

COORDINATION BOARD OF THE CROATIAN INDEPENDENT MONITORING MECHANISM

Zagreb, 7th April 2025

On January 14th 2025, the Coordination Board of the Croatian Independent Monitoring Mechanism (hereinafter: CB IMM) provided the Advisory Board to the IMM (hereinafter: AB IMM) with the English translation of [IMM's Semi-Annual Report](#) (July 2024, proofread version December 2024; hereinafter: IMM Report 2024), as published the same day on IMM's website. On 30th January 2025 the CB IMM thus provided the AB IMM with an update on implemented and ongoing activities aimed at upgrading IMM's normative, methodological and operational framework (hereinafter: CB IMM Update), which addresses many of the issues that were later on recognised by the AB IMM by its recommendations. On February 25th 2025, the AB IMM held its meeting with the CB IMM in Zagreb/Croatia, whereby the IMM Report 2024, the draft Recommendations of the AB IMM on the IMM Report 2024 and the CB IMM Update were jointly discussed under Frontex' FRO Chairmanship of the AB IMM. On 31st March 2025 the CB IMM received the AB IMM final [Recommendations on the IMM Report 2024](#) (hereinafter: AB IMM Recommendations 2025), following which the CB IMM hereby provides its

RESPONSE TO THE AB IMM RECOMMENDATIONS 2025

thereby committing to the implementation of the recommendations and thus providing for relevant clarifications. The following sections respond to each recommendation of the AB IMM by using the same order and numbering (while summarising the recommendation) and have already been discussed at the meeting held on 25th February 2025, whereas major responses have been provided to the AB IMM on 7th March 2025.

1. CB IMM Responses to AB IMM Overarching Recommendations

a) The CB IMM takes on the recommendation to (1) place greater emphasis in its reports on substantive analysis of whether fundamental rights of refugees and migrants were upheld by border police of the Ministry of Interior (hereinafter: MoI) in each instance observed, and to (2) focus on the content of its reports, particularly its recommendations. The CB IMM commits to further improve the substantive analysis of fundamental rights violations and to publish all the relevant assessments in its next report together with even more targeted recommendations to the MoI, whereby it stresses that the IMM operates within the framework of its Cooperation Agreement with the MoI, which establishes the IMM as a non-complaint-based monitoring mechanism. In this regard the CB IMM highlights that its fundamental rights assessments of instances the IMM observed might erroneously be mistaken for "complaint-based decisions" and thus create unnecessary confusion among diverse (non)governmental actors and the public in general about the IMM acting as a "complaint-based mechanism".¹ Finally, despite granting broad access to MoI data,

¹ See for example the [2024 Annual Report of the Croatian Ombudswoman](#) (p. 275) or the [2025 Report on Reception conditions in Croatia of the Swiss Refugee Council](#) (p. 25-26), which conflate IMM's mandate to provide an assessment of whether fundamental rights of refugees and migrants were upheld by police officers of the MoI in specific instances observed by IMM's monitors, with a complaint-based mandate to receive, act upon or decide individual complaints. Information about potential violations of fundamental rights of migrants by police officers of the MoI received by the CB IMM from NGOs or individuals and gathered using public sources (e.g., media reports, NGO reports etc.), together with the statistical reports monthly provided to the IMM by the MoI, form the basis for IMM monitors' fundamental rights risk assessment, based on which monitoring operations are conducted. Said procedure is not to be conflated with



locations, personnel and files, incl. the Mol's information system, the Cooperation Agreement also entails necessary restrictions impacting the scope of IMM's public reporting, whereby all (suspected) fundamental rights violations detected through IMM's monitoring operations are already being regularly and systematically referred to the competent Croatian authorities (namely the Mol's Internal Affairs service, the Public Prosecution, the Croatian Ombudswoman and other competent authorities) via the IMM's contact officer in the Mol. Aggregate data about said referrals and IMM follow-ups shall be published in IMM's next report.

b) The CB IMM fully agrees that delays in analysing monitoring findings hamper timely follow up on incidents as well as eventual follow up action and is therefore already regularly and systematically referring all (suspected) fundamental rights violations detected through IMM's monitoring operations to the competent Croatian authorities via the IMM's contact officer in the Mol. The CB IMM thus regularly and systematically provides the Mol via the IMM's contact officer with targeted recommendations after each set of IMM monitoring operations. Aggregate data about said recommendations as well as the referrals with information about IMM follow-ups shall be published in IMM's next report. The CB IMM thus commits to issue its next report without delays, provided that the Mol continues to fully implement the Cooperation Agreement and provides for the necessary cooperation conditions as reaffirmed in December 2024.² Finally, in line with the AB IMM recommendations and conclusions of the meeting held on 25th January 2025, the Mol has already in March 2025 been provided with a relevant proposal for further upgrading IMM's activities while safeguarding the full implementation of the Cooperation Agreement in a timely manner.

