



**COUNCIL OF EUROPE
DEPARTMENT FOR THE EXECUTION OF JUDGMENTS
OF THE EUROPEAN COURT OF HUMAN RIGHTS
STRASBOURG, FRANCE**

Zagreb, 18 July 2023

RULE 9.2. COMMUNICATION

by the Human Rights House Zagreb and the Centre for Peace Studies

In accordance with the Rules of the Committee of Ministers regarding the supervision of the execution of judgments and of terms of friendly settlements in the

***Case of M.H. and Others v. Croatia
No. 15670/18 and 43115/18***

I. Introduction

1. This submission responds to the Government's Action Plan of 21 June 2023. This submission aims to inform the Committee of Ministers that the proposed measures are not sufficient for the appropriate implementation of the judgement. Namely, individual measures have been ineffective and insufficient as further elaborated below. Regarding the general measures, in the following paragraphs, the Human Rights House Zagreb and the Centre for Peace Studies provide evidence which show that structural and complex problems amounting to systematic human rights violations have continued and are still ongoing in Croatia. The general measures proposed by the Government do not bring any real and systemic changes necessary for the full implementation of the European court's judgement as we will demonstrate in our submission.
2. This submission is prepared by the *Human Rights House Zagreb* and the *Centre for Peace Studies*, both civil society organisations registered in Croatia. *Human Rights House*

*Zagreb*¹ (HRHZ) is a human rights watch-dog and advocacy organisation founded in 2008 as a network of civil society organisations with the goal to protect and promote human rights and fundamental freedoms through research, monitoring, public advocacy, and education. *Centre for Peace Studies*² (CPS) is a civil society organisation that protects human rights and aspires for social change based on the values of democracy, anti-fascism, non-violence, peacebuilding, solidarity and equality, using activism, education, research, advocacy and direct support. CPS has immense expertise in migration, asylum and integration - actively monitoring pushbacks and violence at Croatian borders with Serbia and Bosnia and Herzegovina, and holds related legal expertise.

II. Case Summary

3. The applicants are a family of 14 Afghan citizens. They are a man, his two wives, and their 11 children. The case concerned the death of a six-year-old Afghan child, MAD.H., who was on the night of 21 November 2017 hit by a train after allegedly having been denied the opportunity to seek asylum by the Croatian authorities and ordered to return to Serbia via the tracks. The ECtHR found a violation of Article 2 of the Convention under its procedural limb because the State authorities failed to conduct an effective investigation into the circumstances leading to MAD.H.'s death.
4. The case also concerns, in particular, the applicants' detention while seeking international protection. On 21 March 2018, the Croatian police caught the applicants as they were entering Croatia clandestinely from Serbia. The applicants applied for international protection however they did not have any identification documents with them. The Croatian police placed them in a transit immigration centre in Tovarnik and therefore restricted their freedom in order to verify their identities and kept them there for more than two months. ECtHR found that those child applicants were kept in an immigration centre with prison-type elements, which had amounted to ill-treatment and resulted in a violation of Article 3 of the Convention. Furthermore, the ECtHR found that the decisions regarding the applicants' detention had not been dealt with diligently and expeditiously in order to limit family detention as much as possible, which resulted in a violation of Article 5 § 1 of the Convention.
5. The case additionally concerns the denial of contact with the applicants' lawyer (even after lodging a Rule 39 request in that connection), initiation of the criminal investigation against their chosen lawyer regarding a power of attorney, and infringement of the communication between applicants and their lawyer. The Court concluded that the State had hindered the

¹ <http://www.kucaljudskihprava.hr/en/>

² <https://www.cms.hr/en>

effective exercise of the applicants' right of individual application and thus violated Article 34 of the Convention.

6. Finally, the Court found that a parent and five child applicants had been subjected to collective expulsions to Serbia on the night of 21 November 2017 without prior notification of Serbian authorities, which resulted in violating Article 4 of Protocol No. 4 to the Convention.
7. In light of the systematic nature of the violations found in the individual case of M.H. and Others v. Croatia, HRHZ and CPS call on the Committee of Ministers to consider the following.

III. Individual Measures

A. Bringing the violations to an end

8. In response to the European Court's judgement, the Government claims that they have ensured the reopening of the impugned criminal investigations aimed at bringing the violation of the procedural aspect of Article 2 to an end and that they have taken extensive steps aimed at shedding light on the impugned events. However, the actions are still, as it is known to the public, at the initial **pre-investigation** phase.
9. The Law on Criminal Procedure (article 206.b)³ clearly states that the state attorney is obliged to make a decision on a criminal report within six months from the date of entry of the report in the Register of Criminal Reports and to notify the applicant of this, sending them brief reasons for his decision. According to the Action Plan, the State Attorney General's Office has ordered the re-examination of the decision of 1 June 2018 by which the applicants' criminal complaint regarding the death of MAD.H. had been rejected, on 25 April 2022. That date should be considered relevant as the beginning of the initial pre-investigation phase. Therefore, the Office for the Suppression of Corruption and Organised Crime USKOK should have reached a decision on whether to open the investigation on the subject before 25 October 2022.
10. In line with the European Court's findings, the working group should have collected all available data on thermographic cameras used for the surveillance of the Croatian-Serbian border on the night of 21 November 2017, as well as the available information regarding mobile phones that the applicants had used at the time the impugned events occurred. The activities under the Action Plan suggest there is now a **permanent disability to obtain this crucial evidence** that should have been provided more than 5

³ Croatian Criminal Act (Kazneni zakon), Official Gazette nr. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, 114/22

years ago when, not only non-government organisations and the Ombudsperson demanded it, but also diligence of the procedure criteria.

