts concerning the specific incident. By establishing such a provision, the Independent Monitoring Mechanism would be aware of submitted complaints from the outset and could monitor the further course of proceedings in these cases, as well as point out any irregularities or violations of fundamental human rights. The current Agreement does not include this provision.

Rules of Procedure of the Ministry of the Interior of the Republic of Croatia (MOI RH) and Challenges in the Practice of Police Officers' Actions:

Considering the complexity of the migration issue and the two key aspects that arise in this context—protection of human rights and national security protection—I believe, based on what I have observed during my work as a direct activity provider, that the Ministry of the Interior of the Republic of Croatia (MOI RH) performs its duties effectively, respecting the prescribed rules of procedure and adhering to the highest standards concerning irregular migrants (protecting their human rights and fundamental freedoms, particularly in relation to vulnerable groups, their nutrition in accordance with religious customs, etc.). Furthermore, compared to previous monitoring activities carried out in 2021-2022, it is evident that there has been a continuous effort to educate police officers on how to handle irregular migrants and asylum seekers, and that the technical equipment used for border surveillance has reached a higher level.

On the other hand, police officers, according to their statements, face significant challenges related to combating the abuse of the international protection system, as well as crime linked to migration and human trafficking. The collected data shows that "human traffickers" are not only Croatian citizens but also foreign nationals, indicating the existence of a criminal organization that operates not only within the territory of the Republic of Croatia but also much more broadly.

Regarding the Transit Reception Centre for Foreigners in Sinj, the following has been established:

- Every irregular migrant brought to the Transit Reception Centre for Foreigners in Trilj undergoes a medical examination, passes through a hygiene point (takes a shower), is provided with clothing, and is then assigned to accommodation. We note that we visited all the rooms, from the entrance to the Centre to the accommodation rooms.
- The Transit Reception Centre for Foreigners in Trilj has a signed agreement with the Health Centre of the Split-Dalmatia County, and based on this agreement, an authorized doctor visits the Centre at least twice a week, and more often if needed.
- According to the statements of the centre's manager, every person immediately upon arrival at the Transit Reception Centre for Foreigners in Trilj is given the opportunity to make two free phone calls at the expense of the MOI RH (Ministry of the Interior of the Republic of Croatia). The first call can be made to any person, regardless of the country they are in, and the second call is to the embassy of the country whose citizenship the person holds.
- If a person stays for more than 15 days at the Transit Reception Centre for Foreigners in Trilj, they are provided with a telephone card for a public phone located within the centre's premises, in cooperation with the Croatian Red Cross.
- According to the manager's statement, force was used on one occasion, not in the classical sense, but to save a migrant from attempting suicide. In fact, the police's timely intervention saved the migrant's life.
- Furthermore, according to the manager's statement, during the Kurban Bayram, special, more abundant meals are provided to Muslims in the Transit Reception Centre for Foreigners in Trilj, and during Ramadan, special meals (in the evening and in the morning) are provided based on religious dietary principles (halal).

Difficulties faced by irregular migrants:

From the collected data, it is evident that irregular migrants are first exposed to individuals or organizations involved in human trafficking, who, for a financial fee and false promises, attempt to smuggle them across borders or to their final destination. In the process, irregular migrants are subjected to inhumane conditions such as inadequate transportation,

accommodation, food, etc., which, in the end, often requires the provision of medical assistance after their detection.

1. Availability and quality of data on (Irregular) migrants and their movements (IN GENERAL):

As a direct activity provider, during my observations, all necessary data was always made available to me by police officers of the Ministry of the Interior of the Republic of Croatia (MOI RH), in accordance with the Agreement.

2. Availability and quality of data on (Irregular) migrants and their movements (INDIVIDUAL CASES)

During the observations, as a direct activity provider, I had the opportunity to review all requested finalized case files, and in those I examined, I did not notice any irregularities, which was later confirmed in the reports submitted to the Coordination Board.

In the following section, the most important overview will be provided from two reviewed finalized case files relating to the category of vulnerable persons, in which the professional conduct of the police officers is evident, while respecting the fundamental rights of irregular migrants (vulnerable persons) guaranteed by international law:

- From the case file BPS Gruda - Class: ██████, no: ██████ - Turkish citizens ██████ and others for illegal border crossing, it is evident that police officers from BPS Gruda, on July 13, 2023, upon encountering several irregular migrants crossing the state border in the BPS Gruda area, immediately noticed a pregnant woman—an irregular migrant, Turkish citizen ██████, who indicated certain health issues. They immediately took her for an examination at the Emergency Medical Service of the Dubrovnik-Neretva County. According to the Deputy Head of BPS Gruda, until her readmission to Bosnia and Herzegovina (on July 17, 2023), the individual received regular check-ups at the Emergency Medical Service of the Dubrovnik-Neretva County.
- From the case file BPS Metković - Class: ██████, No: ██████ regarding the illegal border crossing of ██████, ██████, and their minor child ██████, who were found after

crossing the state border of the Republic of Croatia (on August 29, 2023), police officers from BPS Metković contacted the Emergency Medical Service of the Dubrovnik-Neretva County (since the mother indicated certain health issues with the child), which immediately responded and took the minor [REDACTED] (along with the mother) to the Ploče Emergency Medical Service station, where the child received medical assistance (see the previously submitted attachment with the monitoring report and medical documentation for minor [REDACTED]). Furthermore, in this case, the minor [REDACTED] was assigned a legal guardian by a decision of the Croatian Institute of Social Welfare – Metković Regional Office, Class: [REDACTED], no: [REDACTED], dated August 30, 2023, for the protection of his rights and interests.

CONCLUSIONS AND RECOMMENDATIONS:

- Regarding the activities of direct activity providers described in Articles 8 and 9 of the Agreement, I believe it would be advisable for the Agreement to also stipulate the **obligation** of the Ministry of the Interior of the Republic of Croatia (MOI RH) to **immediately** inform the Independent Monitoring Mechanism about any received or submitted complaints from irregular migrants regarding alleged illegal treatment towards them or asylum seekers, so that all relevant facts regarding the specific event can be established. By prescribing this possibility, the Independent Monitoring Mechanism would be informed from the very beginning about the submitted complaints and could monitor the further course of action in these cases, indicating any irregularities and violations of fundamental human rights. The current Agreement does not provide for this possibility.
- According to the statements of the head of BPS Trilj, as of January 1, 2023, the process of readmission of migrants from the Republic of Croatia to Bosnia and Herzegovina has become simpler. Prior to this, Bosnia and Herzegovina did not accept as evidence the asylum application submitted by the migrant in Bosnia and Herzegovina or their registration request, but since January 1, 2023, they now accept such evidence and readmit migrants.
- Similarly, according to the statements of police officers from BPS Gruda, despite earlier difficulties regarding the readmission of irregular migrants to Bosnia and Herzegovina and Serbia, which the Independent Monitoring Mechanism elaborated on in its annual

report (June 2021 – June 2022), it has been established that in the past few months (counting from the date of the monitoring – August 30, 2023), the number of successfully completed readmission cases in a shortened procedure to Montenegro has increased. The main reason for this is that Montenegro has started accepting as evidence, not only documents issued by the competent authorities of Montenegro for irregular migrants (e.g., asylum application confirmations, entry stamps to Montenegro, etc.) but also the statements of irregular migrants explicitly stating that they entered the Republic of Croatia from Montenegro, as well as the official notes of police officers from BPS Gruda who encountered irregular migrants while crossing the border or immediately after the border crossing. A similar finding is supported by the collected data from BPS Metković, which indicates that since May/June 2023, the number of successfully completed readmission cases in a shortened procedure to Bosnia and Herzegovina has increased.

- Regarding irregular migrants, police officers from BPS Gruda emphasized that, unlike in the past, they have recently been confronted with a large number of irregular migrants – citizens of the People’s Republic of China (see the case file BPS Gruda [REDACTED] – No: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], in the case of the citizen of the People's Republic of China [REDACTED], et al., for illegal border crossing). The same conclusion applies to the Police Station Ston (see the case file PS Ston - Class: [REDACTED], No: [REDACTED] in the case of the citizen of the People's Republic of China [REDACTED], et al., for illegal border crossing, case file PS Ston: Class: [REDACTED], No: [REDACTED] in the case of the citizen of the People's Republic of China [REDACTED], et al., for illegal border crossing, case file PS Ston: Class: [REDACTED], No: [REDACTED] in the case of the citizen of the People's Republic of China [REDACTED], et al., for illegal border crossing, case file PS Ston: Class: [REDACTED], No: [REDACTED] in the case of the citizen of the People's Republic of China [REDACTED], et al., for illegal border crossing).
- It is commendable that police officers from BPS Gruda maintain a "Food Log" for irregular migrants, through which these individuals have the opportunity to receive three daily meals (while considering whether any of them are diabetic or require religious meals, etc.). Specifically, the Dubrovnik-Neretva Police Department has accepted an offer from the restaurant – Bistro "Kogo", where the shift supervisor of BPS Gruda orders the meals and arranges the food pickup from the restaurant (see the previously submitted attachment with the monitoring report – a copy of the cover page of the "Food

Log", instructions for BPS Gruda regarding hot meals, and an example of the notification for ordered meals).

- Regarding the room for accommodating individuals caught in illegal border crossings at BPS Gruda, the order from the head of the Dubrovnik-Neretva Police Department dated August 4, 2023, is justified, stating that BPS Gruda should ensure immediate access to drinking water in the mentioned room and prevent filming of the area where the sanitary facilities are located, either by covering that space with a wall or by creating a technical solution in the video and audio system. To this end, I propose that after a certain period of time, a follow-up check be conducted to verify whether the actions were carried out in accordance with the order of the head of the Dubrovnik-Neretva Police Department.
- Considering that the Police Station Ston is organized as a mixed police station with administrative duties, operational shifts, basic, criminal, and border police (the Ston Police Station is located near four border crossings – Zaton Doli, Čepikuće, Imotica, and Slano), I believe that, for the sake of faster procedures and greater efficiency, the Police Station Ston should have a temporary appropriate accommodation room for irregular migrants within its own premises, rather than using such rooms at another police station, specifically BPS Metković, which is about 50 km away. For the same reasons, I also believe that the Police Station Ston should have access to EURODAC (the European system for fingerprint comparison), instead of having to take irregular migrants to another police station, in this case, BPS Metković.

2.5. Quantitative Report E

Direct activity provider: [REDACTED]

1) Report from the unannounced observation visit to the Police Station Kutina (June 16, 2023):

Observation visit to the Police Station Kutina was conducted on June 16, 2023. A conversation was held with the head of the Police Station, Mr. [REDACTED], and two employees responsible for migration issues: Mrs. [REDACTED] and Mr. [REDACTED]. At the time of the observation visit, migrants were not found at the Police Station, but a list of migrants processed at the Police Station Kutina from January 2023 to the date of the observation was obtained. Of the total

number of 44 migrants, 23 expressed their intention to apply for asylum and left the Police Station Kutina to go to the Kutina Reception Centre. The remaining 21 did not express such an intention and were issued a decision to leave the Republic of Croatia. Most individuals did not have personal documents, and their identity was established based on their own statements. The use of force by migrants against the Ministry of the Interior staff was not recorded, nor was there any use of force by Ministry of the Interior staff. In case of need, emergency medical services are called upon request of the individuals or based on the assessment of the Police Station staff. Any hospitalization is carried out at the hospital in Sisak. Minors are regularly medically examined upon arrival at the Police Station. For unaccompanied children, the Croatian Institute for Social Work is regularly contacted. A record is kept of confiscated items at the Police Station, and they are returned to individuals upon leaving the Police Station.

2) Report from the unannounced observation visit to the Kutina Reception Centre (June 16, 2023):

Report from the Unannounced Observation Visit to the Kutina Reception Centre (June 16, 2023):

The observation visit to the Kutina Reception Centre was conducted on June 16, 2023. A conversation was held with the head of the Kutina Reception Centre, Mr. [REDACTED]. At the time of the visit, according to the list provided by the Centre's staff, there were 139 individuals in the Reception Centre. However, the Centre is of an open type, so the number of migrants varies greatly due to the possibility of voluntary departure from the Centre. A direct conversation was held with three citizens from Côte d'Ivoire (Ivory Coast) without the presence of Centre staff or police officers. The individuals mostly did not have personal documents, and their identity was determined based on their own statements. There were no recorded incidents of the use of force by migrants against police officers, nor was there any use of force by police officers. The Centre has "complaint boxes" for migrants, although, according to the centre's staff, they more often directly address their complaints to the centre's staff. Complaints are responded to. At the time of the observation visit, no unaccompanied children were found in the Centre. However, according to the staff's statement, in such cases, the Croatian Social Welfare Institute is regularly contacted. No members of vulnerable groups were encountered during the visit. In case of a medical emergency, emergency medical services are called upon the request of individuals or according to the staff's assessment, and hospitalization is carried out when necessary.

3) Report from the unannounced observation visit to the Ježevo Reception Centre (June 16, 2023):

The observation visit to the Ježevo Reception Centre was conducted on June 16, 2023. A conversation was held with the head of the Ježevo Reception Centre, Mr. [REDACTED]. At the time of the visit, according to the list provided by the staff, there were 35 individuals in the Reception Centre, of which 24 were in the process of forced removal, and 11 were asylum seekers. The Centre is of a closed type. The capacity of the Centre includes 65 spaces for men, 12 for women, and 15 spaces for vulnerable groups and families. Most of the individuals in the Centre did not have personal documents, and their identities were confirmed based on their own statements. The Centre is equipped with a canteen, a restaurant, and spaces for sports activities both inside and outside the building. The Centre also ensures that the religious and other traditions of the migrants (e.g., food, prayer spaces) are respected. According to the statement of the center's staff, an incident occurred where a migrant attacked a police officer, leading to the use of force against the perpetrator. A criminal procedure was initiated, and the individual was, at the time of the supervisory visit, in pretrial detention at Remetinec Prison. An official record of this event is kept. Additionally, an official record is maintained for confiscated items, which are returned to the individuals upon leaving the Centre, provided they are not prohibited. The Centre has "complaint boxes" for migrants, and the staff regularly responds to the complaints. At the time of the visit, four children were present in the Centre, accompanied by their father and mother. In the event of a medical emergency, emergency medical services are called upon the request of the individuals or based on the staff's assessment. Hospitalization is provided if necessary, and is generally carried out at the KB Dubrava hospital in Zagreb.

4) Report from the announced observation visit to the "Porin" reception facility (September 12, 2023):

The task assigned to the direct activity providers in this observation visit by the head of the Independent Monitoring Mechanism, Mr. Markt, was to verify whether the individuals (three Turkish nationals) whom Mrs. [REDACTED], the complainant, claims were "kidnapped by four plainclothes police officers" after expressing their intention to apply for international protection on August 17, 2023, at the Tovarnik railway station (where they were supposed to be directed to the "Porin" reception Centre), and returned to Bosnia and Herzegovina on August 18, 2023. The observation visit took place on September 12, 2023, from 14:00 to 15:30. The findings of the direct activity providers show that none of the mentioned individuals ever registered at the "Porin" Reception Centre for Asylum Seekers in Zagreb or the Kutina Reception Centre, nor,

according to the received records, was their presence in the Republic of Croatia recorded after August 18, 2023.

3. Analysis of Individual Observation Cases – „Case Study “

3.1. Case Study A

The case study of the conditions of accommodation and treatment of irregular migrants at the Tovarnik Transit Reception Centre for Foreigners, based on the selected observation case, consists of collected information during the implementation of the Cooperation Agreement for the execution of the Independent Monitoring Mechanism for the protection of fundamental rights in the actions of police officers of the Ministry of the Interior in the areas of border protection, irregular migration, and international protection.

In addition to general information, the case study includes statistical data provided by the Ministry of the Interior, records of facts established at the observation location, and data gathered through conversations with authorized personnel at the Tovarnik Transit Reception Centre and discussions with irregular migrants residing at the TPC Tovarnik at the time of the observation.

Name and surname of the direct activity provider: ██████████

Location and type of observation:

Tovarnik Transit Reception Centre for Foreigners, unannounced monitoring

Date and time of observation:

June 30, 2023, 14:00 hrs

Methodology:

The direct activity providers, based on Article 6 of the Agreement for conducting unannounced observation, selected the Tovarnik Transit Reception Centre for Foreigners and, after the analysis of statistical data received from the head of the Illegal Migration Service of the Border Police Directorate of the Ministry of the Interior of the Republic of Croatia on June 27, 2023, proposed the Tovarnik Transit Reception Centre for unannounced observation.