2. CB IMM Responses to AB IMM Specific Recommendations

2.1 On the Functioning of the IMM

a) **Information from third parties:** The CB IMM acknowledges the appreciation of the AB IMM for enabling the receipt of information and reports of incidents in Croatian and English via the IMM official webpage, although the "contact-form" is primarily intended for communication with interested actors and the public as foreseen by the Cooperation Agreement, not for "filing complaints". The CB IMM reiterates that it is not set up as a complaint-based mechanism and therefore cannot receive any "complaints". Any information about (alleged) fundamental rights violations of migrants by police officers of the Mol via said "contact-form", previously received occasionally by way of emails to members of the CB IMM, have always been used and shall continue to be used together with publicly available information/reports and the statistical reports monthly provided to the IMM by the Mol as the information basis for IMM monitors' fundamental rights risk assessment, based on which monitoring operations are conducted. As of January 2025, when the IMM was provided admin access to the IMM webpage and the "contact-form", the IMM (1) confirms the receipt of any such information message via the "contact-form", (2) refers the information providers to the competent Croatian authorities (as indicated on the relevant webpage) and thus (3) within the framework of IMM's fundamental rights risk assessment utilises the information received in the framework of its monitoring operations. The CB IMM also systematically collects anonymised core data about received messages via the "contact-form" and commits to provide relevant aggregate data in its next report.

"complaint-based" investigations or decisions, nor is the receipt or gathering of such information on potential violations to be considered as a "complaint receipt" by the IMM. Therefore, IMM's mandate and activities do not overlap with the mandates and activities of the competent "complaint-based" Croatian authorities, just as the mandate and activities of various other actors engaged in assessing and reporting on potential fundamental rights violations of migrants by police officers of the Mol (e.g., Croatian and international NGOs) do not overlap with the mandates and activities of the competent "complaint-based" Croatian authorities, as they too are not to be considered "complaint-based" investigations and/or decisions.

² The causes for the delays in IMM monitoring operations and publishing the IMM Report 2024 clearly fall outside of the competences and responsibilities of the CB IMM and have thus been documented in the Report itself (pp. 2, 5-8).

b) Synergies with other actors: In line with the Cooperation Agreement the CB IMM already regularly and systematically refers all (suspected) fundamental rights violations detected through IMM's monitoring operations to the competent Croatian authorities via the IMM's contact officer in the Mol. The CB IMM takes note of the AB IMM recommendation to enhance its cooperation with other statutory public bodies in Croatia, such as the Public Prosecution, the Ombudswoman's Office, and the Office of the Ombudswoman for Children, and thus commits to directly implement such cooperation on the basis of a jointly adopted "Referral Protocol" among said bodies and the IMM, provided that the Mol secures the relevant conditions for such a mandate. A relevant proposal has already been provided to the Mol, whereby the AB IMM is kindly invited to provide the CB IMM with written practical and operational guidance on implementing such a "Referral Protocol" with joint collection and exchange of "evidence" in line with data protection constraints, classified information provisions, IMM members' confidentiality obligations and feedback provisions for all involved cooperating bodies, to name but a few of the challenges arising for all involved cooperating bodies and the CB IMM. With regards to the AB IMM recommendation to use reports by relevant national and international human rights monitoring bodies to contextualise IMM's findings from the field visits, the CB IMM takes note of said recommendation and shall implement it in line with the relevant provision of the Cooperation Agreement which foresees the IMM report to be based on the findings from IMM's monitoring operations. The CB IMM reaffirms that information contained in such reports has always been used and shall continue to be used together with other publicly available information/reports and the statistical reports monthly provided to the IMM by the Mol as the information basis for IMM monitors' fundamental rights risk assessment, based on which monitoring operations are conducted.

c) Sustainability and independence of funding: The CB IMM fully agrees with the AB IMM that sustainability and independence of funding are key to ensuring the necessary safeguards for establishing an independent national monitoring mechanism. The CB IMM thus confirms that it has continuously ensured and proactively engaged in a regular dialogue with the Mol on sustainability and independence of funding, most recently in March 2025 by providing the Mol with a relevant proposal for further upgrading IMM's activities while safeguarding the full implementation of the Cooperation Agreement in a timely manner. However, the CB IMM points out that it may only make proposals and recommendations with regards to necessary funds for its operations, whereas the Mol has sole competence for the allocation of IMM funds and bears sole responsibility for the fulfilment and timeliness of reimbursements.