11. Even though the initial pre-investigation phase began more than a year prior to the date the new Action Plan was installed, the police officers who were on duty at the time the impugned events occurred, still haven't been re-interviewed. The same applies to the train driver, whose examination isn't even anticipated in the new Action Plan.
12. Para 19 of the Action Plan states that the applicant's lawyer was contacted to provide the Office for the Suppression of Corruption and Organised Crime (in the following text USKOK) with an effective opportunity to properly participate, and to establish contact with the applicants but to no avail. In fact, USKOK contacted the applicant's lawyer in the capacity of a citizen instead of a lawyer. The applicants' lawyer insisted that she could not give a statement as a citizen, but only as a lawyer for the victims, and therefore submitted a power of attorney.
13. The applicant's lawyer reported to USKOK in detail about the family being highly traumatised by the death of their child as well as retraumatised by the hearing.⁴ For that reason, she requested for the interview with them to be conducted after the second evidentiary procedure referred to by the European Court in its judgement, especially in points 149 to 164. Upon her request, she was not given a minute to state the above. Additionally, the interview with the injured parties was organised with the same translator who was previously unable to perform the translation. That led to the **further re-traumatisation** of the injured parties which represents a violation of the Directive on minimum standards for victims of crime- Directive 2012/29/EU.
14. Regardless the Law on criminal procedures expressly enabling the applicant's lawyer to see the case file⁵ she was denied access with the excuse that the file is secret. Consequently, the injured parties are unaware of what actions were taken, and unable to suggest taking certain actions, which effectively prevents them from actively participating in the proceedings.

1. Effective investigation of other crimes committed

15. As we already mentioned in Rule 9 earlier submitted, from the circumstances and violations established by the Court, it is to be concluded that there is a reasonable doubt

⁴ The mother of the child experienced strong retraumatisation when she was put in the position of talking about the death of her child. Because of the trauma, she may be unable to function daily and take care of the other children.

⁵ Law on Criminal Procedure (Zakon o kaznenom postupku) Official gazette no.152/08, 76/09, 80/11, 121/11, 91/12, 143/12, 56/13, 145/13, 152/14, 70/17, 126/19, 126/19, 130/20, 80/22, art. 184.

that the applicants suffered crimes punishable under Croatian Criminal Law.⁶ Besides the complaint regarding the death of MAD.H., the following crimes were also listed in the criminal complaint: i) **inhuman treatment** found by the Court (see §204 of the judgement), as well as ii) **the collective expulsion of applicants** (see §304 of the judgment) in regard to the prohibition of torture and other cruel, inhuman and degrading treatment under Article 104 of the Croatian Criminal Act, as well as the abuse of power under Article 291 of the Croatian Criminal Act.

16. It has been almost 6 years since these crimes were committed, which means that for some of these crimes, almost half of the time needed to reach the statute of limitation has passed and that the above-mentioned deadline to reach a decision on whether to open an investigation was breached 8 months prior to the Action plan was even made. Considering the findings of the court, considering that the Government in its submissions repeatedly ignores the crimes mentioned above, and considering that the committed crimes mentioned above did not yet reach the statute of limitations, in the light of the reopened investigation into the death of MAD.H., it is necessary to conduct effective investigations into torture, degrading treatment, abuse of power and collective expulsions from Croatian territory.

B. The applicants' redress

1. An order for the payment of non-pecuniary damage in the amount set by the Court was finally made on 22 November 2022. The Action Plan argues that receiving a scanned copy of a power of attorney, rather than the original authorising the applicants' lawyer to receive the payment of the sum awarded under this head, was the reason for the process being prolonged. Furthermore, the family's lawyer did not get such requests from the Office of the Representative in previous cases ruled before the ECtHR, payment orders were issued upon the receipt of the power of attorney's copy instead.
2. When it is taken into account that preliminary investigation of crime still continues instead of investigation, that it is ineffective, and it probably won't lead to an outcome that includes determining the responsibility of all those who were involved in human rights violations, including the death of a child, then repeating the criminal procedure and the payment of satisfaction awarded by the Court cannot be the only individual measures, bearing in mind the severity of the injuries.
3. Moreover, the payment made by the state cannot be considered as just compensation in view of the extent of the violation suffered. Considering the suffering of the family, the intense circumstances that led to the violation of human rights, the behaviour of representatives of state authorities after receiving the verdict of the European Court, the

⁶ Croatian Criminal Act (Kazneni zakon), Official Gazette nr. 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19, 84/21, 114/22

circumstances of the suffered loss, and the violations of rights the family lived through, which were established by the Court, cannot really be compensated, the **family submitted a request for compensation for non-material damages due to violation of personality rights according to the Article 1100 of the Croatian Law on Obligatory relationships.**

4. According to Croatian Law on Obligatory Relationships⁷, when people suffer damage due to the death of a close person, they can apply for compensation. This family applied for compensation for the death of a close person - in this case a child, but also for the severe human rights violations they suffered. However, the State Attorney's Office rejected the request with the factual argument that the ECtHR had already paid compensation. The procedure was conducted under number XXXII-N-DO-653/2022.
5. Following all of the above, and especially bearing in mind the strength and authority of the judgement of the ECtHR in which several serious violations of human rights were found, and in accordance with Article 186a of the Civil Procedure Act⁸ the applicants' lawyer submitted a request for a peaceful dispute resolution in October 2022. However, up to this day, they didn't get any reply let alone fair compensation from the state, which directly opposes the statement from the Action Plan that the applicants were fully redressed for the negative consequences sustained.

C. Effectiveness of individual measures

6. From the behaviour of government representatives after receiving the judgement of the European Court, primarily the Minister of the Interior and the Prime Minister of the Republic of Croatia, who in their statements did not adequately communicate the judgement and who completely ignored numerous questions from journalists, it can undoubtedly be concluded that the **Republic of Croatia persists in its irresponsibility, even though the European Court established that human rights violations have occurred.** In this way, the representatives of the state authorities sent an extremely negative message to both the Croatian public and the European Court.

⁷ Croatian Law on Obligatory relationships (Zakon o obveznim odnosima), Official Gazette nr. 35/05, 41/08, 125/11, 78/15, 29/18, 126/21, 114/22, 156/22; According to Article 1100 of the Obligatory Relationships Act, in the event of a violation of personality rights, the court, if it finds that the severity of the violation and the circumstances of the case justify it, will award fair monetary compensation, independent of compensation for property damage. When deciding on the amount of fair monetary compensation, the court needs to consider the strength and duration of the physical pain, mental pain and fear caused by the injury, and the goal that this compensation serves.

⁸ Civil Procedure Act (Zakon o parničnom postupku), Official Gazette nr. SL SFRJ 4/77, 36/77, 6/80, 36/80, 43/82, 69/82, 58/84, 74/87, 57/89, 20/90, 27/90, 35/91, i NN 53/91, 91/92, 58/93, 112/99, 88/01, 117/03, 88/05, 02/07, 84/08, 96/08, 123/08, 57/11, 148/11, 25/13, 89/14, 70/19, 80/22, 114/22.