In accordance with the monthly schedule of tasks, the direct activity providers were sent to the proposed location of the Tovarnik Transit Reception Centre based on the approval from

the Coordination Board of the Independent Monitoring Mechanism received on June 28, 2023, via the electronic communication system, and after prior consultations with the head of the Coordination Board.

During the observation conducted on June 30, 2023, the direct activity providers, based on Article 8 of the Agreement, conducted a review of the technical conditions of accommodation at the Tovarnik Transit Reception Centre, reviewed the Ministry of the Interior's information system, examined the selected case file, and held direct conversations with irregular migrants, along with discussions with authorized persons: the head of the Tovarnik Transit Reception Centre for Foreigners [REDACTED] and a police officer at the Tovarnik Transit Reception Centre for Foreigners [REDACTED].

Conversation with authorized persons:

The IMM activity providers, properly marked with accreditations issued by the Ministry of the Interior (MOI) and visible vests, were greeted at the entrance to the Transit Reception Centre for Foreigners in Tovarnik by the head of the TPC Tovarnik. Based on the accreditations and ID cards, the arrival of the direct activity providers was registered by the relevant police officer at the TPC Tovarnik.

During the two-hour monitoring, the head of TPC Tovarnik cooperated in an extremely correct, professional, and highly efficient manner with the direct activity providers, enabling the tasks outlined in the Agreement to be carried out, including access to the MOI information system, the review of the technical conditions of TPC Tovarnik, and direct interviews with individuals found in the Centre, who were irregular migrants.

The Transit Reception Centre Tovarnik accommodates persons found in an illegal migration status, either attempting to cross the state border or found within the territory of the Republic of Croatia, with their identities already recorded, or with their status confirmed through profiling of vulnerable groups, with a clear intention of seeking asylum/international protection, or individuals undergoing the readmission procedure.

The Transit Reception Centre Tovarnik also organizes and conducts transfers for forced removals under readmission agreements with a third neighbouring country, and participates in the identification process of foreigners accommodated there. There is a "live scanner" device at TPC Tovarnik.

Since in most cases the individuals found do not possess identification documents, claiming they have been stolen or lost, their identity is recorded based on their own statements on form 6.

At TPC Tovarnik, there are displayed information about the rights of irregular migrants and the possibility of submitting complaints. The forms are translated into 13 languages spoken or understood by the irregular migrants. There is also a list of interpreters with contact numbers, and translation is provided through direct contact or video calls.

The transport of irregular migrants is carried out in official police vehicles, while for vulnerable groups, minors, or unaccompanied children, transportation is done in unmarked civilian vehicles.

If medical assistance is required by individuals found illegally crossing the border and accommodated in TPC Tovarnik, an agreement has been made with [REDACTED], which has a general/family medicine practice in Tovarnik, to provide medical assistance.

For every medical examination and service provided, proper records are kept in the documentation of the Transit Reception Centre Tovarnik.

Monitoring of technical conditions of accommodation:

Accompanied by the manager of the TRC for Foreigners Tovarnik, [REDACTED], the direct activity providers carried out a monitoring of the technical conditions for accommodation in the premises of the TRC for Foreigners Tovarnik.

The Transit Reception Centre for Foreigners Tovarnik was built with EU funds by the Ministry of the Interior of the Republic of Croatia, directly next to the Tovarnik Border Crossing.

The Transit Reception Centre Tovarnik was designed and constructed in accordance with international standards and began operations on April 1, 2017. The intended activities at the TPC Tovarnik include the restriction of freedom of movement for foreigners found to have illegally crossed the external border of the European Union until their transfer to the Reception Centre for Foreigners or their removal from the Republic of Croatia based on a readmission agreement.

The part of TPC Tovarnik designated for the reception and accommodation of third-country nationals covers an area of 1,175 m² and consists of reception and daily activity rooms on the ground floor. This section includes a children's playroom, a library, a table tennis room,

a space for board games, and a TV room. On the walls of the rooms, there are posters with instructions for irregular migrants regarding their rights. On the upper floor, there are sleeping quarters with a capacity for 62 persons. The Centre has 14 four-bed rooms and two family three-bed rooms, all equipped with basic furniture and clean sanitary facilities. The rooms are not under video surveillance, are well-ventilated, and have natural daylight. They are equipped with heating and cooling systems, and there is a space of 7 m² per person for individual accommodation or at least 5 m² per person for group accommodation. Additionally, there is a laundry room for the maintenance of clothing cleanliness, and all rooms exude freshness.

For maintaining physical fitness and motor skills, the complex of TPC Tovarnik includes a gym, a basketball and handball/football court, as well as a children's playground.

The Ministry of the Interior and the company “Pleter” have signed an agreement under which three meals a day are provided for adults in the dining room on the ground floor, prepared according to their dietary habits, while children under the age of 12 are provided with four meals daily.

According to the manager of TPC Tovarnik, [REDACTED], the Transit Reception Centre for Foreigners Tovarnik is regularly visited by employees of the Department for Asylum and Migration of the Croatian Red Cross, who conduct interviews with the persons residing there and, when necessary, provide essential items such as toys, clothing, and footwear.

Access to the information system:

In the period from January to May 2023, a total of 599 persons (475 men and 124 women) were accommodated in the Transit Reception Centre Tovarnik, of which 567 were adults, 25 accompanied children, and 7 unaccompanied children.

This represents a 166% increase compared to the period from January to May 2022, when 225 persons (220 men and 5 women) were accommodated in the Transit Reception Centre Tovarnik, of which 222 were adults, 2 accompanied children, and 1 unaccompanied child.

According to their nationality, of the 599 persons accommodated in the Transit Reception Centre Tovarnik from January to May 2023, the largest groups were from Afghanistan (125), Turkey (92), Pakistan (73), China (73), Bangladesh (45), Nepal (35), India (35), Morocco (33), Congo (21), Cuba (15), and Burundi (11).

In terms of exit categories, from January to May 2023, 453 readmission decisions were issued, 45 persons expressed the intention to seek international protection, 23 persons were

forcibly removed, 69 temporary suspension decisions for forced removal were issued, and 8 persons opted for voluntary return. In the period from January to May 2022, 127 readmission decisions were issued, 22 persons expressed the intention to seek international protection, 27 return decisions were issued, 4 persons were international protection seekers, and 58 persons were forcibly removed.

According to the data from the information system of TPC Tovarnik, with comparative data for the periods January - May 2022 / January - May 2023, no persons with special accommodation needs were recorded.

During the unannounced monitoring in the premises of the Transit Reception Centre Tovarnik, six adult male persons, who were apprehended in an illegal attempt to cross the border, were found and their cases were in the process of implementation. No persons belonging to vulnerable groups, such as pregnant women, unaccompanied children, LGBTIQ persons, persons with special needs, persons with disabilities, persons with mental illnesses, seriously ill persons, etc., were found at the location of the monitoring in TPC Tovarnik.

The direct activity providers were granted access to view and print data from the TPC Tovarnik information system, which includes a list of persons currently accommodated, their nationalities, gender, year of birth, date of arrival, and the Border Police Station/Border Crossing Point that placed them in the TPC Tovarnik, as follows:

1. ████████ (China), born 2003, found on 6.6.2023, Border Crossing Point (BCP) Slavonski Brod
2. ████████ (Afghanistan), born 2003, found on 21.6.2023, BCP Stara Gradiška
3. ████████ (Algeria), born 1994, found on 4.3.2023, BCP Stara Gradiška
4. ████████ (Palestine), born 1990, found on 30.6.2023, BCP Ilok
5. ████████ (Iran), born 1995, found on 29.6.2023, BCP Vrbanja
6. ████████ (Iran), born 1976, found on 29.6.2023, BCP Vrbanja

The detained individuals did not have personal documents, with the explanation that they were either stolen or lost. Therefore, their identities were recorded based on their own statements, which were signed on Form 6.

Conversation with the apprehended persons and review of the selected subject of observation:

The direct activity providers were granted the opportunity to have a private and confidential conversation with the apprehended irregular migrants of Iranian nationality, ██████ (1995) and ██████ (1975), during their visit to the accommodation facilities of TPC Tovarnik. The two individuals had been apprehended the day before (June 29, 2023) by police officers from BPS Vrbanja while attempting to unlawfully enter the Republic of Croatia from the Republic of Serbia. They were subsequently brought to the Transit Reception Centre Tovarnik for the readmission procedure.

The direct activity providers conducted the conversation with ██████ and ██████ in Croatian, as they had been staying in the area for an extended period, attempting to cross the border and head west. ██████ and ██████ stated that they were aware of the procedure and their rights, and they had no complaints regarding the actions of the police officers or the conditions of their accommodation in TPC Tovarnik.

The activity providers were granted access to the selected subject of observation, which pertains to case number ██████, related to Iranian national ██████, born ██████. The direct activity providers had spoken with ██████ immediately prior to reviewing the case file. At the time of the observation, ██████ was residing in TPC Tovarnik and had received a deportation decision.

The following documents were properly attached to this case file and reviewed by the independent activity providers:

- Foreign national's file
- Reception record
- Accommodation decision
- Deportation decision
- Statement record
- Official note on the security check
- Confirmation of temporary confiscation of items
- Confirmation of confiscated financial means

- Notification regarding the accommodation procedure in TPC Tovarnik
- Photography.

Conclusion:

The direct activity providers of the Independent Monitoring Mechanism, based on the observations conducted on June 30, 2023, at the Transit Reception Centre Tovarnik, which included a conversation with the head of TPC Tovarnik, [REDACTED], analysis of statistical data from the TPC Tovarnik information system, review of the accommodation facilities at the Transit Reception Centre for Foreign Nationals, and a conversation with individuals found attempting to unlawfully enter the Republic of Croatia, and who were accommodated in TPC Tovarnik until the completion of the readmission procedure, conclude that the accommodation facilities meet the standards required for the longer-term stay of the individuals encountered. The monitoring team observes that police officers treat the individuals with full respect for their human rights, provide translation in their languages, inform them of their rights using forms written in the language they speak or understand, and maintain proper documentation both in written and digital form.

3.2. Case Study B

The case study consists of an analysis of the individual case observation of [REDACTED] in accordance with the Cooperation Agreement for the implementation of the Independent Monitoring Mechanism for the protection of fundamental rights in the actions of police officers of the Ministry of the Interior in the areas of border protection, irregular migration, and international protection.

In addition to general information, the case study of the individual observation subject includes data collected from secondary sources of information, insight into the case file and the Ministry of the Interior's information system, as well as notes on facts established through discussions with authorized personnel of the Ministry of the Interior at the monitoring location.

Direct activity provider: [REDACTED]

Location and type of observation:

Ilok Border Police Station, Dr. Franjo Tuđman Street 49, 32236 Ilok, unannounced extraordinary monitoring due to information received from a secondary source.

Date and time of observation:

January 4, 2024, 16:10 h

Duration of observation:

From 16:10 h to 18:15 h

Unannounced Observation.

Officials of the Ministry of the Interior (name and surname of the police officer, police station, position, and authority) contacted during the observation:

1. ██████████, Deputy Chief of the Ilok Border Police Station for Border Control
2. ██████████, Police Officer of the Ilok Border Police Station for Illegal Migration

Methodology:

The methodology of the Independent Monitoring Mechanism, in addition to primary observation, also includes the analysis of secondary data sources. The Independent Monitoring Mechanism bases its findings on insights gained through the analysis of case files and complaints, statistical data, the relevant regulatory framework, rules and practices of police officers and other individuals involved in receiving and/or assisting irregular migrants, media reports, and reports from relevant stakeholders, among others.

The Independent Monitoring Mechanism does not act on complaints, as it does not function as a complaint-based mechanism. This avoids potential conflicts of jurisdiction with other competent bodies established to address complaints (e.g., the Office of the Ombudsperson). The Independent Monitoring Mechanism may forward any received complaints to the relevant state authorities.

Chronology of actions in an individual observation case:

Based on information from a secondary source, received via email on January 4, 2024, at 08:41 h, the Head of the Independent Monitoring Mechanism (IMM), Robert Markt, after consulting with the Coordination Board of the Independent Monitoring Mechanism, issued an order via email on January 4, 2024, at 10:22 h to the direct activity provider, ██████████. The order,

in accordance with Article 6 of the Agreement on Cooperation for the Implementation of the Independent Monitoring Mechanism for Monitoring Police Officers' Conduct in the Area of Irregular Migration and International Protection, which provides for IMM activities at the external border, border crossings, police stations, police administrations, reception Centres, and facilities for foreign nationals, instructed the direct activity providers to carry out an unannounced extraordinary observation at the Ilok Border Police Station as soon as possible and verify the claims from the secondary sources.

In a telephone conversation on January 4, 2024, at 10:22 h, Robert Markt and [REDACTED] agreed that the observation would be carried out on the same day. Due to the urgency of the procedure, the observation in Ilok would be conducted by the nearest direct activity providers based on their place of residence: [REDACTED] from Slavonski Brod and [REDACTED] from Vinkovci.

The direct activity providers of the Independent Monitoring Mechanism [REDACTED] and [REDACTED], duly marked with accreditations issued by the Ministry of Internal Affairs and visible yellow vests with IMM labels, after registering their arrival at the Ilok Border Police Station on January 4, 2024, at 16:10, were received by the assistant head of the Ilok Border Police Station for border control [REDACTED] and the police officer of the Ilok Border Police Station for illegal migration [REDACTED].

[REDACTED] and [REDACTED], during the two-hour conduct of the extraordinary unannounced observation, cooperated in an exceptionally correct, professional, and highly competent manner with the direct activity provider, enabling them to carry out the tasks outlined in the Agreement, including access to the file of the observed case [REDACTED], a printout from the Ministry of Internal Affairs' information system, and access to the accommodation facilities of the Ilok Border Police Station.

The secondary source of information for the conduct of the extraordinary unannounced observation was the message (provided below in its original form) sent on January 4, 2024, via email by Prof. [REDACTED], who performs administrative tasks for the Independent Monitoring Mechanism:

From: [REDACTED]

Sent: Thursday, January 4, 2024 12:40:00 am

To: [REDACTED]

Subject: Help | pomoć!

„Postovani,

Obavjestavamo Vas da se u Granicnoj Postaji Ilok , na adresi Ul. dr. Franje Tuđmana 49, 32236, Ilok, Hrvatska unazad 24h nalazi sirijska drzavljanica

Ime: [REDACTED]

Prezime: [REDACTED]

koja zeli da iskoristi svoja ljudska prava u skladu sa Zenevskom konvencijom i clanom br 34 pomenute konvencije, te Zakonom o međunarodnoj i privremenoj zaštiti koji je Hrvatski sabor je izglasao 17. ožujka 2023. godine, a navedene izmjene i dopune stupile su na snagu 1. travnja 2023. godine*.

Trenutno mimo njene volje i stanja zdravstvenog sluzbenici policijske postaje insistiraju da je upute za Srbiju.

Obracam se u svojstvu njenog brata ,zastitnika ,informacije sam dobio u kratkom razgovoru telefonskom koji nismo dovrсили jer smo prekinuti.

Kako sam ja gradjanin Evrope ,moja sestra zeli da se spoji sa porodicom i ja sam voljan da joj pruzim pomoc i podrsku u tome.

Pozivamo se na Zenevsku konvenciju i zahtevamo da osoblje postaje prestane sa pritiskom koji vrsi na moju sestru kako bi je ubjedili da je posalju u Srbiju.

Angazovali smo advokata i obratili se svim nadleznim institucijama vezano za ovaj incident kršenja ljudskih prava.

Ljubazno Vas molimo da prekinete sa pritiskom i zastrasivanjem koje vrsite td da sacekate da moju sestru preue advokat ili ja cim doputujem do Iloka.“

„Respected,

We inform you that in Border Post Ilok, at the address Ul. Ph.D. Franje Tuđmana 49, 32236, Ilok, Croatia has been found by a Syrian citizen for the past 24 hours

Name: [REDACTED]

Surname: [REDACTED]

which wants to exercise its human rights in accordance with the Geneva Convention and Article No. 34 of the said Convention, and the Law on International and Temporary Protection, which was passed by the Croatian Parliament on March 17, 2023, and the aforementioned amendments entered into force on March 1. April 2023.*

Currently, regardless of her will and health, the police station officials insist on sending her to Serbia.

