



**MINISTRY OF THE INTERIOR OF THE REPUBLIC OF CROATIA, Ulica grada Vukovara 33, Zagreb, Personal Identification Number: 36162371878;**

**and**

**Association of CROATIAN ACADEMY OF MEDICAL SCIENCES, Praška 2/III, 10000 Zagreb, Personal Identification Number: 22710084385 (hereinafter: CAMS);**

**Association of CROATIAN ACADEMY OF LEGAL SCIENCES, Trg Republike Hrvatske 14, 10000 Zagreb, Personal Identification Number: 08712093968 (hereinafter: CALS);**

**Association of CENTRE FOR CULTURAL DIALOGUE, Prilaz Safvet-bega Bašagića 1, 10000 Zagreb, Personal Identification Number: 97119804777 (hereinafter: CCD);**

**Association of CROATIAN RED CROSS, Ulica Crvenog križa 14, 10001 Zagreb, Personal Identification Number: 72527253659 (hereinafter: CRC);**

**Prof. dr. sc. Iris Goldner Lang, Vončinina ulica 11, 10000 Zagreb, Personal Identification Number: 07005111410;**

**Concluded on 4 November 2022 the following**

**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**

**Article 1**

**PURPOSE**

The Agreement governs the work of the Independent Monitoring Mechanism, whose objective is to contribute to the respect of fundamental rights by monitoring the actions of police officers of the Ministry of the Interior, in the area of border surveillance, irregular migration and international protection, with particular emphasis on the respect of the principle of non- refoulement, prohibition of collective expulsion, prohibition of torture or other forms of ill-treatment.

**Article 2**

**DEFINITIONS**

For the purposes of this Agreement, the following definitions shall apply:

- (a) “irregular migrant” refers to a third-country national or stateless person who crosses or attempts to cross the state border of the Republic of Croatia outside a border crossing point or across a border crossing point outside operating hours, i.e. who circumvents border checks or leaves the area of a border crossing point while border checks have not yet been carried out.

- (b) “applicant for international protection” means third-country nationals or stateless persons who express the intention to apply for international protection up until the final decision on the application.
- (c) “green border” refers to the external border of Croatia with Bosnia and Herzegovina, Montenegro and the Republic of Serbia.
- (d) “announced observations” mean observations based on previous written notification.
- (e) “unannounced observations” mean observations which are carried out with a prior oral notification and the arrival of monitors at the police station competent for the part of the green border covered by the observation with the sole aim of ensuring security conditions for the monitors. The police station is obliged to provide monitors with unrestricted access to all tasks of state border surveillance.
- (f) “secured area” means mine-suspected areas, forest and mountain areas difficult to access at the green border, border crossing points, police stations, police administrations of the Republic of Croatia on the border with Bosnia and Herzegovina, Montenegro and the Republic of Serbia.
- (g) “Coordination Board” is comprised of one representative per civil society organisation, signatory to this Agreement.
- (h) “monitors” mean direct providers of monitoring activities.

### **Article 3**

#### **COORDINATION BOARD**

The Coordination Board shall give expert advice, manage the Independent Monitoring Mechanism activities, draft the semi-annual and annual report on the actions of police officers of the Ministry of the Interior in the area of border protection, irregular migration and international protection, with particular emphasis on the respect of fundamental rights, the principle of non-refoulement, the prohibition of collective expulsion as well as the prohibition of torture or other forms of ill-treatment based on individual reports of the monitors and perform other tasks regarding the management of the Independent Monitoring Mechanism.

The Coordination Board is comprised of one representative per civil society organisation, signatory to this Agreement, who are nominated within 15 days after signature of this Agreement.

The Coordination Board shall meet at least once every three months.

The Head of the Coordination Board, their Deputy and Secretary are chosen by the members of the Coordination Board between themselves by a majority of votes.

The Head of the Coordination Board shall present and represent the Coordination Board, coordinate the Independent Monitoring Mechanism activities, convene the meetings of the Coordination Board and once in six months present the Independent Monitoring Mechanism activities to the Advisory Board as an informal body.

If the Head is prevented from attending, they are replaced by the Deputy Head.

The Secretary of the Coordination Board performs administrative tasks regarding the organisation of meetings of the Coordination Board.