7. For the family, however, it has been extremely important how the Republic of Croatia will accept the European Court's judgement. They particularly wished for the judgement to prevent "anything similar ever happening to anyone again". Despite this plea, another person recently died in the same place, under similar conditions.⁹
8. The culture of cover-up within the institutions of the Ministry of Interior, mutual protection of police officers and destruction of evidence, generates severe consequences for society because it leads to impunity for responsible persons, namely police officers. The atmosphere of exemption from responsibility for acts that are otherwise punishable has significant negative consequences for society and certainly represents behaviour prohibited by the Convention.
9. Given that the European Court does not award damages when it establishes a violation of rights, but awards satisfaction for the violation of human rights, the refusal to compensate this family clearly shows that not only does the Republic of Croatia continue to refuse to take responsibility for the events that led to the death of the child, but also lacks the acceptance of responsibility for violations determined by the judgement of the European Court.
10. Since this case is in many respects a unique and difficult case, we suggest that the Committee considers with particular care all relevant aspects of individual measures. Fair compensation was paid to the parties by the State with some unnecessary complications. With especially unjustified delay, the State paid the cost to the attorney. Repeating the procedure is doomed to failure due to the successful destruction of evidence and further non-transparent conduct of there-investigation. Given that the fundamental obligation is to ensure *restitutio in integrum* to the greatest extent possible, there are undeniable indications that it is justified to award the family the requested compensation and all this as a form of implementation of the judgement of the European Court.

IV. General Measures

A. Measures addressing the violation of Article 2 of the Convention in its procedural limb

17. We deem that the measures proposed by the Government are not sufficient to ensure the efficiency of the investigations. Due to the high complexity of the case, and the fact that the Court also found a violation of Article 4 of Protocol 4 (collective expulsion) - it is important to keep in mind that the investigation carried out regarding the death should have included the **investigation into the collective expulsion** as those events were factually connected.

⁹ No Name Kitchen, Remembering Shoib Tasal, 14 April 2023, available [here](#).

18. The measures proposed by the Government do not include any novelties or new measures that the State should implement.

1. Effective domestic remedy ensuring the overall efficiency of investigations

19. In the Action Plan, the Government notes that the European Court found constitutional complaints are a remedy to be effective for the allegations concerning ineffective investigations (in the case *Kušić and Others v. Croatia*)¹⁰ while in fact this particular case only talks about the effective remedy in the context of whether or not the applicants exhausted all the domestic remedies (meaning that they had not given the State the opportunity to put matters right through its own legal system) before bringing their application before the European Court for human rights.

20. It claims that the Constitutional complaint is an effective domestic remedy ensuring the overall efficiency of investigations even though in this very case it has on two occasions assessed the investigation as “effective”, contrary to what the Court in the judgement *M.H. against Croatia* later found. It is important to state that the recent judgement in the case *Daraibou v. Croatia*¹¹ from 17 January 2023 that became final on 17 April 2023 has again found the ineffectiveness of investigation, which again shines the light on the judgements of the Constitutional Court as well.

21. Furthermore, contrary to the claim made in the Action plan that there are no similar cases pending before the Constitutional court, just recently, in April 2023, a group of refugees who were victims of a particularly brutal illegal expulsion from Croatia to Bosnia and Herzegovina (BiH) filed a new lawsuit with the Constitutional Court of the Republic of Croatia. The lawsuit was filed for an ineffective and inadequate investigation into a pushback case that included severe violence and sexual abuse in October 2020.¹²

B. Measures addressing the violation of Article 3 of the Convention in its substantive limb

22. The European Court found that in 2018 the detention of the applicant children in a reception centre with prison-type elements over a period of two months and fourteen days

¹⁰ *Kušić and Others v. Croatia*, App. No. 71667/17, inadmissibility decision of 10 December 2019

¹¹ The judgement can be found on this link: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-222311%22%7D>

¹² In that case, more than two years after the filing of the criminal complaint, the state attorney's office has not yet opened an official investigation. Although the Law on Criminal Procedure stipulates a deadline of six months for deciding on a criminal complaint, the investigation phase after almost 2.5 years is still ongoing and even the decision to officially open the investigation has not yet been made. <https://www.cms.hr/hr/izjave-za-javnost/izbjeglice-zrtve-pushbacka-podnije-tuzbu-ustavnom-sudu-hrvatske-vise-od-dvije-godine-bez-ucinkovite-istrage>

subjected them to treatment that exceeded the threshold of severity required to engage Article 3 of the Convention.

1. *Legislative measures and instruction of the Head of the Police Directorate*

23. On 17 March 2023, the Croatian Parliament adopted the amendments to the International and Temporary Protection Act that strictly define that the administrative courts are under an obligation to examine, ex officio or at the request of the asylum-seeker, the restriction of freedom of movement ordered by the Ministry of the Interior. These examinations will have to be conducted on a regular basis at reasonable intervals of time.¹³ Defining intervals as “reasonable” could create legal uncertainty, so we suggest that this deadline is foreseen in specific time units, or that urgent judicial review is prescribed.

24. What is more, considering the principle of legal certainty established in the ECtHR case law,¹⁴ it should be **precisely determined when the administrative court will ex officio consider the restriction of movement** and for judicial review at the request of the applicant, the period within which it is carried out should also be defined.

25. The Government stated that since the adoption of the amendments to the existing *Rules on the treatment of third-country nationals* and *Rules on accommodation in reception centres for foreigners and methods of calculation of costs of forced removal* is still underway, the Head of the Police Directorate issued a detailed instruction on 18 April 2023. We must emphasise that in the previous Action Plan from December 2022, the Government stated that the Ministry of Interior plans to introduce assessment criteria in the first half of 2023.

2. *Measures aimed at improving overall material conditions in reception and accommodation centres, especially regarding the accommodation of children*

26. In 2022, the Ombudsperson paid visits to the reception centres for foreigners, where they examined the conditions of accommodation, treatment and protection of their rights.¹⁵ Persons placed in the centres presented problems related to nutrition, the (in)ability to make telephone calls, inadequate health care, the behaviour of police officers, and more. In all three centres, the Ombudsperson determined **insufficient and inadequate**

¹³ Especially in cases in which the detention lasts for more than a month and in cases in which significant new facts arise that bring into question the lawfulness of detention.