I am speaking in the capacity of her brother, protector, I got the information in a short telephone conversation that we did not finish because we were interrupted.

As I am a citizen of Europe, my sister wants to be reunited with her family and I am willing to help and support her in this.

We refer to the Geneva Convention and demand that the staff of the station stop putting pressure on my sister in order to convince her to send her to Serbia.

We hired a lawyer and contacted all competent institutions regarding this incident of violation of human rights.

We kindly ask you to stop the pressure and intimidation you are doing and to wait for my sister to be taken over by a lawyer or me as soon as I arrive in Ilok. “

Access to the accommodation facilities of the Ilok Border Police Station:

In accordance with Articles 6, 8, and 9 of the Agreement on Cooperation for the Implementation of the Independent Monitoring Mechanism of Fundamental Rights in the Actions of Police Officers of the Ministry of Internal Affairs in the Field of Border Protection, Illegal Migration, and International Protection, the assistant head of the Ilok Border Police Station for border control [REDACTED] and the police officer of the Ilok Border Police Station for illegal migration [REDACTED], upon the written request of the direct activity providers, provided access to the file and print out from the Ministry of Internal Affairs' Information System for the person apprehended on January 2, 2024, for illegal border crossing [REDACTED], as well as access to the accommodation facilities of the Ilok Border Police Station.

The accommodation facilities of the Ilok Border Police Station for individual accommodation comply with item 2 of Article 13 of the Regulation on the Treatment of Third-Country Nationals (Official Gazette 68/2018). They are equipped with basic furniture, have separate sanitary facilities, are not under video surveillance, and provide access to natural light and air, as well as adequate heating and cooling.

In the event of the need for longer-term detention of a larger number of individuals, they are transported in marked police vehicles, or in the case of vulnerable groups, in unmarked police vehicles, to the nearby Transit Reception Centre in Tovarnik.

A fingerprinting device is normally available at the Ilok Border Police Station, but it is currently located at the Sisak Border Police Station. In case there is a need to take fingerprints, the device at the nearby Transit Reception Centre in Tovarnik is used.

In the event of the need for data exchange regarding migrants, the nearby contact point for data exchange with Serbia and Hungary, Bajakovo – Batrovci, is used.

During the extraordinary unannounced observation at the Ilok Border Police Station on January 4, 2024, at 16:10, there were no irregular migrants accommodated.

The Syrian national [REDACTED], who is mentioned in the secondary source of information, was not found as an individual subject of observation, as she was readmitted to the Republic of Serbia on January 4, 2024, at 10:00 AM via the Ilok / Bačka Palanka Border Crossing, and there is proper documentation regarding this process.

Access to the Ministry of Internal Affairs' information system and the file of the observed individual case:

Access to the Ministry of Internal Affairs' information system is granted based on a written request from the direct activity providers for the purpose of comparing data from the Ministry of Internal Affairs' Information System at the Ilok Border Police Station regarding the individual case under observation with the statements from the aforementioned secondary source of information.

The authorized persons at the Ilok Border Police Station allowed access to the information system and the following file:

1. [REDACTED], [REDACTED], born [REDACTED] in [REDACTED], Syria), a Syrian national, residing in [REDACTED] (Syria), [REDACTED].

The identity of the aforementioned individual was recorded based on her own statement on form 6.

In the case file under the reference [REDACTED]: [REDACTED], born [REDACTED] in [REDACTED] (Syria), a Syrian national, residing in [REDACTED], [REDACTED], Syria, who was apprehended on January 2, 2024, at 23:20 near Šarengrad in a Hyundai Santa Fe with Serbian registration plates driven by a Serbian national [REDACTED], and who, after the factual situation was established and the legal procedure was conducted, was readmitted to the Republic of Serbia on January 4, 2024, at 10:00 AM, the following documents are attached:

1. Record of Apprehension,
2. Official note LCC,
3. Official note on the security check,
4. Statement on personal data,
5. Arrest report,
6. Record of hearing of the party,
7. Decision on expulsion from the EEA DD 5/2024,
8. Notification on the forced removal procedure,
9. Notification on free legal assistance,
10. Information on international protection,
11. List of free legal assistance providers,
12. Delivery receipt,
13. Official note on the engagement of a translator,
14. Photograph,
15. Record of handover and acceptance in the readmission procedure,
16. Official record of actions taken,

17. Criminal report.

█████ illegally crossed the green border between Croatia and Serbia on foot on the night of January 2, 2024, around 22:30 near Neština, and then entered a Hyundai Santa Fe with Serbian registration plates at the Lišćak area. The vehicle legally entered Croatia from Serbia at the Ilok Border Crossing on January 2, 2024, at 22:40, driven by Serbian national █████. Since the entry of the then unidentified person into the vehicle was recorded, border protection police officers informed patrols to stop the vehicle and conduct a control, which was carried out on January 2, 2024, at 23:20 in the nearby town of Šarengrad, on Vukovarska Street at house number █████.

During this incident, the police officers of the Ilok Border Police Station determined that the vehicle, which had legally entered Croatia and was driven by a Serbian national █████, contained a female individual without documents who had illegally entered the Republic of Croatia.

█████ and the mentioned irregular migrant were then apprehended at 23:40 on January 2, 2024, without the use of force, and taken to the Ilok Border Police Station.

Since the mentioned irregular migrant did not have personal documents, her identity was recorded based on her own statement on the bilingual form 6.

According to her statement, her name is █████, she is a Syrian national, born █████ in █████ (Syria), and resides in █████, █████ (Syria). █████ is proficient in English, so she was provided with documentation, forms, and instructions regarding her rights in her native language, Arabic, and English at the Ilok Border Police Station. For translation purposes, █████ was engaged, and there is an official record of this.

She stated that the reason for leaving Syria was the poor economic conditions there. About ten days earlier, she left Syria, passing through Turkey to Serbia with the intention of reaching the Netherlands. Through an unknown individual, she arranged to enter Croatia on foot over the green border on January 2, 2024, and to wait for a vehicle for further transport, which was indeed arranged. However, shortly after the police control in the town of Šarengrad on January 2, 2024, at 23:20, both the driver █████ and the irregular migrant were apprehended and taken to the Ilok Border Police Station.

At the Ilok Border Police Station, █████ stated that she did not wish to remain in the Republic of Croatia but instead wanted to go to the Netherlands. She refused the right to free

legal assistance and did not express any intention to seek international protection/asylum in the Republic of Croatia. Furthermore, her fingerprints were not taken.

██████ was informed that she was apprehended under Article 211, paragraph 1 of the Foreigners Act due to committing an offense under Article 183, paragraph 1 of the Foreigners Act. She was also informed about Article 36 of the Vienna Convention, but she stated that she did not wish for the Syrian diplomatic or consular mission in the Republic of Croatia to be notified of her arrest.

The Deputy State Attorney in Vukovar, ██████, was informed of the aforementioned event on January 2, 2024, at 23:55. After conducting the administrative procedure, a decision was issued to expel ██████ from the Republic of Croatia, with a ban on entry and stay in the Republic of Croatia and the European Economic Area for a period of 6 months. A request for readmission was also sent to the Ministry of Internal Affairs of the Republic of Serbia.

The driver of the mentioned Hyundai Santa Fe, ██████, born in ██████, Montenegro, residing in ██████, admitted to committing a criminal offense in which, on January 2, 2024, in Belgrade, he made an agreement with an unknown individual for a fee of €600 to transport a female person, who had illegally crossed into the Republic of Croatia, from Ilok to Zagreb.

The irregular migrant entered his vehicle at the Liščak area, but shortly after the police control in Šarengrad on January 2, 2024, at 23:20, both were apprehended and taken to the Ilok Border Police Station.

Due to the commission of a criminal offense under Article 326, paragraph 1 of the Criminal Code, a criminal report was filed against ██████ with the Municipal State Attorney's Office in Vukovar on January 3, 2024. On the same day, ██████ was handed over to the detention supervisor of the Vukovar-Srijem Police Department. Later, on January 3, 2024, at 17:15, ██████ was transferred to the prison in Osijek, and based on a decision by the County Court in Vukovar, investigative detention was ordered for a period of one month.

Upon receiving a positive response from the Ministry of Internal Affairs of Serbia on January 3, 2024, at 13:47 regarding the execution of the readmission procedure, ██████ was returned to the Republic of Serbia on the following day, January 4, 2024, at 10:00 AM via the Ilok / Bačka Palanka Border Crossing.

As the readmission procedure for ██████ had already been completed by the time of the unscheduled extraordinary monitoring, which began on January 4, 2024, at 16:10, and as she

had already been taken over by the Ministry of Internal Affairs of Serbia, the direct activity provider of the Independent Monitoring Mechanism (IMM) was unable to conduct an interview with the irregular migrant in a private and confidential setting without the presence of the police.

The event involving ██████, who was apprehended in a vehicle on January 2, 2024, at 23:20 after illegally crossing the Croatian border at the Lišćak area, is recorded in the Ministry of Internal Affairs' information system. The event includes a complete chronology, from the establishment of facts, informing her of her rights, the implementation of the legal procedure, to the readmission process, whereby ██████ was handed over to the Ministry of Internal Affairs of Serbia at 10:00 AM on January 4, 2024, at the Ilok / Bačka Palanka Border Crossing.

According to the documentation in the case file and the Ministry of Internal Affairs' information system, ██████ refused free legal assistance, declined to have her case reported to the Syrian diplomatic or consular mission in Croatia, and did not express any intention to seek international protection/asylum in the Republic of Croatia.

Since she entered the Republic of Croatia illegally, crossing the green border and without documents, with the intention of reaching the Netherlands, after establishing the facts and completing the legal procedure, a decision was issued for her expulsion. As part of the readmission procedure, ██████ was handed over to the Ministry of Internal Affairs of the Republic of Serbia at 10:00 AM on January 4, 2024, at the Ilok / Bačka Palanka Border Crossing.

CONCLUSION:

Based on the information from a secondary source received via email on January 4, 2024, at 08:41 regarding the case of the Syrian national ██████, who was apprehended for illegally crossing the Croatian border, IMM Coordinator Robert Markt, after consultations with the Coordination Board of the Independent Monitoring Mechanism, determined via email at 10:22 AM on January 4, 2024, that an unscheduled extraordinary monitoring should be conducted at the Ilok Border Police Station. Due to the urgency of the procedure, the monitoring activity was carried out later that same day in the afternoon by the direct activity providers, ██████ from Slavonski Brod and ██████ from Vinkovci, who reside closest to Ilok. The direct activity providers of the IMM, ██████ and ██████, were received at the Ilok Border Police Station on January 4, 2024, at 16:10 by the Deputy Head of the Ilok Border Police Station for border control, ██████, and the police officer responsible for illegal migration at the Ilok Border Police Station, ██████.

██████ and ██████, during the two-hour unscheduled extraordinary monitoring at the Ilok Border Police Station, collaborated in an exceptionally correct, professional, and highly competent manner with the direct activity providers, enabling them to carry out the tasks outlined in the Agreement. They facilitated access to the official file of the observed case of the Syrian national ██████, provided a printout from the Ministry of Internal Affairs' information system, and allowed a monitoring of the accommodation capacities at the Ilok Border Police Station.

The secondary source of information for the extraordinary monitoring was an unsigned message, which, as inferred from the text, was sent by her brother from an unknown location. The message was directed to Professor ██████, who handles administrative tasks for the Independent Monitoring Mechanism, and was sent via email on January 4, 2024. The message stated that ██████ was at the Ilok Border Police Station against her will and due to her health condition.

As the readmission procedure for ██████ had already been completed at the time of the unannounced extraordinary monitoring, and she had been handed over to the Ministry of Internal Affairs of Serbia on January 4, 2024, at 10:00 AM, the direct activity providers of the Independent Monitoring Mechanism (IMM) were unable to conduct a conversation with the irregular migrant in a private and confidential setting without the presence of the police.

By analysing the official documentation, reviewing the file for ██████, examining the printout from the Ministry of Internal Affairs' information system, as well as conducting conversations with the assistant head of the Ilok Border Police Station for border control ██████ and the police officer from the Ilok Border Police Station for illegal migration ██████, the direct activity providers of the Independent Monitoring Mechanism (IMM) found no unlawful actions towards ██████ nor any violations of ██████ human rights.

By reviewing the documentation and based on the qualification of the committed criminal offense, the direct activity providers of the Independent Monitoring Mechanism (IMM) assess that this particular case of observation involves a classic instance of human trafficking for the purpose of financial gain, exploiting the vulnerable personal situation of the irregular migrant.

4. Coordination Board

In the six-month period mentioned, two out of the five meetings of the Coordination Board were held. The Coordination Board analyses the data and findings received, based on which it decides on the place and time of the monitoring, as well as whether the observations are announced or unannounced. In addition, the members of the Coordination Board attend meetings organized on topics relevant to the operation of the Independent Monitoring Mechanism. In the past six-month period, the following meetings were held: the Advisory Council of the Independent Monitoring Mechanism (November 14, 2023), a meeting with the team for controlling the implementation of the project of the Directorate for European Affairs, International Relations, and EU Funds (November 6, 2023), and a meeting with representatives of FRONTEX (September 25, 2023). In addition to the aforementioned, the Coordination Board regularly receives numerous inquiries that are not within the scope of the Independent Monitoring Mechanism, and for responses, all inquiries are referred to the competent institutions. It is also important to highlight that the members of the Coordination Board regularly participate in meetings related to sharing the experience of the Independent Monitoring Mechanism, collected over the past two years, with interested parties (representatives of EU member states), in order to provide them with relevant information for the process of establishing their own independent monitoring mechanisms.

5. Statistical Data and Trends in Migration

5.1. Statistical Data and Recommendations

The Border Police Department's Illegal Migration Service, in accordance with Article 5 of the Cooperation Agreement for the implementation of an independent monitoring mechanism for the protection of fundamental rights in the actions of police officers of the Ministry of the Interior in the field of border protection, illegal migration, and international protection, regularly provides basic statistical indicators on '*actions towards irregular migrants and asylum seekers at the external border*' to the National Monitoring Mechanism (IMM). Specifically, the IMM receives monthly statistical data on (1) the number of asylum seekers classified by Border Police Units (BPS/PS/TPCs) and categories 'returnees,' 'asylum seekers,' 'adult males,' 'adult females,' 'unaccompanied minors,' and 'accompanied minors' (labelled 'asylum sex age'), as well as (2) the number of actions towards irregular migrants classified by

Police Units (PUs) and Border Police Units (BPS/PS/TPCs) and the characteristic of 'nationality' (labelled 'nationality'). The provided statistical data do not distinguish between attempted and successful illegal entries, movements, and stays in the territory of Croatia, and the monthly reports do not include data on detected cases of migrant smuggling, as stipulated in Article 5 of the Agreement. However, upon request, the IMM is provided with some of the aforementioned statistical data (e.g., on cases of smuggling), as well as additional data not foreseen by the Agreement (e.g., on cases of rescues and the number of deceased migrants), it is the recommendation of the IMM that the statistical reports submitted pursuant to Article 5 of the Agreement at a minimum include all defined data according to the agreed categories/characteristics, as well as a written methodological explanation of how the collected data are recorded and gathered.

