



**REFUGEE RIGHTS
EUROPE**

NO RIGHTS IN SIGHT

**ON THE EXPERIENCES FACED BY CHILDREN AT
CROATIA'S BORDERS AND TERRITORY**



ACKNOWLEDGEMENTS

DATE OF PUBLICATION

September 2021

REPORT AUTHOR

Selma Mesic

REPORT EDITOR

Marta Welander

PHOTO CREDITS

Abdul Saboor
Tessa Kraan
Nidžara Ahmetašević

GRAPHIC DESIGN

Pippa Stanton
Me And You Create
www.meandyoucreate.com
hello@meandyoucreate.com

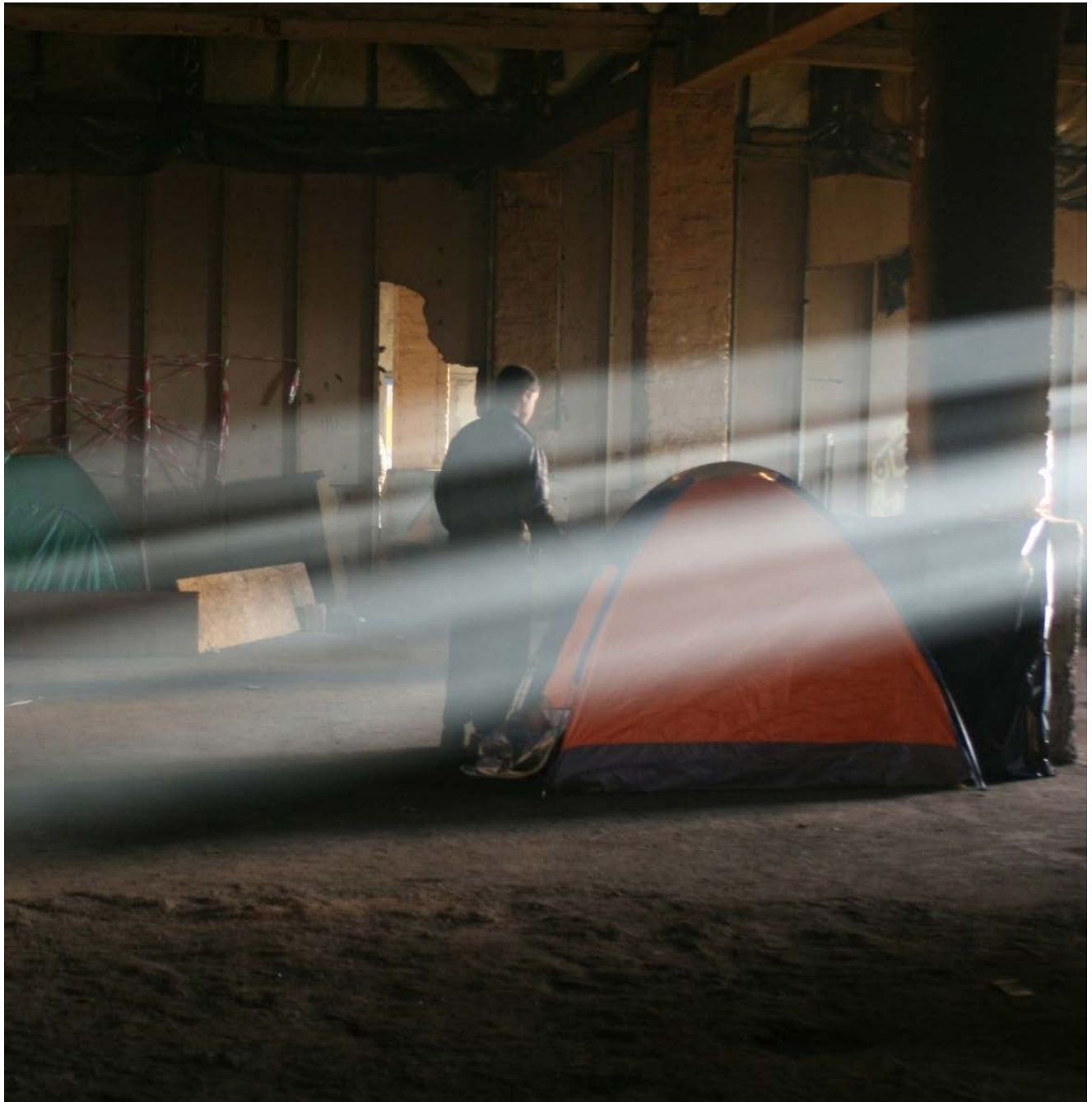


Photo Credit: Abdul Saboor

TABLE OF CONTENTS

EXECUTIVE SUMMARY	04
--------------------------	-----------

INTRODUCTION	05
---------------------	-----------

CROATIAN — BOSNIAN BORDER (2017 — 2021) EVIDENCE OF PUSHBACKS, VIOLENCE AND ABUSE OF MIGRANT AND ASYLUM-SEEKING CHILDREN	06
---	-----------

CROATIAN — SERBIAN BORDER (2017 — 2021) EVIDENCE OF PUSHBACKS, VIOLENCE AND ABUSE OF MIGRANT AND ASYLUM-SEEKING CHILDREN	10
---	-----------

EVIDENCE OF DETENTION OF CHILDREN ON THE MOVE	12
--	-----------

EVIDENCE OF LACK OF INVESTIGATION AND ACCOUNTABILITY	14
---	-----------

CONCLUSION	17
-------------------	-----------

EXECUTIVE SUMMARY

IN THIS REPORT, WE HIGHLIGHT SERIOUS VIOLATIONS OF THE RIGHTS OF THE CHILD, SUFFERED BY CHILDREN ON THE MOVE ON CROATIAN TERRITORY AND AT ITS BORDERS WITH BOSNIA AND HERZEGOVINA (BIH) AND SERBIA.