¹⁴ Guide on Article 5 of the European Convention on Human Rights, 31 August 2022, available at: https://www.echr.coe.int/documents/d/echr/guide_art_5_eng

¹⁵ Ombudsperson’s Activity Report for 2022, available at <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=6465f2bc2565a1684402876>

information about their rights among the housed persons.¹⁶ The foreigners said that they did not know the reasons for being placed in the centre and its expected duration, nor who to turn to for legal or other help. Given the importance of certain information, it is necessary to highlight and communicate it in an accessible, visible and clear way. In addition, the Ombudsperson noted that some of the complaints received could not be examined due to the lack of record keeping.¹⁷

27. What is highly concerning is the restricted access of civil society organisations to both reception centres for asylum seekers and reception centres for foreigners. Directive 2008/115/EC guarantees international and non-governmental organisations the possibility of visiting centres under certain conditions, which was also carried over by the Aliens Act. However, the Ordinance stipulates their visits with a signed cooperation agreement with the announcement of arrival according to the criteria prescribed for all visitors. The organisations that have granted access have visited the centres for foreigners on several occasions¹⁸ which is not sufficient compared to the amount of people requesting international protection. Therefore, **it is necessary to allow CSOs wider access to the centres**, especially those that provide additional support, legal and other assistance, organise education, workshops and playrooms for children, etc.

C. Measures aimed at addressing the violation of Article 5§1 of the Convention

1. Legislative measures and instructions

28. Here we reiterate previously mentioned concerns under Article 3 about the amendments to the International and Temporary Protection Act. In order to shorten the length of detention, the wording 'reasonable time' should be more precise and it should be determined specifically when the administrative court will ex officio consider the restriction of movement and for judicial review at the request of the applicant, the period within which it is carried out should also be defined.

¹⁶ On the bulletin boards of the centres were documents containing information about rights, but they were among a lot of other information and were not translated into the necessary languages.

¹⁷ Of e.g. complaints on restriction from being in the fresh air, prolonged placement in isolation of persons suspected of diseases etc.

¹⁸ In her report for the 2022 the Ombudsperson stated how HCK visited the centres in Tovarnik and Trilj twice in 2022 (until October), and was in Ježevo 41 times, while UNHCR visited Tovarnik and Trilj twice each, and was in Ježevo four times. Considering the number of applicants for international protection and irregular migrants who were accommodated in the centres during the year - for example, 534 people were accommodated in one, of which ten were families with children, a pregnant woman, an unaccompanied child, and 76 persons expressed their intention to seek international protection - such scope and number of visits is insufficient.

2. Measures aimed at informing asylum-seekers of the reasons for their placement in reception centres in a language they can understand

29. In the Activity Report for 2022 the Ombudsperson stated how asylum seekers placed in the Reception Centre for Foreigners often lack knowledge about the legal system, access to protection, as well as language. Therefore, it is necessary to adequately inform persons placed in reception centres about their rights.¹⁹
30. Moreover, the Ombudsperson determined that persons were oftentimes not provided with a translation in the procedure of issuing a decision on the restriction of freedom of movement at the border police station. They also complained that they were not aware of the reasons for the deprivation of liberty, and were not informed about the status of their cases²⁰, the expected duration and whom to turn to for legal or other kinds of help.²¹
31. It is crucial to **ensure clear and precise information about rights in a language detained person can understand**, as well as who and how they can contact if they need protection and assistance, **including access to legal aid and complaint mechanisms**.
32. Regarding contact with a lawyer, it is necessary to consider all the difficulties and circumstances in which migrants find themselves in the procedures for passing decisions on expulsion and restriction of freedom of movement, as well as the lack of clear instructions on the possibilities of contacting a lawyer and other legal aid providers. Irregular migrants are given a list of legal aid providers at police stations in the course of issuing decisions on deportation and deprivation of liberty, but most of the persons state that they do not know what the list is for, and some state they have not even received it.²²

D. Measures aimed at addressing the violation of Article 4 of Protocol No. 4 to the Convention

33. The judgement M.H. and others against Croatia discloses major structural and complex problems, which is clearly implied in the wording of the judgement: “The impact of this case thus goes beyond the particular situation of the applicants” (§123). Moreover, the Court found severe human rights violations (especially Articles 2 and 3), where the facts

¹⁹ Ombudsperson’s Activity Report for 2022, available at <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=6465f2bc2565a1684402876>

²⁰ For example some stated that an administrative dispute had been initiated regarding the decision to restrict their freedom of movement, but upon inspection of the file, no documentation was found on the initiated court proceedings.

²¹ Ombudsperson’s Activity Report for 2022, available at <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=6465f2bc2565a1684402876>

²² *ibid.*

of the case demonstrate the involvement of several state bodies whose task is guarding the rule of law - which failed. In the following paragraphs, the HRHZ and CPS provide evidence which shows that these structural and complex problems amounting to systematic human rights violations have continued and are still ongoing in Croatia. Recorded pushbacks include pregnant women, children, infants, elderly and disabled persons, forced undressing of minors and a case of raping a man with a branch.

34. Many reports from respective national and international civil society organisations in the field, domestic independent institutions for the protection of human rights, international institutions that deal with migration, immigration, and refugee issues, as well as media reports and testimonies of refugees and even of police officers, point out in the same direction - that major systematic and deliberate collective expulsions accompanied by violence and ill-treatment at the Croatian boards are tacitly approved by the Croatian authorities.
35. The recent data from various human rights organisations active, using different methods, shows that such ill-treatment is still ongoing. The Danish Refugee Council alone recorded a total of 9,114 cases of pushbacks in 2021, and a total of 3,461 cases of pushbacks in 2022.²³ The Border Violence Monitoring Network recorded in detail the testimonies of 216 groups expelled from Croatia in 2021, which included over 3,000 survivors of pushbacks. Half of the groups contained children and minors. From January until the end of November 2022, BVMN recorded 120 new group expulsions from Croatia. Despite the steady percentage of people who reported being kicked, deprived of food and water, insulted and threatened by guns, for the first time lower amounts of the most extreme physical violence inflicted on the victims of pushbacks were reported.²⁴
36. Amnesty International reported in their human rights overview for 2022²⁵ that pushbacks from Croatia have continued, and Human Rights Watch reported²⁶ in 2023 that Croatian “police regularly and often violently push back refugees, asylum seekers, and migrants to Bosnia and Herzegovina without assessing their asylum requests or protection needs”. Also, in the first four months of 2023, the Protecting Rights at Borders (PRAB) initiative recorded a total of 543 pushbacks from Croatia to BiH and Serbia. According to the report,