It should be noted that the deadline for submitting statistical reports as outlined in the Agreement (by the 10th day of the month for data for the previous month) may not be realistically set, given that statistical reports are typically submitted to the National Monitoring Mechanism (IMM) with a one-month delay from the end of the month to which the reports relate¹. It seems likely that the delay in meeting the 10-day deadline for submitting statistical reports to the IMM, as defined in the Agreement, is due to the manual collection of data in all Border Police Units (BPS/PS/TPC) and their individual submission to the Illegal Migration Service of the Border Police Department, where the data is manually consolidated and then sent to the IMM. Therefore, the recommendation of the IMM is that, in cooperation with the Illegal Migration Service of the Border Police Department and with the participation of the Service for Strategic Planning, Statistics, and Improvement of the Legal Affairs and Strategic Planning Sector of the Ministry of the Interior (MOI) General Secretariat, which regularly prepares statistical reports for the MOI (including data on security at the state border², foreign affairs³, as well as perpetrators, victims, and criminal offenses under Article 326⁴ of the Criminal Code⁵), the methodology and technical aspects of data collection, processing, and submission

¹ "For the last few months, statistical reports have been submitted to the NMN as follows: on June 5, 2024, a statistical report for April 2024 was submitted, the statistical report for March was not submitted, on April 11, 2024, a statistical report for February 2024 was submitted, on March 5, 2024, a statistical report for January 2024 was submitted, on January 16, 2024, a statistical report for December 2023 was submitted, and on January 4, 2024, a statistical report for November 2023 was submitted

² See, for example, the Security Indicators Overview for 2021 by month, pages 158-160, available online: https://mup.gov.hr/UserDocsImages/statistika/2022/Statisticki_pregled_2021_Web.pdf

³ See, for example, the Security Indicators Overview for 2021 by month, pages 161-163, available online: https://mup.gov.hr/UserDocsImages/statistika/2022/Statisticki_pregled_2021_Web.pdf

⁴ Illegal entry, movement, and stay in the Republic of Croatia, another EU member state, or a signatory of the Schengen Agreement

⁵ Official Gazette ("Narodne novine" or "NN") 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, 114/22, 114/23, 36/24

of statistical reports to the IMM should be improved, in order to meet the deadline set in the Agreement for submission by the 10th day of the month for the previous month.

In addition to regular statistical reporting to the IMM, the Illegal Migration Service of the Border Police Department also provides additional statistical data to the IMM upon request (e.g., on cases of rescues and the number of deceased migrants) and, upon request, provides clarifications regarding the methodology for collecting the submitted and publicly available statistical data relevant to the IMM's area of activity. In relation to the latter, for example, during the reporting period, the IMM identified a discrepancy between the statistical data submitted to the IMM and the statistical data published by the Ombudsman, possibly based on data provided by another organizational unit of the Ministry of the Interior, for which the Illegal Migration Service of the Border Police Department offered a meaningful explanation⁶ to the IMM. Although the observed discrepancy is not dramatic, it is certainly not negligible, nor is it the only one⁷. Therefore, the IMM recommends that, in the upcoming period, the methodology for collecting and processing data for the IMM and other relevant stakeholders be unified, i.e., that a higher level of coordination be introduced among different organizational units of the Ministry of the Interior in order to minimize the possibility of circulating inconsistent statistical data⁷, which, without clear methodological explanations, could create (incorrect) impressions about the unreliability of the Ministry of the Interior's statistical data, especially if such data are analysed and/or publicly published by relevant stakeholders such as the Ombudsman and the IMM.

⁶ The discrepancy observed (Ombudsman: "During the year, 12,827 people requested it, of which 10,087 in border police stations and 137 in airport police stations," <https://www.ombudsman.hr/hr/traziteljji-medunarodne-zastite-i-iregularni-migranti-4/>; data provided to NMN: total number of asylum seekers 10,376) is most likely due to the fact that both sets of data are manually collected by two different organizational units of the Ministry of the Interior (Border Police Administration and Immigration Administration). Additionally, the data provided to NMN does not include PAP (e.g., PAP Pleso), but it does include, in addition to the Border Police stations, also the Police Stations on the external border (e.g., PS Ston, PS Novska), as well as the Transit Reception Centres (TPC) Trilj and TPC Tovarnik. Although the observed discrepancy is not dramatic (10,224 [10,087 + 137] compared to 10,376), it is not negligible either. This highlights the recommendation of NMN for the need for methodological and technical improvements in statistical monitoring and reporting, not only for NMN but also for other relevant stakeholders who collect and publicly publish such data.

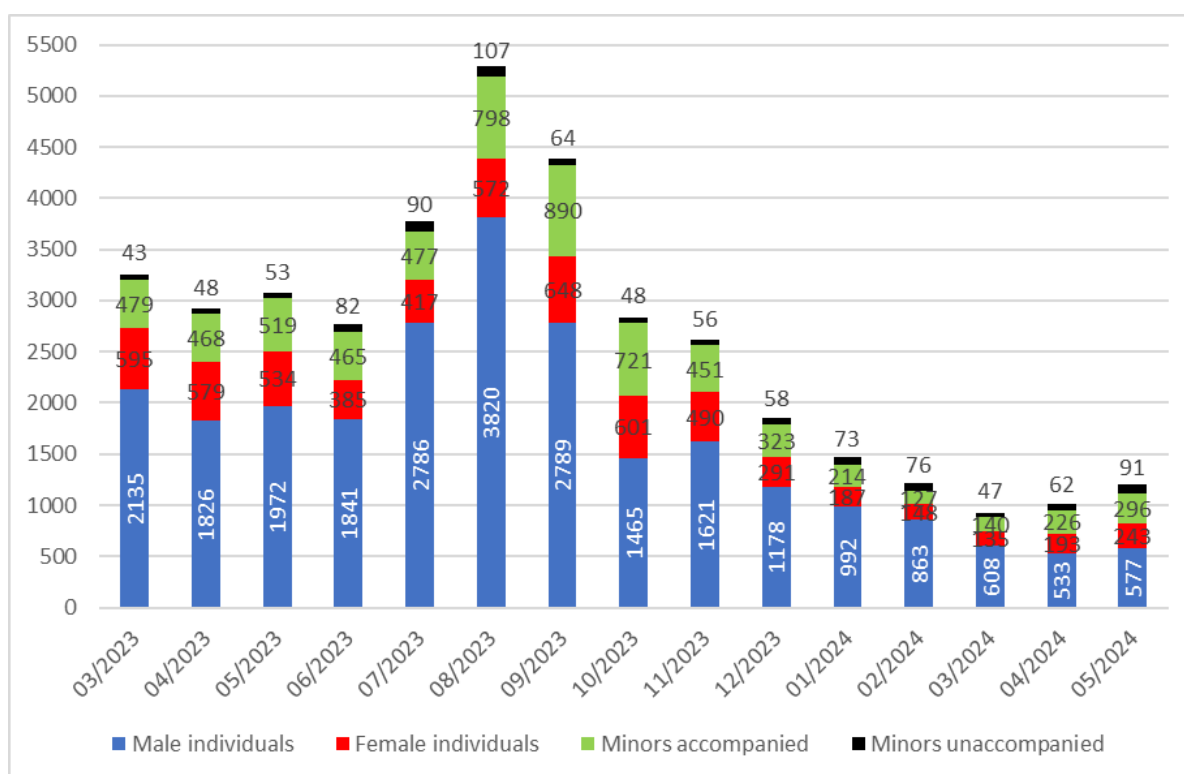
⁷ The observed discrepancy (Ombudsman: 'During the year, 12,827 individuals requested it, of which 10,087 in border police stations and 137 in airport police stations,' <https://www.ombudsman.hr/hr/traziteljji-medunarodne-zastite-i-iregularni-migranti-4/>; Data submitted to NMN: total number of asylum seekers 10,376) is most likely due to the fact that both sets of data are manually collected by two different organizational units of the Ministry of the Interior (Border Police Department and Immigration Department), and the data submitted to the NMN do not include PAP (e.g., PAP Pleso), but do include, in addition to Border Police Stations (BPS) and Police Stations (PS) on the external border (e.g., PS Ston, PS Novska), also TPC Trilj and TPC Tovarnik. Although the observed discrepancy is not dramatic (10,224 [10,087 + 137] vs. 10,376), it is not negligible and supports the NMN's recommendation for the need to methodologically and technically improve statistical monitoring and reporting to the NMN, as well as to other relevant stakeholders who collect and publicly publish such data.

5.2.Asylum Seekers

Chart 4. Asylum seekers from March 2023 to June 2024 by gender, age, and accompaniment.⁸

Characteristic	03/2023	04/2023	05/2023	06/2023	07/2023	08/2023	09/2023	10/2023	11/2023	12/2023	01/2024	02/2024	03/2024	04/2024	05/2024
Male	2135	1826	1972	1841	2786	3820	2789	1465	1621	1178	992	863	608	533	577
Female	595	579	534	385	417	572	648	601	490	291	187	148	135	193	243
Accompanied minors	479	468	519	465	477	798	890	721	451	323	214	127	140	226	296
Unaccompanied minors	43	48	53	82	90	107	64	48	56	58	73	76	47	62	91
Total	3252	2921	3078	2773	3770	5297	4391	2835	2618	1850	1466	1214	930	1014	1207

Chart 5. Asylum seekers from March 2023 to June 2024 by gender, age, and accompaniment⁹



⁸ The monthly statistical reports from the Illegal Migration Service of the Border Police Administration submitted to the NMN in accordance with Article 5 of the Agreement. The data for May and June 2023, as well as for February and April 2024, do not match the total sum of the categories 'returnees' and 'asylum seekers'.

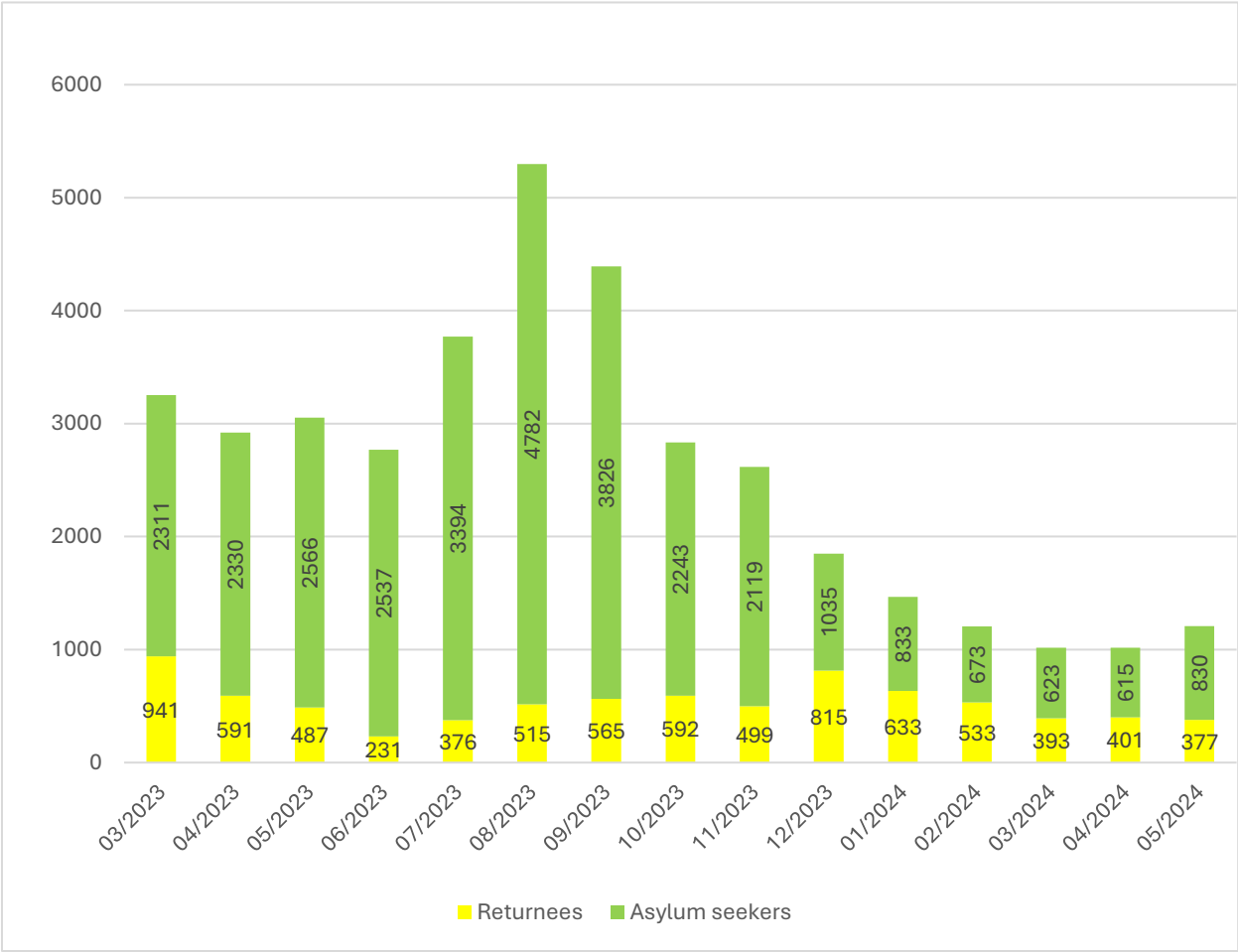
⁹ The monthly statistical reports from the Illegal Migration Service of the Border Police Administration submitted to the NMN in accordance with Article 5 of the Agreement. The data for May and June 2023, as well as for February and April 2024, do not match the total sum of the categories 'returnees' and 'asylum seekers'.

Chart 6. Asylum seekers from March 2023 to June 2024 by status 'returnees' and 'asylum seekers'¹⁰

Characteristics	03/ 2023	04/ 2023	05/ 2023	06/ 2023	07/ 2023	08/ 2023	09/ 2023	10/ 2023	11/ 2023	12/ 2023	01/ 2024	02/ 2024	03/ 2024	04/ 2024	05/ 2024
Returnees	941	591	487	231	376	515	565	592	499	815	633	533	393	401	377
Asylum seekers	2311	2330	2566	2537	3394	4782	3826	2243	2119	1035	833	673	623	615	830
Total	3252	2921	3053	2768	3770	5297	4391	2835	2618	1850	1466	1206	1016	1016	1207

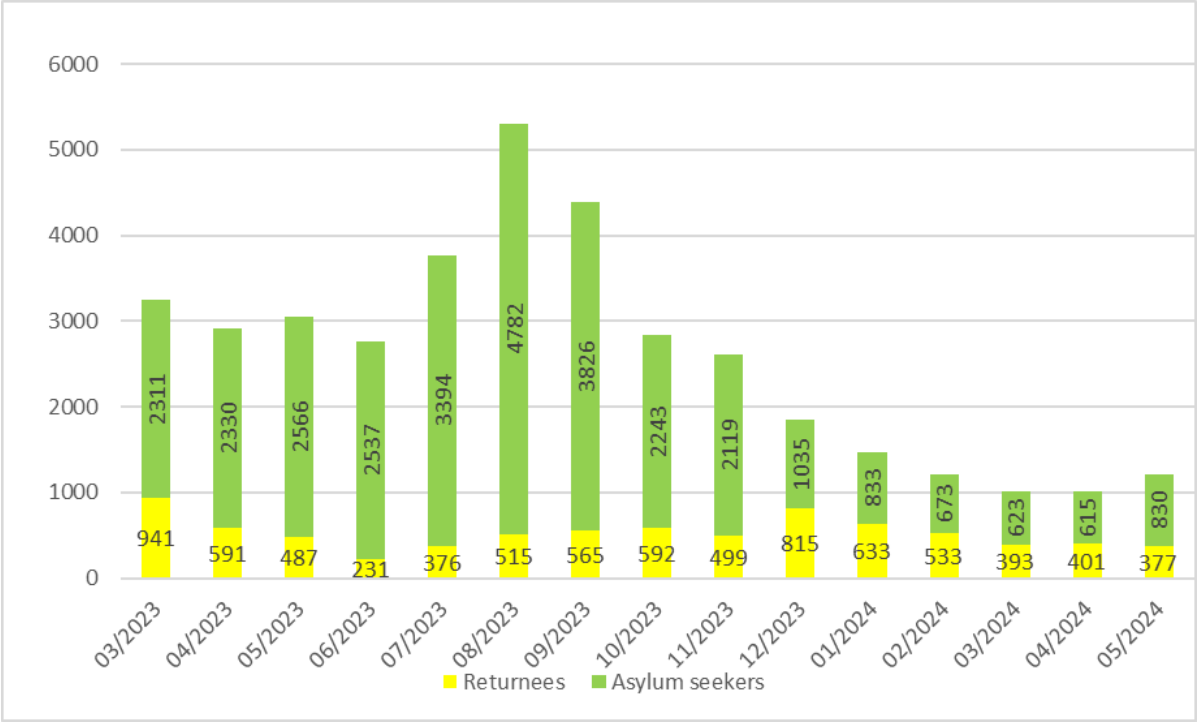
¹⁰ The monthly statistical reports from the Illegal Migration Service of the Border Police Administration, submitted to the NMN in accordance with Article 5 of the Agreement, show that the data for May and June 2023, as well as for February and April 2024, do not match the total sum of the categories 'returnees' and 'asylum seekers'.

