

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)

The Advisory Board is an informal body linked to the Independent Monitoring Mechanism (hereinafter: IMM) in Croatia but not forming part of it, tasked to provide recommendations for the enhancement of the independence and functioning of the IMM. The Advisory Board provides recommendations in response to the reports of monitoring activities carried out by the IMM.

The Advisory Board held meetings with representatives of the Coordination Board of the IMM on 16 February 2023, 14 November 2023, and on 3 April 2024 under the chairpersonship of the European Commission and then the European Union Agency for Fundamental Rights. On 25 February 2025, under the new chairpersonship of Frontex' Fundamental Rights Office, a fourth meeting was held. On 22 December 2023, the Advisory Board provided guidance to the IMM on the use of external sources when drafting their reports.

The Advisory Board would like to convey its appreciation for the latest semi-annual report of the IMM (hereinafter: Report) – the English translation of the document was received in January 2025. The Report covers the following three periods: 4 November 2022 - 15 June 2023, 15 June 2023 - 31 December 2023 and 31 December 2023 - 23 July 2024.¹ The Advisory Board did not receive the annual report.

Herewith, the following observations on the content of the Report and recommendations on related work are provided.

Advisory Board's Recommendations

1. Overarching recommendations

- a) The Advisory Board suggests that greater emphasis is placed in IMM's reports on substantive analysis of whether fundamental rights of refugees and migrants were upheld by border police of the Ministry of Interior (hereinafter: Mol) in each instance observed. It is equally important to focus the content of the IMM's report, and particularly its recommendations, on the work of the border police in Croatia, to uphold the protection of fundamental rights of refugees and migrants in line with the mandate of the IMM.
- b) Delays in analysing monitoring findings hampers timely follow up on incidents and eventual follow-up action. Issuing reports in a timely manner is recommended to ensure the work of the IMM remains relevant. The present semi-annual report relates to monitoring visits that took place during the summer of 2023, however it was not issued in its initial form until July 2024.

2. Specific recommendations

2.1 On the functioning of the IMM

- a) **Information from third parties:** the Advisory Board appreciates that the IMM can receive information and reports of incidents in Croatian and English via its webpage – www.nmn.hr/contact/32. Whereas the IMM is not empowered to investigate individual complaints, which should be referred to the competent bodies, the information received through this channel should be a guiding factor in the planning of future monitoring visits.

¹ The English and the Croatian language version of the semi-annual report are available on the webpage of the IMM in the relevant subsection "[Reports](#)" and "[Izvešća](#)" respectively.

- b) **Synergies with other actors:** the Advisory Board encourages the IMM to enhance cooperation with other statutory public bodies in Croatia, such as the State Attorney's Office, the Ombudswoman's Office, and the Office of the Ombudswoman for Children. This should encompass the collection and sharing of evidence of alleged human rights violations and referrals to competent national bodies, as noted above. The report of the IMM did not contain information on any referrals from the IMM to the Croatian Ombuds-institutions nor to the State Attorney's Office. Reports by relevant national and international human rights monitoring bodies should be used to contextualise the findings from the field visits.
- c) **Sustainability and independence of funding** are key to ensuring the necessary safeguards for establishing an independent national monitoring mechanism. To further foster predictable and regular receipt of funds, the Advisory Board recommends that the IMM ensures regular dialogue on reimbursements under the project.

2.2 Monitoring by the IMM

- a) **Monitoring methodology:** The Advisory Board recommends that the planning and organisation of monitoring activities should include the reasoning behind the selection of locations visited. For instance, it would be beneficial to clarify why certain areas, such as the Cetingrad region, where official data showed a higher number of irregular movements, were not chosen, and to explain the absence of visits to the Registration Centre in Dugi Dol.