²³ Danish Refugee Council, Border Monitoring Factsheet, available at <https://pro.drc.ngo/resources/documents/border-monitoring-factsheet/>

²⁴ Border Violence Monitoring Network, Black Book of Pushbacks, 7 December 2022, available at <https://left.eu/issues/publications/black-book-of-pushbacks-2022/>

²⁵ Amnesty International, Human Rights in Croatia 2022, published on 23 March 2023, available at <https://www.amnesty.org/en/location/europe-and-central-asia/croatia/report-croatia/>

²⁶ Human Rights Watch, “Like We Were Just Animals” Pushbacks of People Seeking Protection from Croatia to Bosnia and Herzegovina, published on 3 May 2023, available at <https://www.hrw.org/news/2023/05/03/croatia-ongoing-violent-border-pushbacks;>
<https://www.hrw.org/report/2023/05/03/we-were-just-animals/pushbacks-people-seeking-protection-croatia-bosnia-and-herzegovina/>

64% of people being pushed back from Croatia to Bosnia and Herzegovina reported experiencing inhumane and degrading treatment.²⁷

37. Furthermore, since the beginning of 2023, Croatian authorities have been carrying out readmissions of migrants and refugees to Bosnia and Hercegovina (BiH) in increasing numbers with the aim of expelling people from Croatia. The testimonies of individuals expelled by readmission, as well as information from non-governmental organisations²⁸ working in BiH, raise serious concerns that readmission procedures are being misused and applied in a manner that is contrary to European law, primarily with the intention of denying individuals access to asylum²⁹. In addition to the potential neglect and violation of procedural rights of persons, this information also points to potential violations of key principles of international law such as the principle of non-refoulement and the principle of the best interest of the child. The fact that individuals from especially vulnerable groups, such as unaccompanied children and families with young children are amongst those returned through the readmission procedure is especially concerning.

38. Additionally, UNHCR data further indicates that 289 persons were pushed back from Croatia to Serbia in 2022³⁰. In 2022, Save the Children and the Centre for Interdisciplinary Studies at the University of Sarajevo published a report³¹ analysing the level and types of violence that children experience while attempting to reach Western Europe via the Balkans route. Based on the interviews conducted with migrant children, most of the interviewees reported having tried to cross the border from Bosnia and Herzegovina to Croatia more than three times, with the largest number of attempts recorded being nine. The Ombudsperson for Children reported that at least 120 children were pushed back in 2022 according to data provided by the Border Violence Monitoring Network. The actual number is likely higher, as it is not possible to determine the exact number of children present within the large groups that were subjected to pushbacks despite expressing their intention to apply for international protection.³²

²⁷ Protecting Rights at Borders (PRAB) VI: What we do in the shadows, published on 30 May 2023, available at https://pro.drc.ngo/media/3h1d5s5r/vi-prab-report_-what-we-do-in-the-shadows_-jan-to-april-2023.pdf

²⁸ Border Violence Monitoring Network, Illegal Pushbacks and Border Violence Reports: Balkan Region, March 2023, available at <https://borderviolence.eu/app/uploads/Monthly-Report-March-2023.pdf>

²⁹ Protecting Rights at Borders (PRAB) VI: What we do in the shadows, published on 30 May 2023, available at https://pro.drc.ngo/media/3h1d5s5r/vi-prab-report_-what-we-do-in-the-shadows_-jan-to-april-2023.pdf

³⁰ UNHCR, Serbia- Snapshots January- December 2022, available at: <https://bit.ly/3FJF7E1>

³¹ Save the Children: Report “Wherever we go, Someone does us Harm: Violence against refugee and migrant children arriving in Europe through the Balkans”, available at <http://bit.ly/3Z5N6Sx>.

³² AIDA Report available at: <https://asylumineurope.org/wp-content/uploads/2023/06/AIDA-HR-2022-Update.pdf>

39. In 2022, a Rohingya child submitted complaints against Croatia and Slovenia before the UN Child Rights Committee for multiple violations of the Convention on the Rights of the Child (CRC).³³
40. The systematic and deliberate pushbacks, accompanied by violence and ill-treatment of migrants and denying them access to asylum, have led to the fact that several national courts of the EU Member States had previously suspended Dublin transfers of asylum seekers to Croatia in the light of the risk of violation of Article 3 of the ECHR³⁴. Furthermore, in 2023, the administrative court in Braunschweig (Germany) argued that there indeed are systematic deficiencies in the Croatian asylum system due to the widespread practice of pushbacks along its borders and it is not guaranteed that Dublin returnees are not also subject to this violation³⁵, while the District Court of Amsterdam (The Netherlands), in two separate cases, ruled that the State Secretary should conduct further investigation into the situation of Dublin returnees and risks of pushbacks, as that the information provided by the Croatian authorities was not sufficient to conclude that there were no risks of pushbacks.³⁶

1. Establishing an efficient Independent Mechanism for monitoring the actions of police officers of the Ministry of the Interior in the area of illegal migration and international protection

41. As indicated in the previous Rule 9.2 Submission, the Independent Monitoring Mechanism (IMM) established in June 2021 does not meet the CPT criteria of effectiveness and independence, while the process of its establishment was highly non-transparent³⁷. Lack of independence arises from the fact that the IMM members were chosen by the Ministry of the Interior without any public call or information about the selection criteria.