Chart 7. Asylum seekers from March 2023 to June 2024 by status 'returnees' and 'asylum seekers' 11



¹¹ Monthly statistical reports from the Illegal Migration Service of the Border Police Department submitted to the NMN in accordance with Article 5 of the Agreement. The data for May and June 2023, as well as for February and April 2024, do not match the total sum of the categories 'returnees' and 'asylum seekers'.

Chart 8. Asylum seekers from March 2023 to June 2024 by the proportion of 'returnees' and 'asylum seekers'¹²



¹² Monthly statistical reports from the Illegal Migration Service of the Border Police Department submitted to the NMN in accordance with Article 5 of the Agreement. The data for May and June 2023, as well as for February and April 2024, do not match the total sum of the categories 'returnees' and 'asylum seekers'.

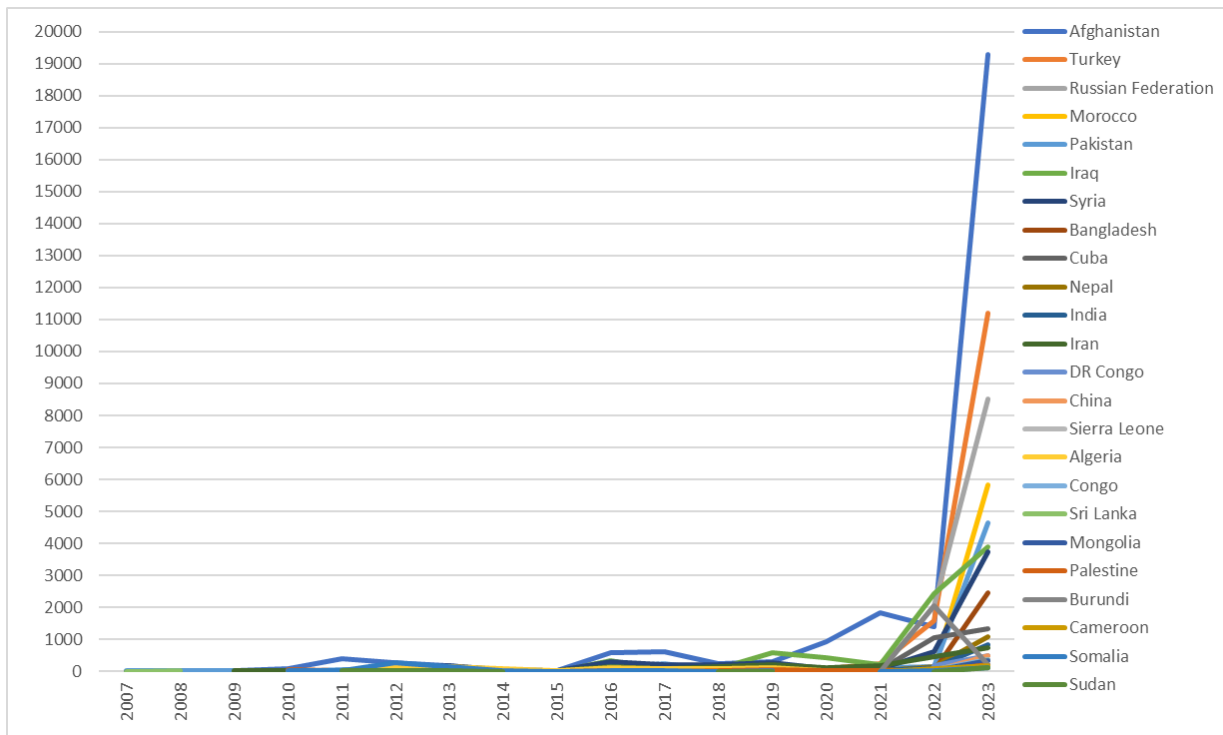
Chart 9. Asylum seekers by nationality 2007-2024 (equal to or more than 100 in 2022 or 2023).)¹³

Citizenship	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Afghanistan	1	1	22	90	399	258	185	18	9	589	617	236	295	932	1849	1390	19295
Turkey	3	10	6	4	6	15	6	7	10	69	193	62	132	93	246	1575	11199
Russian Federation	4	5	4	5	11	11	15	10	5	6	5	11	5	5	8	2064	8507
Morocco				2	13	27	62	22	14	81	43	31	38	46	30	41	5839
Pakistan	15	16	13	5	68	59	50	24	3	139	255	29	33	30	106	156	4658
Iraq	6		1	7	7	12	5	2	6	325	56	91	577	435	225	2431	3883
Syria				2	6	75	183	56	24	314	215	223	288	96	84	628	3752
Bangladesh					1	18	10	20	4	14	44	1	8	12	69	36	2472
Cuba							9		2	5	34	4	21	4	56	1065	1346
Nepal											1	1	4	6	8	133	1092
India	3	2			2	1	1		4	3	11	14	19	6	12	107	837
Iran			9	16	36	17	7	6	8	135	92	149	218	102	190	450	731
Democratic Republic of the Congo	2															193	494
China								1				7	8	4	7	23	489
Sierra Leone	1						2	1	1	3		4	5			9	372
Algeria				10	2	145	141	76	23	123	100	82	117	23	15	13	358
Congo			4		1		1	4		1	1	4	3	3	1	45	354
Sri Lanka	3	8						1		12	8		1		1	1	346
Mongolia				1					1							18	334
Palestine				48	18	11	15	6	2	17	4	11	44	15	8	32	221

¹³ Data source: Ministry of the Interior statistics (<https://mup.gov.hr/pristup-informacijama-16/statistika-228/statistika-mup-a-i-bilteni-o-sigurnosti-cestovnog-prometa/283233>).

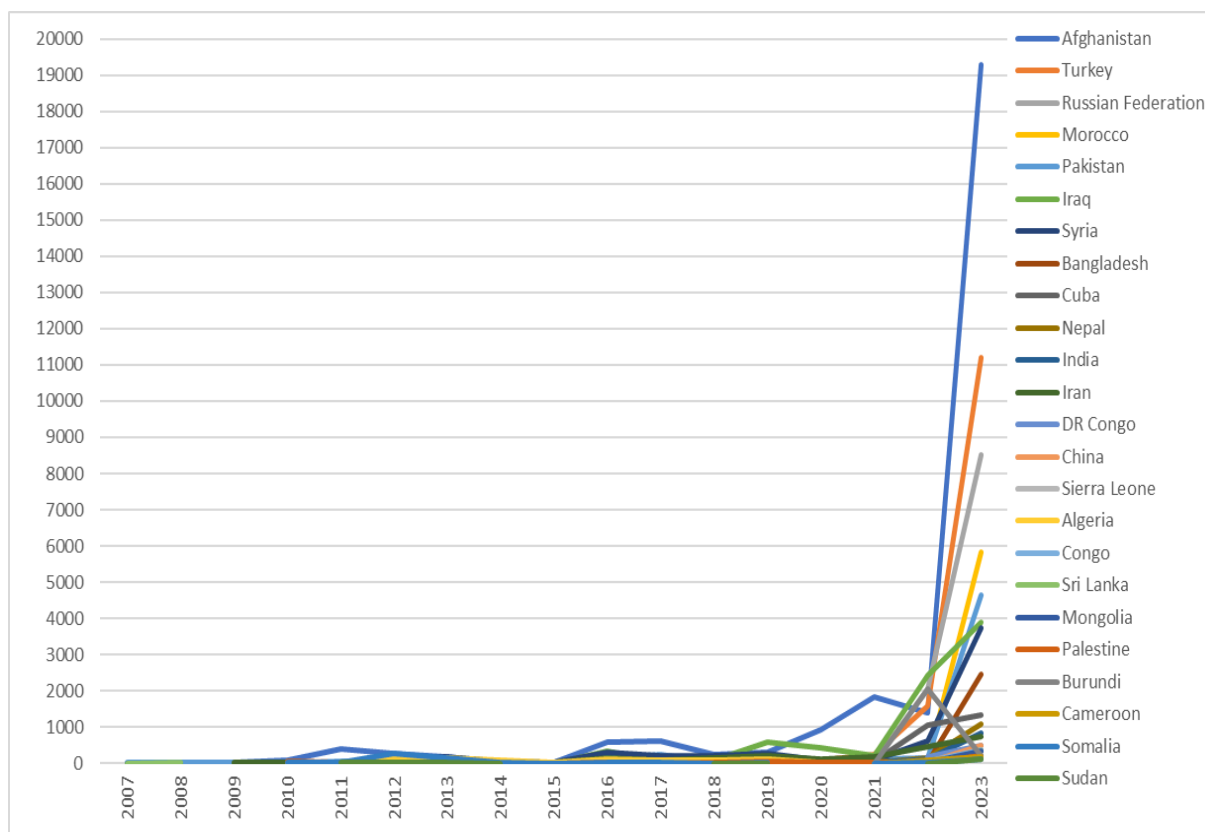
Burundi			2										1		1	2048	198
Cameroon							2	1	4	4	3	1	1		1	72	181
Somali		1		10	37	271	138	11	2	14	8	2	9		4	20	130
Sudan			1		8	18	37	3				1	3			5	103

Chart 9. Asylum seekers by nationality 2007-2024 (equal to or more than 100 in 2022 or 2023)¹⁴



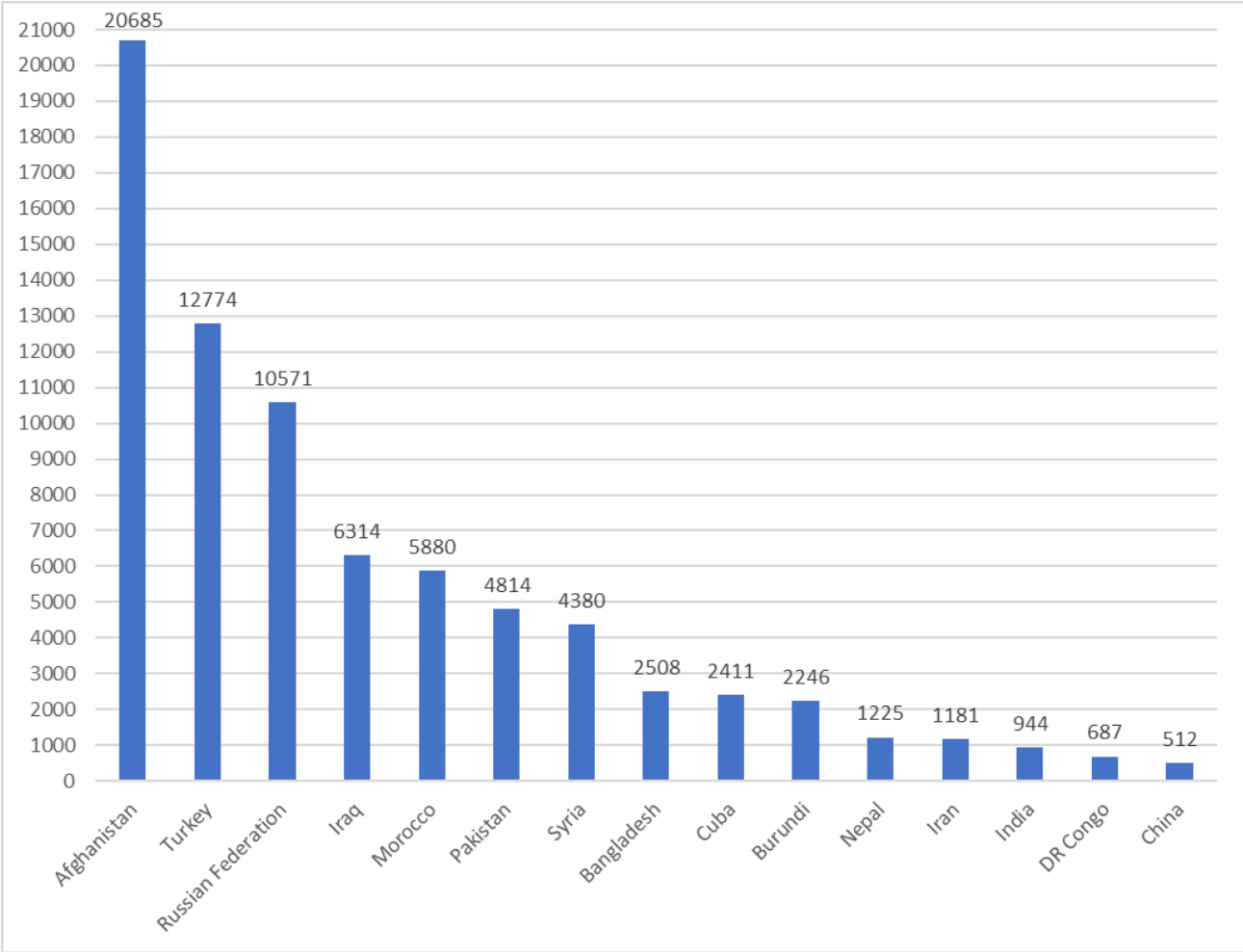
¹⁴ Data source: Ministry of the Interior statistics (<https://mup.gov.hr/pristup-informacijama-16/statistika-228/statistika-mup-a-i-bilteni-o-sigurnosti-cestovnog-prometa/283233>).

Chart 10. Asylum Seekers by Nationality 2021–2024 (Equal to or More Than 100 in 2022 or 2023)¹⁵



¹⁵ Data source: Ministry of the Interior statistics (<https://mup.gov.hr/pristup-informacijama-16/statistika-228/statistika-mup-a-i-bilteni-o-sigurnosti-cestovnog-prometa/283233>).

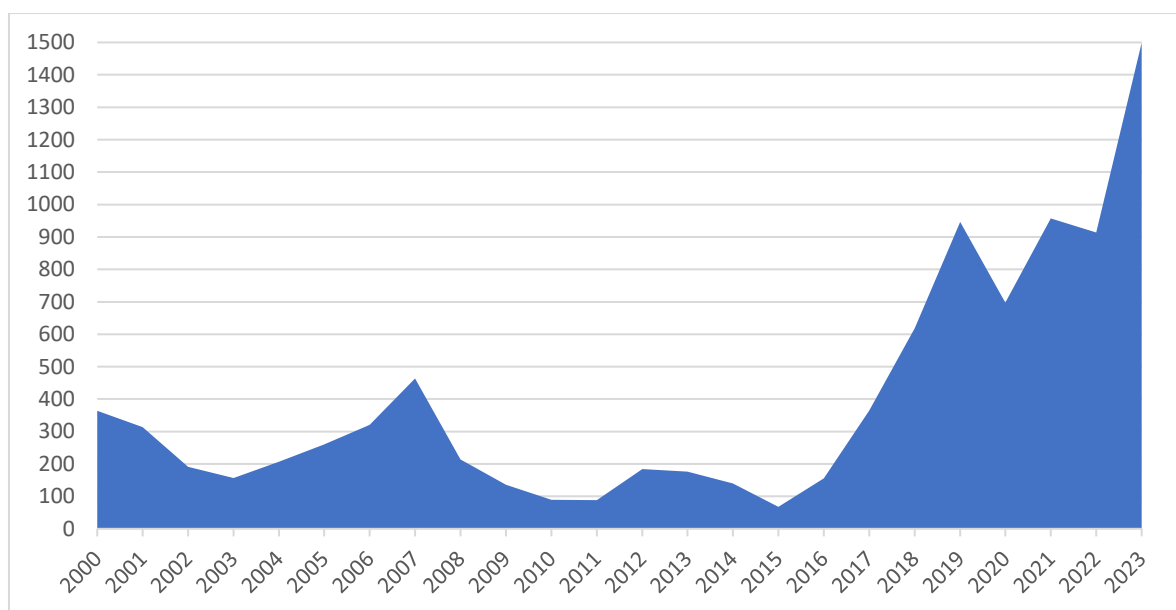
Chart 11. Asylum Seekers by Nationality in 2022 and 2023 (Equal to or More Than 500)



5.3. Smuggling and Illegal State Border Crossings

Chart 12. Smuggling 2000- 2024¹⁶

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
364	314	191	157	207	260	320	464	214	136	89	88	184	176	140	68	156	365	619	946	698	957	914	1499



In 2023, 1,880 smugglers were arrested, who were charged with 1,452 criminal offenses (Article 326 of the Criminal Code, Illegal entry, movement, and stay in the Republic of Croatia, another European Union member state, or a signatory of the Schengen Agreement). These offenses most commonly involve the nationalities of countries on the migrant movement route (Bosnia and Herzegovina, Romania, Ukraine, Serbia, Turkey, and others).¹⁷

¹⁶ The number of reported criminal offenses from 2000 to 2024, classified as smuggling (2000-2013, Article 177 of the Criminal Code, 2013-2024, Article 326 of the Criminal Code); data source: Ministry of the Interior statistics (<https://mup.gov.hr/pristup-informacijama-16/statistika-228/statistika-mup-a-i-bilteni-o-sigurnosti-cestovnog-prometa/283233>).