2.2 Monitoring by the IMM

a) Monitoring methodology: The CB IMM takes note of the AB IMM recommendation to provide further details about IMM's monitoring methodology, incl. the reasoning behind the selection of specific locations, and commits to publish a topical methodology-section in its next report. The CB IMM further highlights that there is a general need for publishing methodological and operational information by all entities engaging in monitoring fundamental rights violations of persons on the move. Insofar the CB IMM welcomes said recommendation and reiterates its commitment to engage alongside Frontex' FRO in FRA's currently ongoing development of monitoring methodology, in line with the conclusions of the meeting held 25th February 2025, which should ideally also provide for a minimum standard of methodological and operational information that needs to be published by any monitoring entity in order to be considered a relevant source of information. With regards to the AB IMM recommendation to cover the Cetingrad area (incl. Dugi Dol Registration Centre) by IMM's monitoring operations, this has already been done in early February 2025 and prior to receipt of the AB IMM draft recommendations. Finally, as of January 2025 the CB IMM has been implementing a significantly upgraded monitoring methodology which also ensures collection of core data about the selection, planning and organisation of IMM monitoring operations – relevant data shall be published in IMM's next report and should serve as an example of good practice for other entities engaging in comparable monitoring operations.

b) Field Visits of the IMM Monitors

- **Timing and presentation of on-site visits:** The CB IMM takes on the AB IMM recommendation to maintain regularity of monitoring operations, to continue to execute them based on fundamental rights risks assessments and information about alleged violations, while covering different periods of the year. In line with IMM's upgraded monitoring methodology all monitoring operations are being stratified taking into account regularity/consistency through time, geographical coverage as well as fundamental rights risk assessments. Thus, in terms of IMM's selection of locations, additional Mol statistical variables and extended coverage (full national data sample) as well as basic parameters of Mol's own risk assessments are being utilised as of February and March 2025 in organising, planning and executing monitoring operations. The CB IMM has thus provided the Mol with a relevant proposal for the continuance of IMM monitoring operations until 07/2026. Finally, information about timing and locations of conducted IMM monitoring operations will again be published in the next report, whereby the CB IMM notes that in the first 3 months of 2025 IMM's monitors conducted a total of 10 unannounced monitoring operations, including 7 unannounced monitorings of the "green border" throughout Croatia. The said monitoring operations cover a total of 22 monitoring locations (border police stations, border crossings, reception and transit centres for foreigners and reception centres for applicants of international protection).

- **Unannounced visits:** The CB IMM takes note of the AB IMM recommendation stressing the importance of unannounced monitoring operations and reaffirms its commitment to continue its unannounced monitoring operations as a rule. IMM's monitors have full access to all locations, venues, files, persons and the Mol's information system, whereby "unannounced" indeed means that IMM's monitors without any prior notice to the Mol present themselves at the location/venue to be monitored. Same unannounced procedure applies to the "green boarder" where monitorings are conducted without prior notice and once IMM's monitors are already on-sight, whereby IMM's monitors pick the exact locations and the itinerary, while police officers of the Mol accompany them solemnly for security and safety reasons.

- **Event-triggered monitoring:** The CB IMM acknowledges the AB IMM positive consideration of IMM's "event-triggered monitoring" and commits to continue to conduct monitoring operations in response to gathered/received information about specific allegations of fundamental rights violations within the scope of its fundamental rights risk assessments. The CB IMM however points out that such "event triggered monitorings" are not to be conflated with receiving or processing complaints, since the IMM is not set up as a complaint-based monitoring mechanism. Most recently such an "event-triggered monitoring" was conducted between December 2024 and February 2025 following media reports about police violence against persons on the move. The CB IMM has already referred its findings to the competent Croatian authorities via the IMM's contact officer in the Mol and continues to monitor the ongoing investigations. Finally, with regards to the AB IMM recommendation that IMM's monitors make additional efforts to speak to the persons involved even though these are outside of Croatia, the CB IMM clarifies that, in line with the relevant provision of the Cooperation Agreement, IMM's monitors may conduct interviews only with persons who are in the territory of the Republic of Croatia.