³³ The applicant's complaints argue violations of the CRC, in relation to his expulsions and ill-treatment, and states' failure to assess his age or apply any of the relevant safeguards under articles 3, 8, 20(1), and 37 CRC. The child corroborated his accounts with a range of digital evidence. The complaints were filed against Croatia and Slovenia. ; European Centre for Constitutional and Human Rights, Rohingya child challenges Croatia and Slovenia over violent pushbacks, available at <https://www.ecchr.eu/en/case/pushbacks-un-child-rights-croatia-slovenia/>

³⁴ CoE, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 14 August 2020, p. 16, para 21, link available at: <https://rm.coe.int/1680a4c199>

³⁵ Decision by the Administrative Court of Braunschweig (Germany) of 08.05.2023. file number 2 A 269/22

³⁶ Case numbers: NL23.7025 (appeal) and NL23.7026 (preliminary provision), decisions from 6 June 2023

³⁷ This issue was raised by CSOs (as cited in: Human Rights House Zagreb, Human Rights in Croatia: Overview of 2021, para 368, link available at: https://www.kucaljudskihprava.hr/wp-content/uploads/2022/07/KLJP_GI2021-EN_Online.pdf), in accordance with the CPT criteria on effectiveness and independence of a monitoring mechanism (Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), 30th General Report of the CPT (1 January-31 December 2020), link available at: <https://rm.coe.int/1680a25e6b>)

Furthermore, the members of the monitoring mechanism lack political and financial independence from the Mol, and the mechanism's financial independence is undermined by the EU's 2021 Emergency Funding (EMAS) grant being processed through the Mol, instead of being directly granted to the mechanism, as suggested by human rights organisations³⁸, in order to avoid political and financial pressure from national authorities. This leads to the absurd situation in which the Mol is de facto monitoring themselves via a mechanism that was appointed and controlled by them.

42. The Advisory Board issued extensive recommendations³⁹ to the IMM in October 2022. Although the IMM argues that they implemented most recommendations with the new Agreement⁴⁰, the Ombudsperson warns the Agreement does not foresee IMM's observation of all actions of the police, recorded or unrecorded, especially those related to access to the system of international protection and the prohibition of collective expulsion. It is also unclear what the inspection of data and files includes, that is, the method of data collection is not clear enough. Likewise, although unannounced observations of the green border are foreseen, they still require prior written notification⁴¹. Finally, for an oversight mechanism to be truly effective, it must respond to the complex requirements of independence and effectiveness. Furthermore, there was no public call that would include other NGOs in the IMM.⁴²
43. However, the biggest concern regarding the monitoring, apart from its efficiency and independence, is its inactivity. According to public knowledge, no monitoring activity has

³⁸ Centre for Peace Studies, Call to the EU to protect human rights and rule of law by establishing an independent monitoring mechanism of the police operations, link available at: https://www.cms.hr/system/article_document/doc/809/Recommendations_Independent_Border_Monitoring_Mechanism.pdf

³⁹ Recommendations of the Advisory Board On the Annual Report of the Independent Monitoring Mechanism (June 2021 – June 2022), 27 October 2022, available at <https://www.hck.hr/UserDocImages/Nezavisni%20mehanizam/Recommendations%20of%20the%20Advisory%20Board.pdf?vel=149016>

⁴⁰ Ministry of the Interior of Croatia, Association of Croatian Academy of Medical Sciences, Association of Croatian Academy of Legal Sciences, Association of Centre for Cultural Dialogue, Association of Red Cross and Prof. Dr. Sc. Iris Goldner Lang (2022), Cooperation agreement to implement an independent monitoring mechanism on the protection of fundamental rights in actions of police officers of the Ministry of the Interior in the area of border surveillance, irregular migration and international protection, 4 November 2022, available at https://www.hck.hr/UserDocImages/Nezavisni%20mehanizam/22_146%20Sporazum%20NMN-final_EN.pdf?vel=217379

⁴¹ Although prior announcement within 24 hours is in line with Schengen evaluation definition of unannounced visits, such visits cannot be treated as unannounced for the purpose of monitoring the conduct of the police authority.

⁴² Ombudsperson's Activity Report for 2022, available at <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=6465f2bc2565a1684402876>

taken place from the renewal of the agreement in November 2022⁴³ until June 2023, which means there were no monitoring activities for a year. Thus, the existence of the mechanism is misleading, as **no effective monitoring is conducted**.

44. Finally, the minimum standards on independent monitoring mechanisms established by CPT should also be applied to the Ombudsman's mandates, as her authorities proclaimed by the law should carry out such actions. Therefore, Croatia should enable Ombudsperson to carry out these mandates⁴⁴ to the full extent .⁴⁵

2. *The new Pact on Migration and Asylum*

45. The Government highlights the Pact on Migration as a positive change to be implemented into the Croatian legal system. However, the Pact limits refugees' ability to access fair asylum procedures in Europe and establishes the mandatory use of border procedures for the rapid assessment of asylum requests according to the rate of approved protection for the country of origin, contrary to the assessment of the individual circumstances of the individual request on which international refugee law rests. In addition, the use of border detention and the establishment of hotspots is increasing, and there are no significant changes to the Dublin Regulation as the responsibility remains with the country of first entry, which represents a continuation of the burden on member states at the external borders.

46. The Pact aims to shift responsibility for refugees to neighbouring countries through the expanded use of the legal concept of a "safe third country" through readmissions and returns. The only somewhat positive element is the establishment of a mandatory mechanism of solidarity, i.e. relocation, but considering the introduced element of "flexibility" – paying 20,000 euros of sponsorship instead of relocating a person to a member state – its effect will probably be limited.⁴⁶

⁴³ Fundamental Rights Agency, Asylum and migration: Progress achieved and remaining challenges, published on 30 May 2023, p.13, available at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-asylum-migration-progress-challenges_en.pdf

⁴⁴ Particularly to: conduct unannounced inspections of law enforcement establishments and have access to all files, registers and video recordings"; be effectively able to "inspect all relevant documentation (including shift handover logbooks, shift distribution charts and shift reports) of law enforcement patrols operating on the external borders of the EU, as well as access to all recordings of stationary and mobile video and motion-detecting devices covering the external borders.

⁴⁵ CPT Annual Report for 2020, p. 15-16, link available at: <https://rm.coe.int/1680a25e6b>

⁴⁶ Amnesty International, EU: Leaders' migration pact reduces protections for asylum-seekers, 9 June 2023, available at <https://www.amnesty.org/en/latest/press-release/2023/06/eu-leaders-migration-pact-reduces-protections-for-asylum-seekers/>; European Council on Refugees and Exiles, Editorial: Migration Pact Agreement Point by Point, 9 June 2023, available at: <https://ecre.org/editorial-migration-pact-agreement-point-by-point/>

3. Supervision of the police officers' conduct towards migrants, instructions and meetings

47. Supervision of police work conducted by the Ministry of the Interior proved to be inefficient in practice. Following the incident of police officers beating people on the Croatian border, dressed in balaclavas and with their uniforms worn in reverse, a video by the investigative team of journalists (consisting of ARD, Lighthouse Report, Novosti, RTL Hrvatska, Spiegel, SRF) was published⁴⁷ in October 2021, confirming the involvement of special police units in carrying out violent and illegal pushbacks. After the footage was published, Minister Božinović publicly admitted that it features members of special police forces carrying out illegal and violent pushbacks. However, even though the footage presents clear evidence of illegal and violent pushbacks, only three police officers faced sanctions, in the form of a three-month suspension after which they returned to their posts⁴⁸. The outcomes of this investigation are still unknown to the public.