¹⁷ 17.05.2024. Ministry of Interior

Comparative overview of perpetrators of organized crime offenses by police departments in 2023.¹⁸

Perpetrators	Perpetrators of criminal offence		Trend in %	Average of criminal offences by perpetrator	
	2022.	2023.		2022.	2023.
Illegal Entry, Movement, and Residence in the Republic of Croatia	774	1.612	+108,3	1,2	0,9

Organized Crime: Comparative overview of criminal offenses committed as part of a criminal association in 2023.¹⁹

Chapter Number of the Criminal Code	Art. of the CC	Title of the Criminal Offense / Chapter of the Criminal Code	Reported Criminal Offenses Related to Article 329 of the Criminal Code		Trend in %
			2022.	2023.	
CHAPTER 30:	Criminal offences against public order		125	37	-70,4
	326.	Illegal entry, movement or residence in the Republic of Croatia or another EU or Schengen member state	119	31	-73,9

¹⁸ https://mup.gov.hr/UserDocsImages/statistika/2024/3/STATISTICKI_PREGLED_2023_.xlsx

¹⁹ https://mup.gov.hr/UserDocsImages/statistika/2024/3/STATISTICKI_PREGLED_2023_.xlsx

A comparative overview of all criminal offenses against children under 14 years of age in 2023.

20

Chapter/Article	Criminal offenses against children under 14 years of age	Number of criminal offenses		
		2022.	2023.	Trend in %
XXX. Criminal offences against public order		11	96	+772,7
326.	Illegal entry, movement or residence in the Republic of Croatia	2	84	+4100,0

A comparative overview of all criminal offenses against children under 18 years of age in 2023.

21

Chapter/Article	Criminal offenses against children aged 14 to 18 years	Number of criminal offenses		
		2022.	2023.	Trend u %
XXX. Criminal offences against public order		17	129	+658,8
326.	Illegal entry, movement or residence in the Republic of Croatia	1	61	+6000,0

²⁰ https://mup.gov.hr/UserDocsImages/statistika/2024/3/STATISTICKI_PREGLED_2023_.xlsx

²¹ https://mup.gov.hr/UserDocsImages/statistika/2024/3/STATISTICKI_PREGLED_2023_.xlsx

Criminal offenses against children, victims of these criminal offenses, and reported persons for these criminal offenses in 2023. ²²

Art. 326	Total reported criminal offenses in the Republic of Croatia	% of CO against children in the total number of CO.	Reported criminal offenses against children up to 18 years of age		Trend + - %	Victims up to 18 years of age (unique individuals).		total	Perpetrators (unique individuals).		total
			2022.	2023.		M	Ž		M	Ž	
	1499	6,7	3	100	+3233,3	260	155	415	118	6	124

Perpetrators of the criminal offense under Article 326 of the Criminal Code by gender and age in 2023. ²³

TOTAL NUMBER OF PERPETRATORS	LEGAL ENTITIES	NATURAL PERSONS	MALE	FEMALE	Children under 14	14-16	16-18	18-21	21-25	25-29	29-39	39-49	49-59	59-	Of which foreigners
1.612		1.612	1.543	69		1	5	108	275	244	466	317	140	56	1.301

Affected persons by the criminal offense under Article 326 of the Criminal Code according to gender and age in 2023²⁴

TOTAL AFFECTED PERSONS	LEGAL ENTITIES	NATURAL PERSONS	MALE	FEMALE	Children under 14	14-16	16-18	18-22	22-26	26-30	30-40	40-50	50-60	Over 60	Of which foreign citizens
1.665	19	1.646	1.174	472	307	52	65	271	238	179	311	170	40	13	1.646

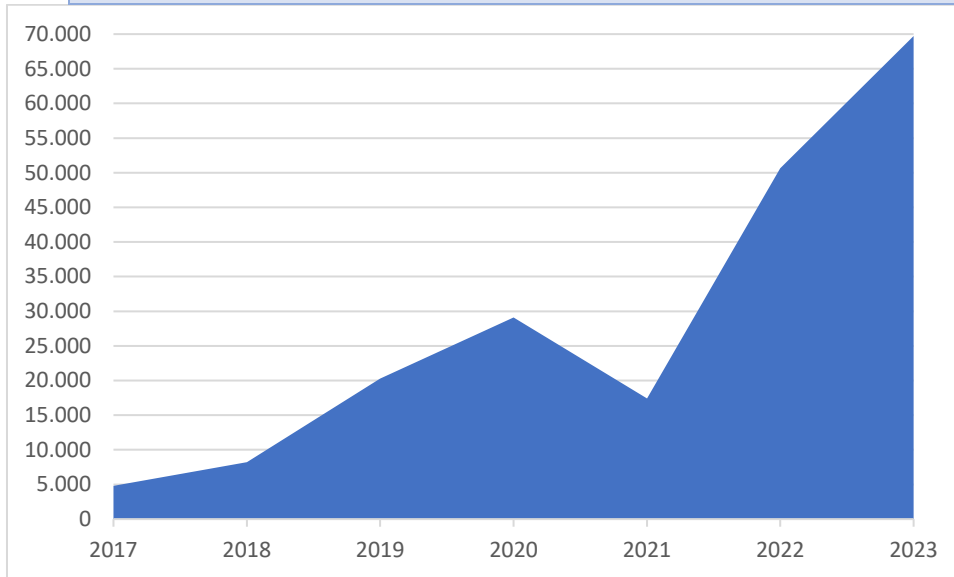
²² https://mup.gov.hr/UserDocsImages/statistika/2024/3/STATISTICKI_PREGLED_2023_.xlsx

²³ https://mup.gov.hr/UserDocsImages/statistika/2024/3/STATISTICKI_PREGLED_2023_.xlsx

²⁴ https://mup.gov.hr/UserDocsImages/statistika/2024/3/STATISTICKI_PREGLED_2023_.xlsx

Illegal border crossings 2017. - 2024.²⁵

2017	2018	2019	2020	2021	2022	2023
4808	8207	20278	29094	17404	50624	69726



During 2023, a total of 69,726 police actions were recorded concerning individuals who illegally entered the Republic of Croatia. The most common nationalities are Afghanistan, Turkey, Morocco, Pakistan, Iraq, and Syria²⁶, with a dramatic percentage increase in illegal border crossings by nationals from Morocco and China. It is noteworthy that in Croatia (except for 2021), there has been a constant and sudden increase in the number of illegal border crossings, with the percentage increase for 2023 compared to 2022 being nearly 40%. At the same time, FRONTEX reports a decrease in detected illegal crossings on the Western Balkans route, with a significant 30% decrease in 2023 compared to 2022²⁷. One possible explanation for the increase in illegal crossings recorded by Croatian police, especially considering the fact that there was no regional rise in arrivals but rather a decline in the number of illegal crossings, is the consistent recording of all illegal crossings by Croatian police, following the recommendations of the National Monitoring Network (IMM). In the upcoming reporting period, it will be essential to continue monitoring this phenomenon and pay particular attention to further analytical clarification of the causes of the increase in recorded illegal border

²⁵ 17.05.2024. MoI

²⁶ 17.05.2024. MoI

²⁷ <https://www.frontex.europa.eu/what-we-do/monitoring-and-risk-analysis/migratory-routes/migratory-routes/>

crossings. The preliminary conclusion of IMM is that this is certainly a positive trend and a likely reflection of the acceptance of IMM's recommendations.

Illegal border crossings by nationality – trend compared to the previous year and place of apprehension in 2023.²⁸

Citizenship	Illegal border crossings (persons)			Place of apprehension			
	2022.	2023.	Trend in %	Border crossing	Near the border	In the interior of the territory	Accepted by the police of another country
Afghanistan	14.877	22.100	+48,6	290	2.671	18.892	247
Turkey	4.110	13.480	+228,0	456	3.650	9.295	79
Morocco	251	6.248	+2389,2	17	348	5.867	16
Pakistan	4.429	5.286	19,3	17	841	4.422	6
Other	7.630	4.355	-42,9	144	977	2.934	300
Iraq	6.334	4.095	-35,3	8	1.285	2.743	59
Syria	1.594	3.922	+146,0	28	1.265	2.579	50
Bangladesh	3.237	2.759	-14,8		556	2.196	7
Cuba	1.777	1.535	-13,6	2	698	827	8
China	123	1.286	+945,5	114	226	924	22
Nepal	858	1.203	+40,2		289	909	5
India	1.766	982	-44,4	12	201	762	7
Iran	1.914	885	-53,8	1	177	691	16
Kosovo	870	572	-34,3	42	129	387	14
Congo	692	560	-19,1	2	212	344	2
DR Congo	162	458	+182,7	1	202	254	1
TOTAL	50.624	69.726	37,7	1.134	13.727	54.026	839

²⁸ https://mup.gov.hr/UserDocsImages/statistika/2024/3/STATISTICKI_PREGLED_2023_.xlsx

Illegal border crossings by police administrations – trend compared to the previous year and place of apprehension in 2023.²⁹

Police Administration	Illegal border crossings (persons)			Place of apprehension			
	2022.	2023.	Trend in %	Border crossing	Near the border	In the interior of the territory	Returned from abroad
Karlovac County	10.169	23.363	+129,7	1	6.003	17.354	5
Zagreb County	6.664	13.431	+101,5	10	4	12.635	782
Brodsko-Posavska County	14.262	10.178	-28,6	202	4.609	5.367	
Sisačko-moslavačka County	7.085	7.124	+0,6	28	1.243	5.853	
Ličko-senjska County	790	4.610	+483,5	1	1.117	3.492	
Primorsko-goranska County	3.531	3.191	-9,6			3.184	7
Vukovarsko-Srijemska County	2.070	2.067	-0,1	693	372	1.002	
Splitsko-dalmatinska County	577	1.308	+126,7	13	112	1.183	
Dubrovačko-neretvanska County	534	1.074	+101,1	101	147	826	
Istarska County	3.229	1.036	-67,9			1.024	12
Krapinsko-zagorska County	604	763	+26,3			730	33
Varaždinska County	349	349	0,0			349	
Zadarska County	28	339	+1110,7		5	334	
Šibensko.kninska County	58	295	+408,6		114	181	
Bjelovarsko -bilogorska County	12	202	+1583,3			202	
Osječko-baranjska County	454	194	-57,3	85	1	108	
Koprivničko-križevačka County	37	161	+335,1			161	
Međimurje County	136	38	-72,1			38	

²⁹ https://mup.gov.hr/UserDocsImages/statistika/2024/3/STATISTICKI_PREGLED_2023_.xlsx

Virovitičko-podravska County	30	2	-93,3			2	
Požeško-slavonska County	5	1	-80,0			1	
TOTAL	50.624	69.726	+37,7	1.134	13.727	54.026	839

6. Other Activities of the Mechanism Other

6.1. Meetings Held

Since the signing of the Agreement on November 4, 2022, the Mechanism has held numerous meetings with political actors, the diplomatic corps in the Republic of Croatia, responded to journalists' inquiries, etc. Aware of the fact that it is the first such mechanism in the world, it has done everything possible to make the experiences gathered in the first phase of its implementation available to all interested parties.

Date of Meeting	Topic of Meeting and Participants
December 23, 2022	Meeting of the Independent Monitoring Mechanism with representatives of the Ministry of the Interior on the topic of the Ministry's information system.
January 30, 2023	Independent Monitoring Mechanism held a meeting with the Minister's Advisor for Asylum and Migration of the Hellenic Republic, Mrs. Eleni Anna A. Theona.
February 9, 2023	Independent Monitoring Mechanism, together with the Ministry of the Interior, Border Police, and representatives of civil society organizations, held a roundtable on the topic of "Compensatory Measures."
April 19-20, 2023	Independent Monitoring Mechanism hosted a study visit by Mr. Konstantinos A. Solkidis, Human Rights Officer at the Greek Ministry of Migration and Asylum.
May 3, 2023	Independent Monitoring Mechanism presented its work at the LIBE Committee of the European Parliament on Civil Liberties, Justice, and Home Affairs.
February 19, 2024	The Independent Monitoring Mechanism presented its work at the first Periodic Schengen Evaluation on the area of return. The evaluation team consisted of 12 members, including 2 representatives from the European

	Commission, 8 representatives from member states, 1 representative from the EU Agency for Fundamental Rights (FRA), and 1 representative from the European Border and Coast Guard Agency (FRONTEX).
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6.2. The Cooperation with FRONTEX

The European Border and Coast Guard Agency - FRONTEX conducted a seven-day working visit to Croatia, during which a meeting was held with the Independent Monitoring Mechanism and other stakeholders actively involved in the area of migration and asylum within FRONTEX's operational scope in Croatia. This visit particularly focused on border crossing points (BCPs) along the Croatian-Serbian/Bosnian border where the Mechanism carries out monitoring activities.

After the meeting with representatives of the Independent Monitoring Mechanism in Zagreb, the FRONTEX delegation headed towards the Croatian-Bosnian border. Between September 26 and 29, 2023, they had the opportunity to visit the border crossings of FRONTEX staff on the border with Bosnia and Herzegovina and Serbia, where key operations and activities were carried out. The delegation was accompanied by representatives of the Independent Monitoring Mechanism, and during their joint monitoring, they exchanged experiences in conducting surveillance.

6.3. The Mechanism's Website

After agreeing on the project activities, on May 15, 2023, the process of creating the website for the Independent Monitoring Mechanism was initiated.

On June 6, 2023, all texts related to the visibility of the project were sent to the team members for review and corrections.

On June 15, 2023, a meeting was held at the Ministry of the Interior regarding the development of the website, the project's visibility, and communication with stakeholders, where guidelines and instructions were provided. The Ministry of the Interior started the procurement process for the website.

From June 2023 to March 2024, several meetings were held on the topic of the website, the texts for the website were coordinated, and a translator translated the page into English.

The Ministry selected a contractor for the development, and the creation of the website began.

On March 20, 2024, a meeting was held with the contractor for the website and all involved team members, where the appearance and functionality of the **nmn.hr** website were presented via Zoom on the test version of the IMM website. It was determined what still needed to be aligned and changed, and it was agreed that a new logo in English would be created. Applications on the website can be submitted in 11 languages, which are received by email by the selected system administrators who, according to instructions, handle each submitted case depending on the topic. Applications may also include photographs.

On March 21, 2024, a note from the online meeting of the Independent Mechanism for Protection was sent, and on May 15, 2024, the Minutes of the Handover of the website to the Ministry of the Interior were signed.

Due to difficulties in communication with the Ministry of the Interior's Directorate for EU Affairs and, consequently, issues in implementation and the unclear future of the project, the members of the Mechanism decided not to activate the Mechanism's website until they receive confirmation from the Ministry about the need for further project implementation.

After the newly appointed Director of the Directorate for European Affairs, International Relations, and EU Funds of the Ministry of the Interior, Mr. Dalibor Jurić, confirmed the Ministry's need and desire for the work of the Mechanism to continue on June 28, 2024, it was agreed that the Mechanism's website would be activated simultaneously with the publication of the Semi-Annual Report, planned for August 2024.

7. Medical Care for Migrants

This section of the report covers medical oversight regarding the right to healthcare, the functioning of the legislation that regulates this area, and an overview of the health status of migrants, i.e., foreigners who do not have Croatian citizenship and who enter the Republic of Croatia (sometimes) unlawfully. The initial part of the report provides definitions and the legal framework, as well as the most important provisions of laws and bylaws that regulate the provision of healthcare to migrants. This is followed by a more detailed presentation of the

scope of healthcare provided according to categories of migrants, the costs of healthcare provision during the Mechanism's operational period, and a review of migrant mortality within the territory of the Republic of Croatia.