- **Monitoring locations:** The CB IMM, in line with its upgraded methodology and based on a fundamental rights risk assessment, as of January 2025 as a rule always includes unannounced visits to the "green boarder" in its monitoring operations and therefore welcomes the AB IMM recommendation to put greater focus on monitoring the "green boarder". The monitoring operations thus as a rule include interviews with persons on the move in all relevant facilities, which corresponds to the AB IMM recommendation to maximise the use of all other available sources. Hereby the relevant national legal provisions serve as the baseline for assessing the encountered conditions in places of detention and of reception facilities.

- **Financial implications:** In line with the AB IMM recommendation that if any of the above should have financial implications and implementing the conclusions of the meeting held on 25th February 2025, the CB IMM has already provided the Mol with a relevant proposal to adjust the project that finances IMM's activities in order to ensure that the Cooperation Agreement is fully implemented.

c) Communication with Refugees and Migrants

- Interviews with refugees and migrants and use of interpreters: IMM's monitors as of January 2025 as a rule conduct interviews with refugees and migrants without the presence of the police while using interpreters whenever possible and therefore welcomes the AB IMM expressed appreciation in this regard. The upgraded data collection and interviewing methodology also ensures that, in line with the AB IMM recommendation, future reports shall provide data on the number of migrants interviewed disaggregated by numerous variables, incl. sex, age, origin, vulnerability, marital/family status, education etc.

- Persons in vulnerable situations: The CB IMM takes on the AB IMM recommendation to broaden the scope of its monitoring on how the authorities respond to different types of vulnerabilities or to provide reports on referrals made to other organisations to respond to the needs of individuals interviewed and to provide detailed information on how children's rights were assessed during on-site visits. Said recommendation has thus far already been implemented by using an upgraded monitoring and interviewing methodology, which places particular emphasis on persons in vulnerable situations, collecting targeted data as well as documentation, enabling tailored evidence-based recommendations after each of the monitoring operations and within IMM's future reports. Depending on further adjustments of the project that finances IMM's activities, a broadening of IMM's monitoring scope would be feasible.

2.3 Training and Exchange of Experience

The CB IMM welcomes the AB IMM recommendation to explore further exchange opportunities between the actors working in the field of human rights monitoring on each other's working methods. The CB IMM fully subscribes to the necessity and benefits of methodological and operational exchange of experience with relevant actors, particularly between the IMM and the Frontex' FRO. In line with the commitments made at the meeting with the AB IMM, the CB IMM has already accepted a relevant invitation from Frontex' FRO and said exchange visit is scheduled for May 2025. Thus, the Head of CB IMM and the Chair of AB IMM (Head of Frontex' FRO) already exchanged insights into their respective monitoring methodologies and shall continue to do so, whereas as a joint monitoring operation including IMM's monitors and Frontex' FRO monitors in Croatia in April has been scheduled as well.

2.4 Future Considerations

The CB IMM takes note of the AB IMM considerations related to the context of the Pact on Migration and Asylum, as a consequence of which it is anticipated that there will be a heightened interest in, and scrutiny of, the work of the IMM. Recognising the new context, the CB IMM has already conducted a systematic and in-depth review of IMM's normative, methodological and operational framework against the backdrop of relevant European and national normative, methodological and operational monitoring frameworks, particularly Article 10 of the Screening Regulation and Article 43(4) of the Asylum Procedure Regulation, the 2024 EU Fundamental Rights Agency (FRA) Guidance on independent monitoring mechanisms, as well as CPT's procedures and practices, the Frontex' FRO monitoring methodology and the Croatian NPM's methodology, to name but a few. Based on said review significant methodological and operational upgrades have already been introduced to IMM's work and presented to the AB IMM. These upgrades and their consequent evaluations together with the acquired practical experiences, as a core part of IMM's next report, shall help inform the design of the national monitoring mechanism to be established under the Pact.

CB IMM Concluding Remarks

It is with great appreciation that the CB IMM accepts the AB IMM Recommendations and commits to their full implementation in line with the Cooperation Agreement and on the basis of the proposed further adjustments of the project that finances IMM's activities by the MoI. The CB IMM remains committed to continuous upgrades of its monitoring methodology and practice, a stronger engagement with relevant human rights bodies and transparent as well as timely reporting on all its monitoring activities, in order to further enhance the protection of fundamental rights of migrants by the Republic of Croatia.