48. Furthermore, in February 2022, the news portal Index published⁴⁹ an e-mail entitled "*Obligations and guidelines for police officers*", which Deputy Chief of the Bajakovo Border Police Station Zlatko Čačić sent on 15 October 2021 to the Chief of the Bajakovo Border Police Station Luka Domaćinović and his subordinates. The e-mail also brings up the footage released to the public earlier that month and instructs that group leaders must be present during deterrence from 'within' (literal translation of "*iz dubine*" is "from depth"), deterrence activities must be carried out by the same police officers dealing with migrants and that deterrence activities should be 'dispersed' to multiple locations while making sure to avoid any cameras or persons who might be recording. The Office of the Ombudsperson issued recommendations⁵⁰ to the Ministry of the Interior to ensure that precise terminology is used in the instructions to police officers on handling at the border, and to record deterrence and other procedures at the borders.

⁴⁷ Lighthouse Reports, Unmasking Europe's Shadow Armies, 6 October 2021, available at <https://www.lighthousereports.com/investigation/unmasking-europes-shadow-armies/>; RTL, 6 October 2021, available at <https://www.rtl.hr/vijesti/potruga/video-potruga-u-posjedu-ekskluzivnih-snimki-izivljavaju-se-na-migrantima-mlate-ih-palicama-i-tjeraju-iz-hrvatske-d278725a-b9f4-11ec-85d9-0242ac120064>

⁴⁸ Telegram, The police officers who beat the migrants with batons were reinstated, 17 January 2022, available at <https://www.telegram.hr/politika-kriminal/policajci-koji-su-palicama-mlatili-migrante-fraceni-na-posao/>

⁴⁹ Index.hr, Order to the police officers on chasing migrants: "Be careful not to be filmed", available at https://www.index.hr/vijesti/clanak/ovo-je-naredba-policajcima-o-tjeranju-migranata-pazite-da-vas-ne-snime/2336836.aspx?index_ref=naslovnica_vijesti_prva_d; AIDA report, Croatia 2022 (p.29), published in June 2023, available at <https://asylumineurope.org/wp-content/uploads/2023/06/AIDA-HR-2022-Update.pdf>

⁵⁰ Ombudsperson's Activity Report for 2022, available at <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=6465f2bc2565a1684402876>

49. Finally, in April 2023, another joint investigation by Novosti, Lighthouse Reports, Nova TV, the Telegram portal, the German Der Spiegel and the Austrian ORF found that the police, using the WhatsApp chat group as an informal informational bulletin about official actions towards migrants and sharing a large amount of data through it, violated laws and internal regulations that prescribe official ways of notification. The messages, dating from August 2019 to February 2020, contained pictures of intercepted groups of migrants, as well as instructions to send vehicles to “deter” large groups from within the territory of the Republic of Croatia. The Ministry of the Interior claimed that everything is according to regulations.⁵¹ No effective investigation was conducted.

E. Measures aimed at addressing the violation of Article 34 of the Convention

1. Legislative measures

50. The Government notes that the above-mentioned amendments to the International and Temporary Protection Act put an emphasis on the Ministry's obligation to inform the asylum-seekers, in writing or orally in a language they understand, on the procedure for international protection, including their right to legal assistance. We welcome those amendments, however, that is not an adequate response to the issue at the present case.
51. In the present case, despite having appointed a legal representative in December 2017 to represent them in all proceedings before the Croatian authorities, the applicants were left in detention without any legal assistance from 21 March to 2 April 2018. Furthermore, they were left without the assistance of their chosen lawyer until 7 May 2018. Therefore, just informing applicants does not guarantee the effectiveness of the legal assistance.
52. In addition, pursuant to the abovementioned amendments, the authorities are under an obligation to provide asylum-seekers accommodated in reception centres with appropriate and adequate facilities for meetings and communication with their legal advisors, representatives of the UNHCR and other international and national organisations but also with the representatives of NGO's.
53. Some of the CSOs working with migrants still state that they are denied access to locations. Thus, they state that they do not have access to shelters for those seeking international protection, nor to the Ježevo reception centre and transit reception centres in the Republic of Croatia, although the associations are providers of free legal aid. Moreover, according to CSOs, since the beginning of the pandemic, not a single CSO that

⁵¹ Ministry of the Interior, Press releases published on 6 April 2023, available here: <https://mup.gov.hr/vijesti/akcija-koridor-usmjerena-je-protiv-krijumcara-a-komunikacija-putem-kriptirane-aplikacije-u-krugu-ovlastenih-osoba-nije-sporna/290321> and here: <https://mup.gov.hr/vijesti/dopuna-priopcenja-o-akciji-koridor/290323>

deals with providing free legal aid has been able to be present in the Porin Asylum Seekers Reception Center, although the seekers express the need for it.⁵²

54. What is particularly concerning is that lawyers who are not on the list of providers of free legal aid and do not have a power of attorney because they are visiting clients for the first time are treated as a visitor. They must announce their visit two days in advance and persons must agree with the announcement of the visit and the visitor. Because of this procedure and the additional need to coordinate appointments with translators, access to legal protection is difficult, and it can also lead to missing the deadlines for filing legal remedies, which are usually very short. Additionally, the duration of the visit is limited to one hour, and only exceptionally it can last longer.⁵³

55. In 2021, there was another case of an attempt to intimidate and criminalise the work of civil society organisations that protect the rights of refugees and persons seeking international protection. An activist from the organisation Are You Syrious was fined 60,000 HRK and 1,300 HRK in court costs for ‘helping the Hussiny family from Afghanistan cross the border illegally’ in 2018 in the verdict of the Misdemeanour Court in Vukovar, even though his intention was to facilitate access to asylum procedures.⁵⁴

2. *Revising the translation of the published judgement*

56. The judgement was published and made available in Croatian translation on 18 February 2022 through the webpage of the Office of the Representative of the Republic of Croatia before the European Court of Human Rights⁵⁵. We welcome changes in the translation of the term “pushback” published on 28 April 2023, where “*odvrćanje*” was replaced. However, the new translation “*odgurivanje*” needs to be revised because it does not adequately translate the crucial terminology of the judgement, nor is the term usually used in the Croatian language for pushbacks.

