

# National Report on the situation of human rights of migrants at the borders



**Ombudswoman of the Republic  
of Croatia**

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Executive Summary

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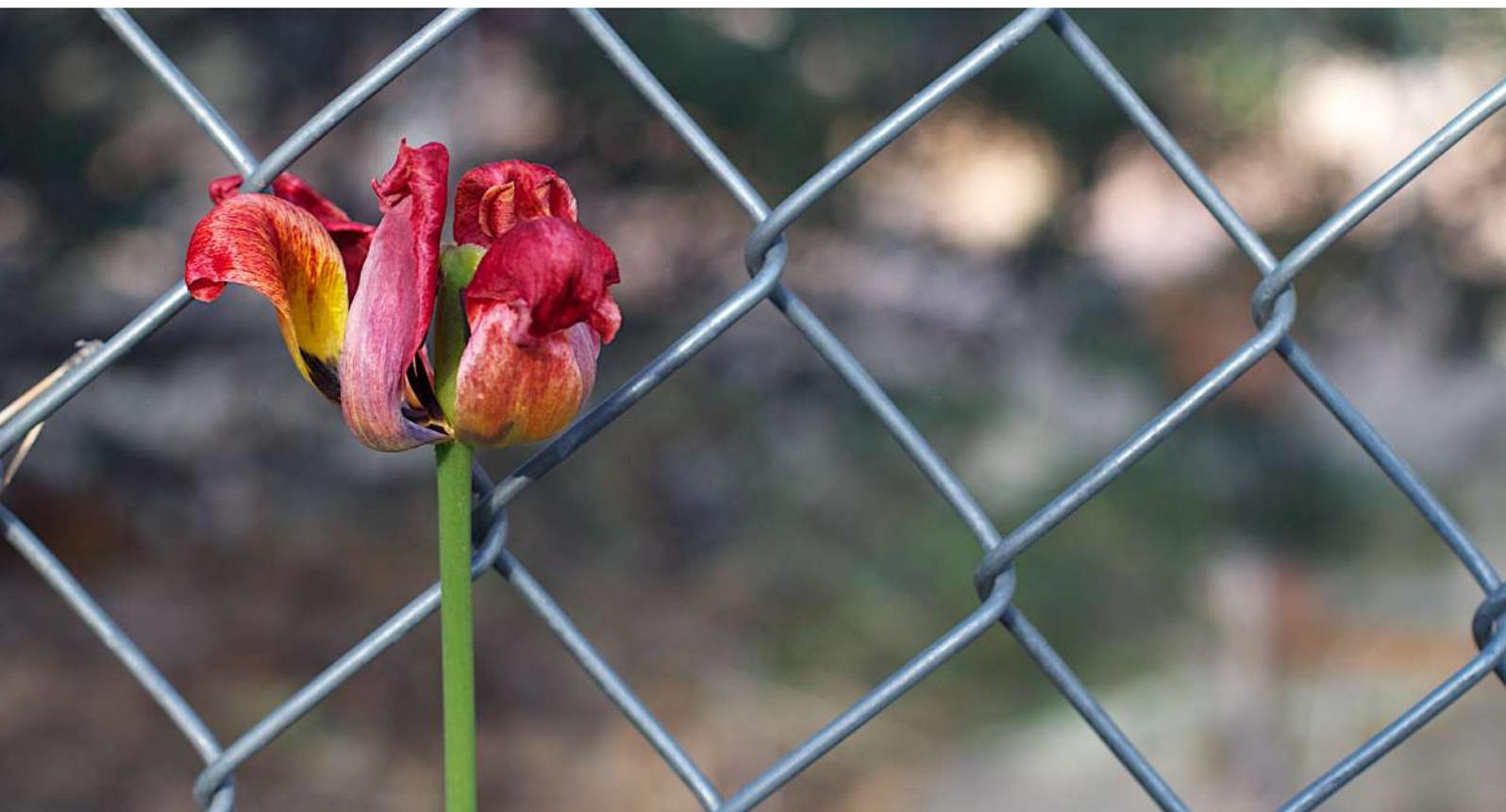
The **Ombudswoman of the Republic of Croatia** is a Commissioner of the Croatian Parliament and also acts as the Parliamentary Ombudsman, the National Preventive Mechanism (NPM) and as the Central Equality Body in Croatia.

The protection and promotion of human rights of migrants became a more significant part of the work of the office of the Ombudswoman with the intensification of migratory movements through the so-called Balkan route in 2015 and 2016. The report mainly covers the activities for 2020, including monitoring visits and complaint-handling.

### Returns, access to procedures, and violence at borders

In 2020, the Office of the Ombudswoman opened 39 cases regarding police treatment of irregular migrants and asylum seekers. Many cases related of pushbacks practices across the green border between Croatia and Bosnia and Herzegovina. In some cases, migrants were allegedly subjected to inhuman treatment, physical and even sexual violence. The Ministry of Interior has denied any allegation of ill-treatment of migrants by police officers. Due to limitation of means and authority within its legal mandates to assess facts and circumstances thoroughly, the Ombudswoman is often unable to reach a conclusive opinion as to whether these violations took place.

The Croatian Ombudswoman has received allegations and investigated several cases of migrants who have reported that they were not able to access asylum procedures when crossing the border to Croatia, despite the fact that they explicitly asked for it. In its Annual Report for 2020, the NHRI therefore reiterated its recommendation that the relevant authorities and the Minister of Interior must process the requests for asylum of all migrants found in Croatian territory, including when they irregularly cross the border, in line with international and EU law.



## Reception conditions and deprivation of liberty at the borders

During 2020, the Ombudswoman conducted an investigation concerning foreigners' access to free legal aid at the Detention Centre in Ježevo. It was found that the majority were not adequately acquainted with having this right, nor could they contact anyone for legal advice and/or legal representation.

## Human Rights accountability at the borders

The Report highlights the issue of inadequate support to civil society organisations (CSOs) during COVID-19, currently inadequate policy framework for fostering cooperation with CSOs, lack of adequate financing for human rights NGOs and lack of access to statistical data and information, particularly by those working on migration, as well as lack of access to the reception and detention centres. The Croatian Ombudswoman also made a recommendation to the Minister of Interior to establish an independent mechanism of monitoring border procedures.

### Impact of COVID-19 pandemic

The Croatian NPM suspend its visits from March until June 2020, but continued to monitor the situation of persons of concern by requesting information to national authorities and cooperating with NGOs and international organizations. Following this period, the NPM resumed the on-site visits, adhering to proscribed epidemiological measures.

Like most other EU member states, Croatia postponed transfers of asylum seekers to the states responsible for considering their application under the Dublin III Regulation.

Reception centres were adapted to epidemiological measures, daily presence of physicians was ensured, and access for persons not essential for the functioning of these facilities was restricted.



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