Based on individual reports by the monitors, the Coordination Board shall draft the semi-annual and the annual report. The annual report shall be drafted within 30 days from the last Independent Monitoring Mechanism activity.

The Coordination Board shall set up a website of the Independent Monitoring Mechanism on which all relevant information regarding the implementation of the Mechanism will be available (both in Croatian and English) and create an (e)mailbox, ensuring open communication with the interested public.

The semi-annual and annual report shall be published on the website of the Independent Monitoring Mechanism and of the monitors.

The Ministry of the Interior undertakes to draft an action plan for the execution of the recommendations from the published semi-annual and annual report of the Coordination Board within 30 days from their publication.

The Coordination Board regularly follows up on the execution of the recommendations stated in the action plan and can request the Ministry of the Interior for clarifications or individual reports on their execution for this purpose.

The action plan for the execution of recommendations of the Ministry of the Interior shall not be published.

#### **Article 4**

### **MONITORS OF THE INDEPENDENT MONITORING MECHANISM**

Two monitors per civil society organisation, signatory to this Agreement, shall be nominated by the Coordination Board within 15 days after signature of this Agreement.

In the implementation of activities, monitors must comply with relevant domestic and EU law as well as European Union acquis.

When necessary, the monitors can also participate in the meetings of the Coordination Board.

#### **Article 5**

### **ROLE OF THE MINISTRY OF THE INTERIOR**

The Ministry of the Interior shall provide its support to the Independent Monitoring Mechanism by appointing a contact officer within 15 days after signature of this Agreement in order to ensure smooth and timely exchange of information and performance of other tasks enabling the implementation of Independent Monitoring Mechanism activities.

By the 10th day of the month, the contact officer of the Ministry of the Interior shall deliver statistical reports to the monitors for the previous month containing information on all irregular migrants and applicants for international protection, on migratory trends at the Croatian external border, including detections of attempts of illegal border crossings, registered intentions of international protection applications, illegal entry, movement and stay in the territory of Croatia as well as migrant smuggling.

#### **Article 6**

### **LOCATION OF INDEPENDENT MONITORING MECHANISM ACTIVITIES**

The activities of the Independent Monitoring Mechanism shall be conducted at the external border, including the green border, at border crossing points / in police stations / police administrations of the Republic of Croatia with Bosnia and Herzegovina, Montenegro and the Republic of Serbia as well as in reception centres and reception centres for aliens.

#### **Article 7**

### **OBSERVING POLICE ACTIONS**

Monitors shall conduct at least 20 observations per year.

Based on the received statistical reports referred to in Article 5 and previously established criteria, the monitors select individual cases to observe.

The monitors shall be enabled access to the case file referred to in Article 8 selected for observation (e. g. medical documentation, records from the system for technical surveillance of the border etc.), attendance at any hearing of irregular migrants and applicants for international protection as well as the inspection of premises for detention, interview with irregular migrants and applicants for international protection provided

that they agree to it. The interviews shall take place in a private and confidential setting without the presence of the police.

The monitors are obliged to comply with the instructions of authorised employees of the Ministry of the Interior on restricted movement in secured areas referred to in Article 6 of this Agreement.

Within seven days after an observation is made, the monitors shall jointly draft an individual report and submit it to the Coordination Board. The report shall contain the data on visits to the locations referred to in Article 6 of this Agreement carried out.

## **Article 8**

### **INDEPENDENT MONITORING MECHANISM ACTIVITIES**

Monitors shall conduct the following activities:

(1) Observations of the actions of police officers and their respect for fundamental rights of irregular migrants and applicants for international protection in enforcing the regulations governing state border control and international protection (hereinafter: observations of police actions). The support of a professional translator and/or interpreter shall be provided if necessary.

They consist of:

(a) Announced observations in all locations referred to in Article 6;

(b) Unannounced observations in all locations referred to in Article 6, including at the green border;

(2) Access to individual case files

(a) Access to the file of the case under observation

(b) Access to the files of finally disposed cases on the received petitions on the alleged illegal treatment of irregular migrants and applicants for international protection

(3) Access to the activities and reports of the General Police Directorate regarding the alleged illegal treatment of irregular migrants and applicants for international protection.

In the implementation of the activities referred to in paragraph 1 of this Article, members of the Coordination Board, monitors and interpreters/translators are obliged to comply with the regulations on personal data protection and data confidentiality.

