

Advisory Board to the Croatian Independent Monitoring Mechanism

Recommendations to the 2025 Annual Report of the Croatian Independent Monitoring Mechanism

Introduction

The Advisory Board to the Croatian Independent Monitoring Mechanism (IMM) is based on the Cooperation Agreement between the Ministry of the Interior of the Republic of Croatia and various Croatian stakeholders, signed on 8 June 2021 and renewed on 4 November 2022.¹ It is an external body composed by the European Commission, the European Union Agency for Fundamental Rights (FRA), the Frontex Fundamental Rights Officer, UNHCR and IOM. The Advisory Board is not part of the IMM. It receives periodic reports from the IMM and provides expert recommendations aimed at strengthening the IMM's independence and functioning.

During its tenure, the Advisory Board held meetings, also regularly with representatives of the Coordination Board of the IMM, on 17 September 2021, 21 December 2021, 6 July 2022, 16 February 2023, 14 November 2023, 3 April 2024, 25 February 2025, 17 June 2025, 3 November 2025, 28 November 2025, 11 December 2025, 12 May 2026, and 1 June 2026 under the chairpersonship, first of the European Commission, followed by the European Union Agency for Fundamental Rights (FRA) and then Frontex' Fundamental Rights Officer. The Advisory Board issued recommendations on the IMM's first annual report in October 2022 and on the IMM's second annual report in March 2025.² The current document covers the 2025 Annual Report as well as the IMM's periodic activity report for November 2025 to March 2026.

This is the Advisory Board's final set recommendations to the IMM. On 27 February 2026, the Ministry of Interior briefed the Advisory Board on their plans to implement the fundamental rights monitoring mechanism pursuant to Article 10 of the Screening Regulation (EU) 2024/1356 and to Article 43 (4) of the Asylum Procedure Regulation (EU) 2024/1348. Amendments to the Law on Foreigners will assign the monitoring task to the Office for human rights and the rights of national minorities (*Ured za ljudska prava i prava nacionalnih manjina*) who will issue a call for tender to contract non-governmental organisations to carry out the

¹ 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 Area of Border Protection, Illegal Migration and International Protection of 4 November 2022 (hereinafter: Cooperation Agreement), The Cooperation Agreement was later consolidated with the Annex to the Agreement of 26 May 2023 and the Second Annex to the Agreement of 25 April 2025, and adopted on 29 April 2025 in the form of the [Consolidated Text of the Agreement](#).

² See [Recommendations of the Advisory Board on the Annual Report of the Independent Monitoring Mechanism](#) (June 2021 – June 2022), 27 October 2022 and [Recommendations of the Advisory Board on the Semi-annual Report of the Independent Monitoring Mechanism \(IMM\) of Croatia](#) (November 2022 – June 2023 – December 2023 – July 2024), 27 March 2025.

field visits. A Government decree will define the working methods, powers and other details of the monitoring mechanism, for which [FRA's 2024 practical guidance](#) will be used as a basis.³

Recommendations to the Coordination Board of the IMM

1. Monitoring methodology

1.1. Effective fundamental rights monitoring requires an adequate and solid methodology. In response to past concerns expressed by the Advisory Board, the IMM has improved significantly its monitoring methodology, carrying out frequent announced and unannounced field visits, examining multiple sources of evidence and, together with the police, piloting a “letter of rights and complaints” procedure. The IMM’s Annual Report informs that monitoring visits are based on a fundamental rights risk assessment and complemented by visits in response to specific events or incidents. Findings are triangulated and, to facilitate follow up, reports of individual monitoring visits are substantiated with, for example, documentary evidence and screenshots, taken during the visit.

1.2. There are some aspects which the Annual Report does not explain sufficiently. These relate to the weight given to different sources of evidence and the connection between the issues raised in the regular reports sent to the Ministry of the Interior and in the IMM’s Annual Report. There is a degree of dependence from operational cooperation and Ministry data, which require further reflection on mitigating measures. As information on the methodology applied is dispersed and appears in different parts of the Annual Report, this makes it cumbersome for future monitors to use it as guidance, for example, to complement the common monitoring methodology FRA has developed.

1.3. The Advisory Board considers that the monitoring methodology should be issued separately in a self-standing report or in an annex to the annual report. The methodology should better substantiate how the vulnerabilities of migrants and asylum seekers are taken into account in the weighing system applied when triangulating findings, explore how interviews with migrants and asylum seekers could reduce dependence on official data and clarify how the information provided monthly to the Ministry of the Interior will be used for the IMM’s annual report.

2. Analysing and presenting findings

2.1. The Annual Report should inform the reader to what extent relevant national, European and international fundamental rights standards and safeguards are respected. The report provides only a modest description of the relevant legal framework against which the findings should be assessed. For example, the finding on daily quotas to access asylum procedures at border crossing points, is not underpinned by the normative provision regulating how border guards must treat requests for asylum.