7.1. Medical Care and Documentation

Rights of Individuals Without Croatian Citizenship and Legislative Framework for Providing Healthcare

The right to healthcare for foreigners, funded by the state budget of Croatia, is regulated by the provisions of the Compulsory Health Insurance and Healthcare for Foreigners in the Republic of Croatia Act (NN 13/80, 15/18, 26/21, and 46/22 – hereinafter referred to as the Act) and its accompanying regulations. This Act regulates compulsory health insurance and healthcare for foreigners in Croatia, the scope of rights under compulsory health insurance, the rights and obligations of health insurance providers, the scope of healthcare services, as well as other rights and obligations of foreigners under this Act. It also sets out the conditions, methods of implementation, and financing of healthcare for foreigners in Croatia, and the rights and obligations of healthcare providers.

The regulations that further define the standards and scope of healthcare for foreigners are the Regulation on Healthcare Standards for Asylum Seekers and Foreigners Under Temporary Protection (NN 28/20) and the Regulation on the Provision of Healthcare to Foreigners Who Are Residing Illegally in the Republic of Croatia (NN 116/18).

The healthcare standards for asylum seekers are specified in the Regulation on Healthcare Standards for Asylum Seekers and Foreigners Under Temporary Protection (NN 28/20).

The method of providing healthcare to a foreigner illegally residing in the Republic of Croatia, for whom a return decision has been issued (migrant), is regulated by the Ordinance on the Method of Providing Healthcare to Foreigners Illegally Residing in the Republic of Croatia (Official Gazette No. 116/18).

In the Republic of Croatia, the area and scope of healthcare provision for migrants is regulated by several laws and subordinate regulations:

- Foreigners Act (NN 133/20, 114/22, and 151/22)
- International and Temporary Protection Act (NN 70/15, 127/17, and 33/23)

- Compulsory Health Insurance and Healthcare for Foreigners in the Republic of Croatia Act (NN 13/80, 15/18, 26/21, and 46/22)
- Regulation on Healthcare Standards for Asylum Seekers and Foreigners Under Temporary Protection (NN 28/20)

Rights and Scope of Healthcare for Foreigners by Categories

The key provisions of the Act on Mandatory Health Insurance and Healthcare for Foreigners in the Republic of Croatia (NN 13/80, 15/18, 26/21, and 46/22, hereinafter: the Act), the Ordinance on Healthcare Standards for Applicants for International Protection and Foreigners Under Temporary Protection (NN 28/20), and the Ordinance on the Provision of Healthcare to Foreigners Who Are Staying Illegally in the Republic of Croatia (NN 116/18, hereinafter: the Ordinance) apply to foreigners in Croatia in the following manner.

Article 19 of the Act stipulates that the following categories of persons are entitled to healthcare at the expense of the state budget (Ministry of Health):

- Asylum seeker,
- Refugee,
- Foreigner under temporary protection,
- Foreigner under subsidiary protection, including the family members of the asylum seeker and the foreigner under subsidiary protection, if mandatory health insurance or healthcare is not provided through other means,
- Minor foreigner – victim of human trafficking, minor foreigner who is abandoned or a victim of organized crime, or who has lost parental care, guardianship, or accompaniment for other reasons,
- Foreigner residing in the Republic of Croatia at the invitation of its state authorities,
- Foreigner who has contracted cholera, plague, viral hemorrhagic fever, or typhoid fever, and
- Foreigner who is staying unlawfully in the Republic of Croatia and for whom a return decision has been made.

Asylum Seeker

An asylum seeker has the right to emergency medical assistance and necessary treatment for illnesses and serious mental disorders (Article 20, paragraph 1 of the Law).

A health examination of the asylum seeker (basic medical examination to detect acute and chronic infectious diseases) must be conducted as soon as possible, within the first five days of their arrival at the Reception Centre for Asylum Seekers (Article 3 of the Regulation).

Asylum seekers and foreigners who require special reception and/or procedural guarantees, especially victims of torture, rape, or other severe forms of psychological, physical, or sexual violence, will be provided with appropriate healthcare (Article 20, paragraph 3 of the Law).

The Scope and Standards of Healthcare for Asylum Seekers

The Scope and Standards of Healthcare are prescribed by the Ordinance on Healthcare Standards for Asylum Seekers and Foreigners under Temporary Protection (Article 6):

1. The right to emergency medical assistance and necessary treatment of illnesses and serious mental disorders in accordance with medical indication, which includes:
 - maintenance of vital life functions, stopping bleeding,
 - prevention of sudden deterioration of health that could cause permanent damage to individual organs or vital functions,
 - treatment of shock,
 - treatment of conditions with elevated body temperature and prevention of the spread of infection that could lead to septic conditions,
 - treatment of poisoning,
 - treatment of injuries and other damage requiring medical assistance,
 - the right to emergency and necessary dental healthcare,
 - treatment of chronic diseases and conditions, where delaying treatment would directly or subsequently cause disability, other permanent damage, or death,
 - treatment of serious mental disorders,
 - treatment of infectious diseases.

2. the right to medications from the basic list of medicines for emergency medical assistance and necessary treatment of diseases and serious mental disorders in accordance with medical indications from paragraph 1, point 1 of this Article.

In accordance with Article 7 of the Regulation, urgent and necessary specialist-conciliary and hospital healthcare, based on medical indications provided by a physician, is

carried out in healthcare institutions based on a referral from the competent physician or emergency medical services.

A Person Illegally Residing in the Republic of Croatia and an Asylee

A foreigner who is illegally residing in the Republic of Croatia must undergo a mandatory medical examination within the first five days of stay in the reception Centre to determine their health status (Article 5 of the Regulation). During the first five days of stay in the reception Centre, a person referred to in Article 1 of the Regulation on Health Care Standards for Applicants for International Protection and Foreigners under Temporary Protection must undergo a mandatory medical examination to determine their health status.

Scope and Standards of Healthcare

The person apprehended during illegal border crossing or found to be illegally residing on the territory of the Republic of Croatia is provided, when necessary, with urgent and essential healthcare at the nearest healthcare facility or by healthcare workers in private practice within the public healthcare system.

Asylum seekers are provided with daily healthcare in the reception Centre, administered by a doctor or nurse/technician.

The medical examination includes a full-body check and determination of physical status, with recommendations for further urgent and essential specialist consultations based on medical indications.

The determined health status is recorded on the form (described in the Regulation).

A copy of the health status with information about the health condition is sent to the Reception Centre for asylum seekers if the person referred to in paragraph 1 of this Regulation has submitted an application for international protection.

The costs of health care, including emergency transportation to an appropriate health institution and medical care during transportation, are to be borne personally by the person referred to in paragraph 1 of this article immediately, or no later than before being discharged from treatment

Vulnerable Groups

For the purposes of writing this report, vulnerable groups include individuals who are legally incapacitated, children, unaccompanied minors, elderly and infirm individuals, severely ill persons, persons with disabilities, pregnant women, single parents with minor children, individuals with mental health disorders, and victims of human trafficking, torture, rape, or other forms of psychological, physical, and sexual violence, such as victims of female genital mutilation.

Scope of Healthcare for Vulnerable Groups

Persons belonging to vulnerable groups of foreigners found in Croatia are entitled to appropriate healthcare as prescribed by the Regulation on Healthcare Standards for Applicants for International Protection and Foreigners Under Temporary Protection (Article 9 of the Regulation, NN 28/20).

Pregnant women or mothers have the right to healthcare related to monitoring pregnancy and childbirth to the same extent as insured persons under compulsory health insurance.

Children under 18 years of age are entitled to comprehensive healthcare in accordance with regulations governing the right to healthcare under compulsory health insurance.

Healthcare Providers

The Ministry of Health signs an annual contract with the Health Centre of Zagreb Centre and the Health Centre of Kutina for providing emergency medical services at the reception Centres for asylum seekers in Zagreb and Kutina. This includes providing diagnostic and therapeutic procedures necessary to eliminate immediate threats to life and health, as well as urgent healthcare at the primary healthcare level and critical specialist and consultative healthcare, with one team of general/family medicine providing healthcare every working day.

In case of the need for emergency dental healthcare services, healthcare services related to pregnancy and childbirth, healthcare services for preschool children, medical-biochemical laboratory services, or radiological diagnostic services, these will be provided at the Health Centre. In the case of urgent specialist and consultative healthcare, the appropriate referral will be issued.

Necessary essential medications are prescribed on special prescriptions in accordance with the mentioned Regulation.

For better insight into the health issues and needs, it is necessary to consolidate and improve the system of reporting and monitoring health problems and medical interventions, and to require all healthcare providers to participate in it.

A foreigner who is unlawfully found in the Republic of Croatia is provided with daily healthcare services at the reception Centre for foreigners, which is provided by a medical team based on the agreement between:

- Ministry of Health and the Health Centre of Zagreb County – for the Reception Centre in Ježevo,
- Ministry of Health and the Health Centre of Vukovar – for the Transit Reception Centre in Tovarnik,
- Ministry of Health and the Health Centre of Split-Dalmatia County – for the Transit Reception Centre in Trilj (since January 2022).

Specialist and consultative healthcare services, according to medical indications, are provided in healthcare institutions based on a referral from the doctor at the reception Centre or the emergency medical service.

The Ministry of the Interior provides medication and medical consumables to foreigners in the reception Centre.

The Costs of Healthcare for Migrants Covered by the Croatian State Budget

The Ministry of Health does not have data on the total cost of treating migrants in Croatia, as there is only one budget item from which healthcare costs for all categories of foreigners are charged, in accordance with Article 19 of the Law.

Report on the number of screenings at the Foreigners' Reception Centre Ježevo from July 1st to December 31st, 2023.

	TOTAL NUMBER OF EXAMINATIONS PCJ	NUMBER OF MANDATORY EXAMINATIONS	NUMBER OF PREVENTIVE EXAMINATIONS	NUMBER OF EXAMINATIONS BY EMS TEAM	NUMBER OF EXAMINATIONS IN DZZŽ	BAT TESTS
TOTAL	957	709	709	0	0	0

Report on the number of screenings at the Foreigners' Reception Centre Tovarnik from June 1st to December 31st, 2023.

	TOTAL NUMBER OF EXAMINATIONS PCJ	NUMBER OF MANDATORY EXAMINATIONS	NUMBER OF PREVENTIVE EXAMINATIONS	NUMBER OF EXAMINATIONS BY EMS TEAM	NUMBER OF EXAMINATIONS IN DZZŽ	BAT TESTS
TOTAL	234	234	234	0	0	0

7.2. Fatalities Among Migrants

For the reporting period, statistical data on migrant fatalities in 2023 and 2024 were closely monitored. In 2023, a total of 10 cases of migrant rescues were recorded, involving a total of 95 migrants, most of whom were rescued from flooded areas around the Sava River. In 2023, 10 migrants died (drownings in the river, found in heavy-duty vehicle). So far, in 2024, a total of 4 rescue cases have been recorded, involving 7 migrants (rescued from rivers). So far, in 2024, 4 migrants have died (drownings in rivers, three persons at the border with Slovenia)³⁰. Based on all the above, it is essential to improve the system of reporting and monitoring migrant fatalities and deaths to gain a better insight into the causes of death and to carry out potential preventive activities.

7.3. Excerpts from the Reports of Direct Monitors Related to Health and Healthcare

During the visit to the **Transit Point for Migrants in Rijeka**, accompanied by police officers, the temporary rooms designated for providing medical assistance, as well as the rooms

³⁰ May 21, 2024. Ministry of the Interior (MoI)

where meals for migrants are prepared, were inspected. Medical assistance is provided, and a room with medications was confirmed, which was also confirmed by the migrants.

In the Transit Reception Centre Tovarnik, continuous care is provided for the health and psychosocial well-being of the foreigners accommodated there. If individuals detected during the illegal border crossing and placed in the TPC Tovarnik require medical assistance, an agreement has been made with [REDACTED], which operates a general/family medicine practice in Tovarnik, for the provision of medical care to individuals in the accommodation facilities of TPC Tovarnik. Each examination and medical service provided is properly documented in the records of the Transit Reception Centre Tovarnik. During May 2023, a total of 74 health examinations were conducted for the detected individuals in TPC Tovarnik, representing a 640% increase compared to May 2022, when 10 health examinations were performed. Additionally, in May 2023, 10 therapies were prescribed to the detected individuals, which is a 57% increase compared to May 2022, when 7 therapies were prescribed.

Every irregular migrant brought to the **Transit Reception Centre for Foreigners in Trilj** is immediately subjected to a medical examination, passes through the hygiene point (takes a shower), is provided with clothing, and then accommodated. The Transit Reception Centre for Foreigners in Trilj has a signed agreement with the Health Centre of Split-Dalmatia County, and based on this agreement, an authorized doctor visits the Transit Reception Centre for Foreigners in Trilj at least twice a week, and more often if necessary.

7.4. Example of Medical Procedures in the Field:

From the file BPS Gruda - Class: [REDACTED], No: [REDACTED] - Turkish nationals [REDACTED] and others for illegal border crossing, it is evident that on July 13, 2023, during the detention of several irregular migrants crossing the state border in the area of BPS Gruda, police officers from BPS Gruda immediately noticed a pregnant irregular migrant, Turkish national [REDACTED], who indicated certain health issues, and they immediately took her for an examination at the Emergency Medical Institute of the Dubrovnik-Neretva County. According to the Deputy Head of BPS Gruda, the person mentioned had regular check-ups at the Emergency Medical Institute of the Dubrovnik-Neretva County until her readmission to Bosnia and Herzegovina on July 17, 2023.

From the file BPS Metković - Class: [REDACTED], Reg. No: [REDACTED] for illegal border crossing, [REDACTED], [REDACTED], and their minor child [REDACTED], who were detained after crossing the

state border of the Republic of Croatia (on August 29, 2023), the police officers of BPS Metković contacted the Emergency Medical Service of Dubrovnik-Neretva County (since the mother pointed out certain health issues of the child), which immediately responded and took the minor [REDACTED] (together with the mother) to the Emergency Medical Service Ploče, where assistance was provided. Additionally, in the said case, the minor [REDACTED] was assigned a special guardian by a decision from the Croatian Institute for Social Welfare – Regional Office Metković, Class: [REDACTED], Reg. No: [REDACTED], dated August 30, 2023, for the protection of his rights and interests.

8. Selected Recommendations

1) It is recommended to develop detailed rules at the level of the Republic of Croatia or, if possible, at the level of the European Union (considering the obligation to establish independent monitoring mechanisms in all Member States) that will specify the obligations of the Mechanism regarding the collection and processing of evidence, prescribe the exact steps the Mechanism should take in case of allegations of violations of migrants' fundamental rights, and include other procedural rules. These rules should include a clear authority and obligation for the Mechanism to refer cases directly to relevant national authorities, in accordance with Article 10(2)(b) of Regulation 2024/1356 on the introduction of in-depth checks on third-country nationals at the external borders, which states that the national mechanism, in the case of substantiated allegations of violations of fundamental rights, "as necessary, launches an investigation into such allegations and monitors the progress of such investigations." In the case of referring the matter to relevant national authorities, the Mechanism should receive feedback on the progress and outcome of the investigation and an explanation if national authorities decide not to initiate proceedings. The prescribed methodology and procedural rules will enable the Mechanism to work more effectively. Moreover, if procedural rules are established at the European Union level, it will ensure the application of the same methodology by national mechanisms in all Member States, providing reliable and mutually comparable findings.

2) It is recommended that the Ministry of the Interior (MOI) be obligated to immediately inform the Mechanism about every complaint received or submitted regarding potential unlawful treatment of irregular migrants and asylum seekers, so that all relevant facts related to the specific event can be determined. By establishing such a provision, the Mechanism would be informed of the submitted complaints from the very beginning and could monitor the further progress of these cases, as well as highlight any irregularities and violations of fundamental rights.

3) Based on the information obtained during the meeting of the Mechanism with representatives of the Ministry of the Interior (MOI) regarding the MOI's information system, held on December 23, 2022, it is recommended to amend the rules concerning what MOI employees enter into the Event Log, so that events occurring on the territory of Croatia outside police stations, involving third-country nationals whose names are unknown, are also covered, and not just those in police stations. This is particularly important in relation to preventing unlawful

actions occurring outside police stations towards migrants whose names are unknown. Otherwise, there is a risk that such unlawful actions will remain unrecorded, and no appropriate actions or procedures can be taken against them.