Members of the Coordination Board, monitors and interpreters/translators shall sign a separate statement by which they will commit to keeping all information, which will be available to them for the purpose of the implementation of the Mechanism.

Workshops on the topic of “Discussion on the results of the monitoring mechanism and the activities of border control” will be organised with the participation of the representatives of monitors and of the Ministry of the Interior after the publication of the Semi-Annual and the Annual Report of the Coordination Board, i. e. twice a year to discuss lessons learned from the implementation of the project and the recommendations of the Advisory Board.

## **Article 9**

### **INSIGHT INTO FILES**

The monitors shall be enabled insight into files on received petitions on the alleged illegal treatment of irregular migrants and applicants for international protection, i.e. in activities and reports of the General Police

Directorate regarding the alleged illegal treatment of irregular migrants and applicants for international protection.

The authorisations of the monitors referred to in paragraph 1 of this Article include accessing information from the Information System of the Ministry of the Interior based on a written or oral request made to the Ministry of the Interior. The Ministry of the Interior shall deliver to the monitors a printout of data from the Information System of the Ministry of the Interior within 24 hours as requested, which must be compiled in such a way that it is possible to determine the specific event or the person to whom the event relates.

The contact officer of the Ministry of the Interior shall submit to the monitors the list of files referred to in paragraph 1 of this Article within 15 days from signing the Agreement.

The monitors shall be enabled to interview police officers who participated in the selected case as well as petitioners if they are located in the area of the Republic of Croatia and if they agree to it.

Within seven days from gaining insight into the case file, the monitors shall jointly draft an individual report and submit it to the Coordination Board.

The Coordination Board shall cooperate closely with all relevant state bodies who have the obligation, under national law, to investigate allegations of the breaches of fundamental rights, including ensuring that complaints are dealt with expeditiously and in an appropriate way.

In particular, in line with the applicable national legal framework, the Coordination Board shall submit its reports on irregularities and/or fundamental rights violations to the relevant state bodies, primarily the Internal Control Department of the Ministry of the Interior, the State Attorney's Office as well as the Ombudswoman's Office.

The precise scope and manner of such cooperation shall be further defined by the Protocol of the Coordination Board.

## **Article 10**

### **FUNDING**

The implementation of Independent Monitoring Mechanism activities shall be financed by the Integrated Border Management Fund – Border Management and Visa Instrument programme of Croatia for 2021 – 2027, based on the decision on the allocation of financial resources of the Managing Authority in the Republic of Croatia.

## **Article 11**

### **FINAL PROVISIONS**

The Independent Monitoring Mechanism shall be established for automatically renewable periods of 18 months.

The Independent Monitoring Mechanism activities shall start on the date of the last signature of this Agreement.

The signatories of the Agreement may withdraw from it with written notice to the other signatories.

The decision to withdraw shall take effect within 15 days from the date of submitting the notice referred to in paragraph 3 of this Article.

The Agreement is concluded in six (6) identical copies, of which each party retains one.

**FOR THE MINISTRY OF THE INTERIOR**

**Deputy Prime Minister and Minister**

**dr. sc. Davor Božinović,** \_\_\_\_\_

Place and date: Zagreb, 4 November 2022

**CLASS: 018-01/19-01/607**

**REG. No.: 511-01-131-22-1096**

**For the Association of CROATIAN ACADEMY OF MEDICAL SCIENCES**

**President**

**prof. dr. sc. Alemka Markotić** \_\_\_\_\_

Place and date: Zagreb, 4 November 2022

No.: \_\_\_\_\_

**For the Association of CROATIAN ACADEMY OF LEGAL SCIENCES**

**President**

**izv. prof. dr. sc. Ana Marija Musa,** \_\_\_\_\_

Place and date: Zagreb, 4 November 2022

No.: \_\_\_\_\_

**For the Association of CENTRE FOR CULTURAL DIALOGUE**

**President**

**Aziz Hasanović,** \_\_\_\_\_

Place and date: Zagreb, 4 November 2022

No.: \_\_\_\_\_

**For the Association of CROATIAN RED CROSS**

**Executive President**

**Robert Markt** \_\_\_\_\_

Place and date: Zagreb, 4 November 2022

No.: \_\_\_\_\_

**prof. dr. sc. Iris Goldner Lang** \_\_\_\_\_

Place and date: Zagreb, 4 November 2022