

Summary report

Implementation of the project Monitoring the conduct of police officers of the Croatian Ministry of the Interior on irregular migration and asylum- 2018

PROJECT DESCRIPTION

In 2018, the project “Monitoring the conduct of police officers of the Ministry of the Interior of the Republic of Croatia in the field of irregular migration and asylum” (hereinafter: the Project) was implemented in line with the Border Monitoring Protocol (Protocol) adopted in December 2017 by the Ministry of Interior (MOI), Croatian Law Centre (CLC) and UNHCR Croatia. The Protocol was concluded under the 2012 tripartite *Memorandum of Understanding on Mutual Cooperation in supporting access to the territory and the procedure of granting protection of persons seeking protection in the territory of the Republic of Croatia*. The Project was managed by the Advisory Board composed of a representative from each of the three partner organisations. UNHCR bore the cost of the implementation of the project.

As per the Protocol, monitoring activities targeted police conduct with respect to the foreigners in the return procedure and international protection applicants.

The content of the Project included insight into the files of irregular migrants, potential applicants for international protection, at the MOI units responsible for state border control and treatment of foreigners, regarding possibility to access the procedure of approval of international protection; and interviewing of international protection applicants after the accommodation to reception centres for applicants for international protection.

MAIN ACTIVITIES

Monitoring: UNHCR and CLC lawyers conducted in total 13 monitoring activities of the conduct of irregular migration police officers’, five in the Zagrebačka, three in the Krapinsko-Zagorska, two in the Brodsko-Posavska, one in the Vukovarsko-Srijemska Police Administrations (PAs), as well as two *ad hoc* monitoring visits (Police Stations Slunj and Korenica).

Capacity building: Aiming to strengthen the knowledge of police officers responsible for irregular migration, UNHCR, MOI and CLC organized four one-day workshops about international protection and the corresponding international, European and national standards, for 75 police officers in three PAs. Two workshops were held at the Police Academy in Zagreb, and at the Transit Reception Centres in Trilj and Tovarnik respectively.

Interviews: At the Reception Centre for International Protection Applicants in Zagreb, UNHCR conducted 24 interviews pertaining to 37 applicants regarding access to international protection system in Croatia.

MAIN FINDINGS AND RECOMMENDATIONS

The Project implementation confirmed the successful and long-lasting cooperation among the three partners, and provided a good example of partnership between public and civil sectors and international organisations. By allowing insight into the files on treatment of irregular migrants and potential applicants for international protection, the MOI continued with its good practice in applying the principle of transparency

During the Project implementation, several issues, listed below, were identified and brought to the attention of the MOI for appropriate follow up:

- **Conducting procedures without interpreters for the language that the individuals are justifiably presumed to understand and in which they are able to communicate.**

Based on the review of a high number of files and statements of the interviewed applicants, it transpired that the procedures were conducted without an interpreter, in English language.

It is necessary to ensure that police officers of all police administrations/stations have a possibility to engage services of an interpreter.

➤ **Potential non-recognition of intentions to apply for international protection.**

In some cases, the data contained in the files suggested that the expressed intentions to seek international protection of foreigners, were not recognised.

It is important to ensure that police officers are able to recognise intention to seek international protection, also in cases where such can be drawn from a person's behaviour and their circumstances.

➤ **Appointment of a guardian to an unaccompanied child from within the group with which the children travel;**

In some cases, the data contained in the files suggested that a child was appointed a guardian from the group the child was traveling with.

Although the appointment of guardians was not the subject of monitoring because it was within the scope of competence of social welfare centres, it could have impact on further proceedings within the responsibility of the police (return).

➤ **Restriction of the freedom of movement of vulnerable groups of foreigners**

In some cases, the data from the files showed that the freedom of movement of vulnerable groups of persons was restricted by placing them to reception centers for foreigners.

Restriction of freedom of movement of vulnerable persons by placing them to reception centers for foreigners should be applied only exceptionally if the legal conditions are met, and for the shortest period of time, under the condition that an individual assessment has been made and that alternatives to detention could not be applied instead.

➤ **Recording identical minutes of statement for groups of foreigners.**

In a number of case files involving groups of a larger number of persons, it was noted that the minutes contained identical statements made by foreigners, bringing their accuracy and credibility into question.