The Advisory Board also recommends the publication of information regarding the monitoring methodology applied, to promote transparency and clear monitoring criteria.

b) Field visits of the IMM monitors

- **Timing and presentation of on-site visits:** the Advisory Board recommends a certain regularity of monitoring visits. These should be scheduled based on fundamental rights risk assessments and reports about alleged violations and timed to cover different periods of the year. It is recommended to include a list of the on-site visits conducted in the reporting period in the IMM report to assist the reader in gaining a clearer understanding of the context of the findings.
- **Unannounced visits** serve as an effective model of field monitoring. The Advisory Board underlines that the IMM monitors should continue to seek access to all areas relevant to their work.
- **Event-triggered monitoring** is considered a positive format by the Advisory Board. When monitoring visits are carried out in response to external information received by the IMM about alleged fundamental rights violations, the Advisory Board recommends that the monitors make additional efforts to speak to the persons involved, including when the persons concerned are outside Croatia.
- **Monitoring locations:** the Advisory Board recommends greater focus on monitoring the green border, covering locations based on the likelihood of apprehension of refugees and migrants (risk assessment, data analysis), as well as maximising the use of all other available sources (including CCTV and police files to which the IMM has access). The monitoring of places of detention and of reception facilities and the analysis of the findings may be based on the standards of the European Committee for the Prevention of Torture² and those of the EU Asylum Agency.³
- Should the above have financial implications, these should be considered in view of future adjustments of the project that finances the IMM's activities.

² See e.g. [Standards and tools - CPT](#)

³ See e.g. [Monitoring of the CEAS | European Union Agency for Asylum](#)

c) Communication with refugees and migrants

- **Interviews with refugees and migrants and the use of interpreters:** the Advisory Board expresses its appreciation that the monitors speak to individuals, as part of the information collection efforts, and that it does this without the presence of the police. It recommends that professional interpreters should be used for this purpose and that information on the number of migrants interviewed should be disaggregated by sex and age in the report, whenever this is possible without making the individuals identifiable.
- **Persons in vulnerable situations:** The Advisory Board attaches great importance to persons in vulnerable situations and recommends that the IMM considers broadening the scope of its monitoring on how the authorities respond to different types of vulnerabilities. Additionally, it recommends that – inasmuch as no identifiable details are shared – the IMM provide reports on referrals made to other organisations to respond to the needs of individuals interviewed. The Advisory Board also suggests that the IMM provide detailed information on how children's rights were assessed during on-site visits.

2.3 Training and exchange of experience

The Advisory Board recommends exploring further learning opportunities, such as exchanges between the actors working in the field of human rights monitoring on each other's working methods. The Advisory Board's Chair – the Frontex Fundamental Rights Officer – offers a study visit to Frontex HQ for the IMM to discuss working methodologies, including the Fundamental Rights Office's monitoring platform "OCEAN" which keeps track of mission reports, shows where monitors are as well as the follow up of the findings from missions. The Chair of the Advisory Board further proposed that Frontex's Fundamental Rights Office conduct joint field monitoring with the IMM for the purpose of comparing observations.

2.4 Future considerations

The IMM may be assessed in the context of the Pact on Migration and Asylum. Consequently, it is anticipated that there will be a heightened interest in, and scrutiny of, the work of this mechanism. In May 2024, the [Screening Regulation](#) (EU) 2024/1356 introduced a duty to have independent national monitoring mechanisms in place by mid-2026. As required under Article 10 of the Regulation, in September 2024, the EU Agency for Fundamental Rights published [guidance](#) to support Member States in designing their independent national monitoring mechanisms. The Screening Regulation sets high standards for monitoring, for example, in terms of independence, effectiveness, the activities to monitor, the follow up to monitoring findings as well as in relation to synergies with other mechanisms. The Advisory Board recommends close reflection on the extension of the IMM in its present form or development of any future monitoring mechanism that Croatia will have to establish under the Pact, respecting the current role of national statutory human rights bodies, particularly the Croatian Ombudsperson, as per Article 10 of the Screening Regulation. It is noted, however, that at present the IMM operates within the confines of the Cooperation Agreement with the Ministry of Interior and focuses on monitoring of border police in the area of irregular migration and international protection. The Advisory Board considers it advisable that the IMM maintains a broad thematic scope. As pointed out in FRA's guidance on monitoring, Member State may decide to extend the mechanism to cover border management activities beyond the screening, where appropriate.

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Jonas Grimheden
Chair of the Advisory Board