2.2. The analysis in the Annual Report describes compliance with legal obligations as “best practices” which may provide readers with a distorted picture. In its March 2025 recommendations, the Advisory Board suggested that reports by relevant national and international human rights monitoring bodies should be used to contextualise the findings

³ See also, for example, UNHCR Advocacy Brief: Independent National Monitoring Mechanisms under the European Union Pact on Migration and Asylum, available at: [UNHCR Advocacy Brief: Independent National Monitoring Mechanisms under the European Union Pact on Migration and Asylum | Refworld](#).

from the IMM's field visits. In 2025, the Croatian Ombuds office visited some of the facilities monitored by the IMM, such as the centres in Dugi Dol, Trilj, Tovarnik and Ježevo. The IMM's Annual Report makes no reference to the findings the Ombudswoman published in her annual report,⁴ nor to other reports by relevant human rights actors.⁵ Finally, the Annual Report would have benefitted from a clearer presentation of the monitoring findings.

2.3. The Advisory Board considers that the annual report should quote the relevant national, European and international human and fundamental rights law standards when analysing the findings from monitoring visits and use applicable norms and standards as a basis for assessing if what has been observed complies with applicable fundamental rights law.

The term "best practice" should not be used to describe compliance with legal obligations but for genuinely exemplary or innovative, protection-oriented practices. Findings by national statutory human rights bodies should be used to contextualise IMM's observations.

3. Training of monitors

3.1. Applying the monitoring methodology and assessing whether observed practices comply with the applicable legal framework requires sound knowledge of relevant fundamental rights law and the necessary skillset on what information to collect from whom and how. [REDACTED]

[REDACTED]

[REDACTED] the Annual Report indicates that at least one monitor asked for training on how to work with persons with vulnerabilities.

3.2. The Advisory Board considers that all monitors should have been adequately trained before starting their monitoring work. Training should not only cover the monitoring methodology but also the relevant fundamental rights law framework.

4. Reporting on follow up actions

4.1. Fundamental rights violations should be communicated to the responsible authorities in time to take swift remedial action. Lack of transparency about corrective actions taken undermines the work and reputation of any monitoring mechanism. Article 9 of the Cooperation Agreement authorises the IMM to submit reports on irregularities and/or fundamental rights violations to the responsible state bodies through the Ministry of the Interior, without regulating deadlines and other operational details. The IMM's annual report describes its referrals and monthly reports to the Ministry acknowledging a systemic challenge in receiving feedback from the authorities. This does not enable the IMM to assess, for example, if reported incidents have been investigated expeditiously and appropriately.

4.2. The Advisory Board considers that the annual report could better document the absence of or the delay in receiving feedback by the Ministry of the Interior on follow up actions taken. This could be done, for example, with a table listing all issues raised with the Ministry for follow up either individually or in the monthly reports, and reporting – for each issue – when and what

⁴ Ombudswomen of Croatia, [Annual Report for 2025](#), April 2026.

⁵ Such as the Council of Europe and other international organisations.

feedback the IMM received. This would enable readers to make a more informed assessment as to whether the feedback received was timely and the follow up actions appropriate.

5. Presenting recommendations to match findings

5.1. The Annual Report contains 35 recommendations, covering irregularities and gaps observed as well as the functioning of the monitoring mechanism itself. The main recommendations relate to access to asylum at border crossing points, respecting procedural safeguards during police interviews, reception and detention conditions, healthcare and the need to pay attention to persons with specific needs. There are also some horizontal suggestions, for example, calling for more use of interpreters and cultural mediators when authorities interact with migrants and asylum seekers. Although the Annual Report contains a finding on excessive use of force during apprehension which triggered disciplinary investigations and police officers' temporary suspension of service, there is no related recommendation.

5.2. Considering the large number of recommendations, the Advisory Board believes that key recommendations should be priorities for follow up. The incident on excessive use of force would deserve attention, for example by suggesting preventative measures and the prompt and effective completion of investigations.

Conclusions

The Advisory Board notes significant efforts and improvements made in relation to the functioning of the IMM over the past years, with the adoption of a monitoring methodology and an increase in monitoring visits to locations selected on the basis of a fundamental rights risk assessment. At the same time, the Advisory Board wishes to underline that shortcomings persist, especially in relation to the triangulation of findings, the training of the monitors, and most importantly the follow up of the findings of the IMM by the Ministry of Interior. Such follow up is particularly important, as the IMM is one of the instruments through which Croatia ensures the continuous fulfilment of the Horizontal Enabling Conditions for the implementation of its programme under the EU funds in the field of Home Affairs.

With the ending of the IMM's mandate in June 2026, the Advisory Board would like to stress the importance of a structured, timely and smooth transition to the new mechanism, which should also include arrangements to manage the website and handle incoming messages during the interim phase.

The five-year experience of the IMM in Croatia offers lessons learnt on how to ensure independent and effective fundamental rights monitoring. Three overarching findings concern follow-up, the role of national statutory human rights bodies and funding:

- Follow up given to monitoring findings remains invisible. The absence of timely, structured, and transparent feedback on actions taken to address identified gaps undermines the credibility of the monitoring mechanism. An action plan by the Ministry of the Interior, listing the remedial measures agreed and their state of implementation would enhance transparency, if made public or at least shared with key national and European players on a monthly or quarterly basis.

- The IMM operated parallel to national human rights institutions. Under Article 10 (2) of the Screening Regulation, national human rights institutions must participate in the operation of the future monitoring mechanism.
- Finally, adequate, sustainable and flexible funding, which ensures independence and operational autonomy of the monitoring entity is a pre-condition for effective fundamental rights monitoring and reporting.

10 June 2026