57. Pushbacks, as a non-legal term, are usually perceived as “a variety of state measures aimed at forcing refugees and migrants out of their territory while obstructing access to applicable legal and procedural frameworks”⁵⁶. Therefore, pushbacks are closer to the

⁵² Ombudsperson’s Activity Report for 2022, available at <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=6465f2bc2565a1684402876>

⁵³ *ibid.*

⁵⁴ Human Rights House Zagreb, Human Rights Defenders: Challenges and Obstacles, December 2022, available at https://www.kucaljudskihprava.hr/wp-content/uploads/2023/03/KLJP_ThematicDefenders1-1.pdf

⁵⁵ The Croatian translation of the judgment M.H. against Croatia is available here: <https://uredzastupnika.gov.hr/sudska-praksa/clanak-2-pravo-na-zivot/152/doc/2785>

⁵⁶ OHCHR, UN Special Rapporteur on the human rights of migrants, Report on means to address the human rights impact of pushbacks of migrants on land and at sea, available here: <https://www.ohchr.org/en/special-procedures/sr-migrants/report-means-address-human-rights-impact->

legal term of collective expulsions, but wider, since they include all the measures a state takes outside of legal procedure and without consideration of the individual circumstances of the case - making the risk of refoulement the core of such actions.

58. This issue of translation was also recognised by the Croatian Ombudsperson in her last Annual Report for 2021. Therefore, their Recommendation nr. 137. states: “To the Ministry of the Interior, to translate the term 'push-back', that is, to create an adequate Croatian version of it”.

59. Therefore, the translation is inaccurate and the **term “pushback” needs to be correctly translated to “nezakonito protjerivanje”** (eng. illegal expulsion) and consistently used in the text of the judgement.

V. Conclusions and recommendations

60. We would furthermore like to invite the Committee of Ministers to urge the Croatian Government to take further steps to **stop violent illegal pushbacks from Croatian territory** and to propose measures so that effective investigations are carried out into police misconduct in compliance with national and international standards, particularly with the Convention requirements. To this end, the following recommendations should be issued to the authorities of the Republic of Croatia.

61. For **Individual measures**, it is necessary to:

- a. Award compensation for non-material damages due to violation of personality rights according to Article 1100 of the Croatian Law on Obligatory Relationships;
- b. Conduct effective investigations into torture, degrading treatment, abuse of power and collective expulsions from Croatian territory relating to the violations found by the Court;
- c. Ensure the effectiveness of individual measures.

62. For **General measures**, it is necessary to:

- a. To unambiguously condemn and stop violence and ill-treatment against migrants and to promptly implement CPT's recommendation to take vigorous steps to stamp out ill-treatment of foreign nationals deprived of their liberty by the police and to

[pushbacks-migrants-land-and-sea](#); European Center for Constitutional and Human Rights, Glossary: Pushback, available here: <https://www.ecchr.eu/en/glossary/push-back/>

ensure the effectiveness of any investigations into allegations of ill-treatment by police officers⁵⁷;

- b. Implement CPT's recommendation⁵⁸ for the Croatian government to introduce robust accountability and oversight mechanisms for all police operations related to the interception and diversion of migrants;
- c. Ensure that the Independent Monitoring Mechanism is independent in law and in practice and has 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;
- d. Prepare a proposal for amendments to the Law on International and Temporary Protection, which would regulate the judicial review of the legality of the decision on the restriction of freedom of movement of applicants for international protection, as it is currently regulated for irregular migrants by the Act on Foreigners;
- e. Highlight and communicate information about rights in an accessible, visible and clear way, including translation and interpretation for refugees and other migrants detained in (transit) reception centres for foreigners;
- f. Ensure effective access to justice, it is necessary to ensure access to free legal aid to the persons subjected to the procedure of issuing a decision related to the return or issued with a decision related to a return against which no appeal is admissible but administrative dispute may be instituted, in practice and in law;
- g. Ensure access to procedural and material rights as well as access to justice, by amending the *Rules on accommodation in reception centres for foreigners and methods of calculation of costs of forced removal* as was proposed by the Centre for Peace Studies, Ombudsperson and the Croatian Law Centre during e-consultations. The amendments should include shortening the prescribed period of announcement of visitors to one day while removing this requirement for the legal aid providers;

⁵⁷ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 14 August 2020, published on 3 December 2021, paras. 19 and 25, link available at: <https://rm.coe.int/1680a4c199>

⁵⁸ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), 30th General Report of the CPT (1 January-31 December 2020), pages 15-16, link available at: <https://rm.coe.int/1680a25e6b>

- h. Ensure access to NGOs to detention centres and other places where refugees and other migrants are detained;
- i. Ensure that human rights defenders, particularly those protecting migrants and refugees are not criminalised and stigmatised due to the nature of their work. Therefore, the Government should take an active role in implementing standards that ensure a safe environment for human rights defenders;
- j. Ensure that the Government does not interfere with the work of CSOs or use means to pressure them in a way that compromises their independence and autonomy.

Sincerely,

Ivan Novosel,
Director of Programs
Human Rights House Zagreb

Sara Kekuš,
Program Director
Centre for Peace Studies



Kuća ljudskih prava & Human Rights House
ZAGREB



CENTAR ZA MIROVNE STUDIJE
ZAGREB
CENTRE FOR PEACE STUDIES
ZAGREB

Contact persons:

Martina Refi Homolak,
Human Rights and Judiciary Program Coordinator
Human Rights House Zagreb
kontakt@kucaljudskihprava.hr,
martina.refi.homolak@kucaljudskihprava.hr
Tel: +38515513395
Selska cesta 112 a/c,
Zagreb, Croatia
www.kucaljudskihprava.hr

Andrea Jelovčić,
Legal Adviser
Centre for Peace Studies
cms@cms.hr,
andrea.jelovcic@cms.hr
Tel: +38514820094
Selska cesta 112 a,
Zagreb, Croatia
www.cms.hr