4) It is recommended that the Mechanism, in the future, especially from the date of application of Regulation 2024/1356 on the introduction of in-depth checks of third-country nationals at external borders, and Regulation 2024/1348 on establishing a common procedure for international protection in the Union, obtain a permanent structure and staff employed full-time, so that the Mechanism can carry out its work to the greatest extent and with the highest quality. It is recommended that the further work of the Mechanism, instead of the existing Agreement, be based on legal rules that will elaborate the obligations under Article 10 of the newly adopted Regulation 2024/1356 and Article 43(4) of the newly adopted Regulation 2024/1348.

5) It is recommended that the Ministry of the Interior (MOI) be obligated to submit to the Mechanism, once a year, a training plan for police officers regarding the respect of migrants' fundamental rights, as well as knowledge of national, European, and international regulations in this area, and that at the same time, it submits a report on the education conducted in the past six months. It is recommended that the Mechanism be able to provide suggestions to the MOI regarding the proposed training plan, which the MOI should either accept or provide reasons if rejecting the suggestions.

6) It is recommended that migrants be photographed and that the photographs be entered into a shared database for easier identification.

7) During the monitoring at the 1st Police Station in Rijeka, it was found that there is an issue with the information system, as the EOS system, which is part of the Information System (Record of certain categories of foreigners and records of international protection), is not automatically connected to the Information System. The recommendation is to connect the Information System.

8) Regarding the room for the accommodation of individuals apprehended for illegal border crossing at BPS Gruda, the order of the head of the Dubrovnik-Neretva Police Department from August 4, 2023, is justified. It stipulates that BPS Gruda should, as soon as possible, ensure direct access to drinking water in the mentioned room and prevent the recording of the area containing the sanitary facilities, either by covering that area with a wall or by implementing a technical solution for the video and audio system.

9) It is recommended that statistical reports submitted to the Mechanism based on Article 5 of the Agreement include, at a minimum, all defined data according to the agreed categories/indicators, as well as a written methodological explanation of the process for recording and collecting the submitted data.

10) It is recommended that, in cooperation with the Service for Illegal Migration of the Border Administration and with the participation of the Service for Strategic Planning, Statistics, and Improvement of the Work of the Sector for Legal Affairs and Strategic Planning of the Ministry of the Interior's General Secretariat, which regularly prepares statistical reports of the Ministry (including data on border security, foreign nationals, offenders, victims, and criminal offenses under Article 326 of the Criminal Code), the method of collecting, processing, and delivering statistical reports to the Mechanism be methodologically and technically improved for the implementation of the Agreement, with the aim of ensuring delivery within the prescribed deadline of the 10th day of each month for the previous month.

11) It is recommended that, in the upcoming period, the methodology for data collection and processing for the purposes of the Mechanism and other relevant stakeholders be unified, and a higher level of coordination among the various organizational units of the Ministry of the Interior be introduced in order to minimize the possibility of circulating inconsistent statistical data. Without clear methodological explanations, such data could create (a false) impression of the unreliability of the Ministry's statistical data, especially if such data is analysed and/or publicly published by relevant stakeholders such as the Ombudsman and the Mechanism.

12) In order to gain better insight into health issues and healthcare needs, it is necessary to consolidate and improve the system for reporting and tracking health problems and medical interventions, and to require all healthcare providers to participate in it.

13) It is recommended to improve the system for reporting and tracking deceased and deceased migrants in order to gain better insight into the causes of death and to implement potential preventive activities.

14) It is recommended to ensure adequate working conditions for medical teams in transit reception centres (space and equipment).

9. ANNEX No. 1

Recommendations of the Advisory Board

regarding the Annual Report of the Independent Monitoring Mechanism

(June, 2021 – June, 2022)

The Advisory Board is an informal body linked to the Independent Monitoring Mechanism (hereinafter: IMM) in Croatia, which is not part of the IMM, and its task is to provide recommendations for improving the independence and functioning of the IMM. The Advisory Board gives its recommendations after the publication of the reports on the monitoring activities conducted by the IMM as part of its work.

The Advisory Board of the IMM held three meetings with representatives of the IMM Coordination Board: on September 17, 2021, December 21, 2021, and July 6, 2022. With these recommendations, the Advisory Board wishes to express its opinion on the IMM's annual report (for the period from June 2021 to June 2022). For easier reference, the mentioned report is attached.

The Advisory Board expresses its gratitude for the well-structured and detailed report, which illustrates the purpose of the existence of the Oversight Mechanism, the first such body established in one of the EU member states in accordance with the European Commission's proposal for in-depth checks.³¹ The report provides insight into monitoring related to police practices, raises awareness about the laws being applied and measures for the protection of fundamental rights, and offers recommendations for improving internal procedures.

The Advisory Board is even more grateful for the efforts made to improve the transparency of IMM's work, particularly through the public release of the Annual Report. Furthermore, the Advisory Board welcomes the fact that the report contains recommendations for extending the work of IMM beyond the initially defined period, updated recommendations arising from the Semi-Annual Report, and the subsequent steps related to them. The Advisory Board also appreciates the efforts of the Croatian authorities who have taken into account the need for support for IMM through the border management and visa system program.

³¹ Article 7 of the Proposal for a Regulation of the European Parliament and of the Council on the introduction of an in-depth check of third-country nationals at external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240, and (EU) 2019/817; COM/2020/final

The Advisory Board commends the activities carried out by the IMM so far, especially the establishment of expert dialogue with the Ministry of the Interior (MOI) and the implementation of twenty announced and unannounced observations conducted during the first year of IMM operations. This is a tangible achievement that deserves to be further expanded, as highlighted in the annual report.

The Advisory Board first wishes to present several observations regarding the content of the IMM annual report. Secondly, the Advisory Board would like to provide some recommendations for the further work of the IMM.

9.1. Main Comments on the Annual Report of the Independent Monitoring Mechanism

1. Scope / Framework

The key activities of the IMM contribute to the respect for the fundamental rights of irregular migrants and asylum seekers. Therefore, the Advisory Board believes that the report should further emphasize fundamental rights, including the fact that the goal of all the oversight activities conducted by the IMM's direct activity providers is the monitoring of respect for fundamental rights. In this regard, special attention should be paid to vulnerable migrants and asylum seekers, including children.

The Advisory Board has noted that some of the findings and recommendations in the annual report address issues that are not covered by the Agreement³² (which forms the legal framework of IMM) and which could be addressed by other forums. Furthermore, the Advisory Board welcomes the inclusion of aspects related to the health status of irregular migrants and asylum seekers in the report. However, further and more detailed recommendations for better utilization of the healthcare system³³ are not defined in the Agreement. For the purposes of monitoring fundamental rights, it would be more useful to include details about the causes of injuries and how they have changed over time in terms of causes, perpetrators, and numbers.

³² For example, findings on false identity or the role of human traffickers on page 20, or recommendations on cross-border cooperation and analysis of the visa regimes of Bosnia and Herzegovina and Serbia (recommendation 6, part 2), creation of EU-level databases for individuals convicted of trafficking and human smuggling (recommendation 7, part 2), or monitoring the implementation of return decisions (recommendation 12, part 2).

³³ Recommendation 15, part 2 in the annual report.

2. Mandate

During the first year of implementation, the mandate of the Independent Monitoring Mechanism (IMM) included observations at border crossings, police stations, and asylum seeker reception Centres, as well as scheduled visits to the green border. Based on this initial mandate³⁴, as outlined in the Annual Report, the Advisory Board notes that the direct activity providers did not identify any irregularities regarding the right to asylum and access to the asylum procedure at official border crossings and in police stations³⁵.

The Advisory Board also notes that the report highlighted the limitations of the current IMM mandate, particularly the lack of unannounced visits to the green border and the lack of access to information through the Ministry of the Interior's information system. For more effective monitoring of the respect for fundamental rights at the external borders, it is necessary to expand the mandate of the IMM.

Despite these limitations, the IMM identified irregularities related to the situation at the green border, based on information received from the Ministry of the Interior. As a result, the IMM identified isolated cases of illegal pushbacks by the police in mine-susceptible areas, as well as a misinterpretation by the border police that mined locations were not on Croatian territory – which they were – and the prevention of entry for individuals caught there, without the opportunity to seek asylum.

3. Methodology

The Advisory Board appreciates the clarifications regarding the methodology used by the IMM, which is based on the analysis of primary data sources – observations and interviews – and secondary data sources³⁶. In the opinion of the Advisory Board, it would be beneficial if the report provided more evidence to support the findings and if there were clearer links between the observations and interviews conducted by the direct activity providers on-site and the conclusions drawn from these visits. The report could also describe the different profiles of the direct activity providers. This would contribute to a better understanding of the skills and

³⁴ The IMM's right to access police files and documents only pertains to files related to complaints against alleged unlawful treatment of irregular migrants and asylum seekers. Additionally, the IMM is entitled to speak only with police officers who have worked with the selected files and complainants, and, under certain circumstances, with the complainants themselves. The IMM is also granted access to the activities and reports of the Police Directorate related to the alleged unlawful treatment of irregular migrants and asylum seekers. At the same time, the IMM does not have the authority to access the electronic databases of the Ministry of the Interior.

³⁵ Page 24 of the annual report.

³⁶ Page 6 of the annual report.

competencies of the current direct activity provider. The report could include additional information on the methodology used during interviews with migrants. It should also clearly outline the overall methodology that led to each specific conclusion (e.g., types of primary and/or secondary sources, list of interviews with stakeholders, etc.).

In addition, it would be beneficial for the report to include a list and reference to the criteria developed in relevant case law of the Court of Justice of the European Union when interpreting applicable EU legislation in accordance with the Charter of Fundamental Rights³⁷ of the European Union, particularly regarding the right to access international assistance, the principle of non-refoulement, and the prohibition of torture and other forms of ill-treatment. Furthermore, when describing the legal sources used for the analysis, Section 2.1 should also mention the Charter of Fundamental Rights of the European Union. It could also refer to relevant UN guidelines, including those from UNHCR, the Council of Europe, and EU agencies, including the European Union Agency for Fundamental Rights.

Additionally, recommendations related to similar issues can be grouped together for maximum impact and should be arranged according to priority based on their severity and urgency. They should be categorized by the type of follow-up required to address the identified irregularities, starting with those that require an immediate response from the Ministry of the Interior.

4. Challenges

The Advisory Board notes that the annual report has identified several challenges faced by the Independent Monitoring Mechanism (IMM) during its implementation. In order to address these challenges more effectively, the Advisory Board believes that a more detailed elaboration of these issues would contribute to the report, particularly with regard to unannounced observations and the access to and handling of information obtained from the IMM's information system, as follows:

- **Unannounced observation:** The Advisory Board welcomes Recommendation 2, Section 2, from the annual report regarding the expansion of the Agreement to enable unannounced visits to the green border. The addition should also cover the modalities

³⁷ Furthermore, section 2.1 on the analysis of primary data should reference EU legislation, including the Charter of Fundamental Rights of the European Union.

of unannounced visits to the green border in areas where there is no suspicion of landmine contamination.

- **Access to information:** According to Recommendation 3, Section 2, the Advisory Board supports the possibility of accessing and handling information from the Ministry of the Interior's information system in accordance with a clearly defined protocol. The protocol should cover the storage, use, and processing of data/information (e.g., how to ensure confidentiality, meaning that information obtained through IMM activities is not used outside the scope of IMM's work). Furthermore, contracts with direct activity providers should include a confidentiality clause and a statement regarding the absence of conflicts of interest, including after the expiration of the contract.

I. Main Recommendations regarding the Extension of the Work of the Independent Monitoring Mechanism.

1. **The scope of the work** of the IMM should be further clarified and encompass the respect for fundamental rights by police officers in all circumstances, with particular attention to the right to effective access to the asylum process, respect for the principle of non-refoulement, prohibition of collective expulsion, and the prohibition of torture and other forms of ill-treatment.
2. **The mandate** of the IMM should be clearly formulated to allow for **unannounced visits** to the green border and the use of relevant primary and secondary sources³⁸, specifying the right to access files and documents that direct activity providers would have the right to independently verify when relevant. The Agreement should therefore establish the conditions related to **evidence collection and the right of access**.
3. Regarding **further actions to be taken after the discovery of irregularities and possible violations of fundamental rights**, the Advisory Board believes that the IMM **must have the authority to request the initiation of official investigations by relevant state bodies**. Furthermore, the annual report clearly shows that the IMM is **not a complaint-based mechanism** and that its mandate is limited in time, space,

³⁸ Including medical records, border video surveillance, conversations with irregular migrants and refugees without the presence of police, and with an interpreter if necessary, as well as reports from civil society organizations, international organizations, and the media.

and scope. The Agreement should therefore clarify that the IMM should forward receive complaints to the relevant authorities, particularly the Ombudsman.³⁹

4. For future activities, the IMM would benefit from **increased cooperation** with various bodies and strengthening complementarity with other activities of state bodies and non-state governmental actors. Therefore, and without prejudicing the recommendations from the previous paragraph, possible overlaps with the mandates or competences of other bodies, which have a constitutional role in investigating allegations of illegal actions and irregularities, should be more strictly limited.
5. The Advisory Board supports the IMM's recommendations for **establishing a process within the police** in cases where systematic and individual deficiencies or irregularities are discovered. The Advisory Board also supports improved dialogue within the police to ensure the clear implementation of recommendations, as well as the possibility for police officers to provide feedback, preferably anonymously, through a dedicated flexible complaint mechanism that does not go through the police hierarchy. In addition to establishing a formal communication channel, this can be achieved by raising awareness and/or training police officers to inform them about all national bodies to which they could report such cases.
6. The Advisory Board believes it is advisable to conduct a needs **assessment for training** and, based on this assessment, develop a training plan. In addition to training police officers, the IMM should also consider its own training needs regarding EU legislation on fundamental rights or its specific aspects, such as the principle of non-refoulement, in order to further improve its work in the second year of operation and beyond.
7. The Advisory Board recommends that the Agreement establish rules for **regulating relations with the public and the media**. It also proposes the establishment of a website where all relevant information related to the functioning of the IMM will be

³⁹ The role of the Ombudsman is to examine allegations of illegality and irregularities in the work of state authorities, bodies of local and regional self-government units, legal entities with public powers, as well as legal and natural persons in accordance with special laws (of Croatian authorities) and to regularly visit detention sites to prevent torture and other cruel, inhuman, or degrading treatment or punishment.

published in both English and Croatian, as well as the opening of an electronic channel for easier communication with the public. The Advisory Board also believes that administrative support remains essential for the functioning of the IMM.

8. The Advisory Board recommends that the Coordination Board consider selecting **new/additional members** to participate in oversight activities, based on a public call and established objective criteria. This could contribute to the quality of the activities carried out by the IMM by involving various experts.

9. The Coordination Board could work with the Ministry of the Interior to explore ways **of regularly updating information on the implementation** of IMM's recommendations, as well as the detection of irregularities and possible violations of fundamental rights. This would promote the transparency of the IMM to the public.

10. The Advisory Board would welcome the opportunity to participate in the **review of the draft Agreement related to the extension of the IMM's work** and is ready to make the expertise of its **members** available to the relevant authorities.

In conclusion, the Advisory Board firmly believes that the following amendments and additions to the Agreement would significantly enhance the effectiveness of the IMM:

- The possibility of unannounced visits to the green border;
- The right to access information from the Ministry of the Interior's Information System according to a clearly defined protocol;
- Detailed rules on the collection and processing of evidence;
- A procedure for monitoring all irregularities and potential violations of fundamental rights discovered by the IMM, including updated information on investigations and referrals to other bodies. On the other hand, the IMM should also receive details about subsequent actions taken by the Ministry of the Interior, as well as the timeframe and justification in cases where such actions were not taken.

In conclusion, the Advisory Board would like to reiterate its gratitude for the close cooperation between the IMM and the Advisory Board and invites the leader and several members of the Coordination Board to attend the upcoming meetings of the Advisory Board.

With the entry into force of the renewed Agreement, the new chairperson of the Advisory Board will be the European Union Agency for Fundamental Rights for a period of one year.

For the Advisory Board

Chairperson Olivier ONIDI

in Brussels, 27th of October 2022.

Annexes:

- Annual Report of the IMM (June 2021 - June 2022)
- List of Members of the Advisory Board