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Croatia/EU: Strengthen Border Monitoring System

Effective Mechanism Needed: Independent, Broad Mandate, Adequate Resources

(Brussels, August 3, 2021) – Croatia’s recently announced border monitoring mechanism, meant to provide for independent human rights monitoring of border operations, appears to fall short of the standards needed to ensure its effectiveness and success, 8 human rights and humanitarian aid organizations said today.

Any border monitoring mechanism should be independent in law and practice and have sufficient resources and a robust mandate to monitor border-related operations anywhere on the territory of a state. It should be capable of ensuring that all documented human rights violations are promptly and thoroughly investigated and of effectively pursuing accountability for those responsible for violations and access to justice for anyone whose rights are violated.

[Recent media](#) reports and official statements about the newly established border monitoring mechanism in Croatia, however, raise serious concerns, particularly with respect to the mandate, effectiveness, and independence of the body. The Croatian government announced that the negotiations on the mechanism have concluded, but has not publicly disclosed further details about its structure or functioning.

Based on information received by the groups, the mechanism's mandate would be limited to police stations around the border, border crossing points, and detention centers. As the vast majority of documented unlawful practices take place outside Croatia's official border crossings, police facilities, or formal procedures, and deep inside of the country's territory, any geographic or procedural limitations on border monitoring would create blind spots and enable violations to continue, the groups said.

Recent guidance from the Council of Europe's Committee for the Prevention of Torture makes clear that effective human rights border monitoring requires unfettered access to border areas without notice, to relevant documentation, and to alleged victims of violations. It also requires the authority to engage directly with prosecutors' offices, and others with information relevant to its investigations, including international organizations, civil society and the media.

Investigating violations of fundamental rights by police, border guards or other government actors is politically sensitive. To ensure that the mechanism is credible and effective, it needs to involve independent institutions or organizations that have monitoring experience—such as civil society organizations, UN agencies, and national human rights institutions – that are not financially dependent on the government.

Any agreement on a national mechanism in Croatia that does not align with this standard and best practices would set a negative precedent for future border monitoring mechanisms and seriously undermine the commitment of European Commission to put an end to violations on its external borders, the groups said.

Given the serious abuses at the Croatian border [widely documented](#) by [human rights organizations](#) and [media](#), and the precedent the Croatian border monitoring mechanism could set for other EU Member States, it is critical that the European Commission ensures that it can truly serve as a model for respecting human rights at national borders. The Commission should actively review and assess the mechanism to ensure that Croatian authorities put in place a system that can credibly monitor compliance with EU law in border operations and should provide political and financial support only to a system that meets the above standards.

Furthermore, Croatian authorities should without delay release the relevant parts of the cooperation agreement containing the details about the structure and the functioning of the independent monitoring mechanism and allow the necessary public debate on this important process.

The Commission should also press Croatia to end its violations of fundamental rights at its borders, and provide solid evidence of thorough investigations of allegations of collective returns and violence against migrants and asylum seekers at its borders.

Background

Numerous nongovernmental groups, international organizations and the media have since 2016 documented ongoing, summary collective expulsions of migrants and asylum seekers and often abusive pushbacks by Croatia at its borders. The [UN special rapporteur on the human rights of migrants](#), the [Fundamental Rights Agency](#), [the Council of Europe commissioner for human rights](#), and the [Parliamentary Assembly of the Council of Europe](#) have all raised concerns about the situation at the border between Croatia and Bosnia and Herzegovina. Croatian authorities have denied allegations of violent pushbacks and failed to take credible steps to [halt the practice](#).

The European Commission first [called](#) on Croatia to establish a border monitoring mechanism in 2018. In October 2020, the European Commission proposed as part of its [Pact on Migration and Asylum](#) the establishment of independent border monitoring mechanisms (IBMM) by EU member states to investigate allegations of fundamental rights violations at borders.

Signatories:

Amnesty International
Are You Syrious
Center for Peace Studies (CMS)
Danish Refugee Council
Human Rights Watch
International Rescue Committee
Refugee Rights Europe
Save the Children

To read the joint document “Turning rhetoric into reality: New monitoring mechanism at European borders should ensure fundamental rights and accountability”, please visit:

<https://www.amnesty.org/en/documents/eur01/3320/2020/en/>

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