These include the violation of the principle of non-refoulement and fundamental rights; denial of the right to asylum, the right to due process and legal recourse, the right to life and the right not to be subjected to torture or inhuman or degrading treatment or punishment. The report serves as an overview of these violations since they started to become frequently reported in 2017 and is based on a review of published evidence by European bodies, CSOs and media outlets.

The report particularly raises concerns in regard to pushbacks involving children, and the Croatian authorities' systematic practices of violence, humiliation and/or arbitrary detention that many children experience. The evidence shows that these violations have been affecting children since pushbacks started to become reported by civil society, but have only intensified since then, both in scale and in the type of methods of punishment, violence and torture that people, including vulnerable groups, are exposed to. Violence at the Croatian border has been deemed severe, to the point that both Swiss¹ and Italian² courts in 2019 ruled to suspend the transfer of asylum seekers to Croatia.³

From January 2017 to April 2020, BVMN recorded 548 pushbacks from Croatia to either BiH or Serbia. 209 of these cases involved children, including those who were unaccompanied, and in 19% of cases violence and other rights violations such as beatings (with batons/hand/other) were recorded. Testimonies include UASCs as young as 14 being threatened with guns and suffering prolonged injuries, denied due process etc.⁴

NEARLY HALF OF ALL RESPONDENTS REPORTED ABUSE, INCLUDING HUMILIATION, INHUMAN AND DEGRADING TREATMENT SUCH AS DENIAL OF ACCESS TO FOOD, TOILET AND WATER, BEING FORCED TO LIE OR KNEEL ON THE GROUND FOR OVER AN HOUR, FORCED STRIPPING OF CLOTHES DOWN TO UNDERWEAR AND ELECTRICAL SHOCKS.

According to DRC 87 children travelling with their family members and 21 UASCs were pushed back to BiH in November 2020. Nearly half of all respondents reported abuse, including humiliation, inhuman and degrading treatment such as denial of access to food, toilet and water, being forced to lie or kneel on the ground for over an hour, forced stripping of clothes down to underwear and electrical shocks.⁵ They estimated that over 800 children were pushed back in 2020 to

BiH, many under the age of 6. Médecins du Monde reported anxiety, depression and symptoms of post-traumatic stress disorder among children who were pushed back, both among victims of direct violence and those that had to witness it.⁶

Humiliating practices such as undressing of children or of their family members in front of their eyes is becoming more commonplace. In one case a father and teenage daughter were stripped of their clothes. Women also reported being stripped naked and sexually harassed while being searched, in front of their children.⁷

IN SOME CASES PUSHBACKS HAVE HAD DEADLY CONSEQUENCES, SUCH AS FOR 6-YEAR-OLD MADINA HUSSINY WHO TRAGICALLY DIED IN NOVEMBER 2019, AFTER SHE AND HER FAMILY HAD BEEN PUSHED BACK FROM CROATIA AND WERE FORCED TO WALK BACK TO SERBIA ON TRAIN TRACKS.

During 2019 the Serbian organization Praxis supported 731 children (UASCs and children part of a family unit) affected by pushbacks (40% of all the children they supported) primarily at the Croatian-Serbian border. One third reported either being victims of violence or witnessing violence.⁸ In some cases pushbacks have had deadly consequences, such as for 6-year-old Madina Hussiny who tragically died in November 2019, after she and her family had been pushed back from Croatia and were forced to walk back to Serbia on train tracks.

Detention of people on the move, including children, has been reported since the earliest cases of pushbacks. Detention as part of pushbacks is an ongoing practice reported by monitoring groups, taking place outside of formal detention procedures. People are arbitrarily arrested without official reason and/or taken to police stations or informal detention sites. According to DRC 10% of their reported cases involved arbitrary arrest or detention.⁹ BVMN's online database¹⁰ contains numerous testimonies of detention, including of children, in informal detention spaces without a legal basis. Here, people would be held for a number of hours in unhygienic conditions without water, food or access to toilet facilities.^{11,12}

Critically, we observe a pervasive and continuous denial of these crimes by Croatian authorities, a failure to conduct effective and independent investigations and bring criminal charges against perpetrators. The Council of Europe's Committee for Prevention of Torture (CPT) and NGOs such as Amnesty international have raised concerns about the lack of the Ministry of Interior's Internal Control Service, which reviews complaints. Most complaints presented to them for review in 2019 were dismissed as groundless, along with well-founded complaints presented to the State Attorney's Office by CSO Center for Peace Studies.

1. EDAL, Switzerland: [Suspension of Dublin transfer to Croatia due to summary returns at border with Bosnia-Herzegovina](#), 12 July 2019.

2. Court of Genova, [Decreto](#), RG No. 13280/2018, 12 April 2019 (in Italian).

3. The New Humanitarian, [Article](#), Bosnia: A harsh winter stopover on Europe's migrant road, 24 December 2019

4. CMS et al, [Report](#), Pushback report on children and unaccompanied children in Croatia, 30 May 2020

5. DRC, [Monthly Snapshot](#): November 2020, Border Monitoring, December 2020

6. Ibid.

7. Ibid.

8. Save the Children, [Reports](#) about pushbacks and violence against children on the move at the Western Balkan borders: January-June 2019, 14 August 2019

9. DRC, [Monthly Snapshot](#): January-February 2021, Border Monitoring, March 2020

10. BVMN, [Testimony database](#), selected cases including minors and detention

11. CMS et al, [Report](#), Pushback report on children and unaccompanied children in Croatia, 30 May 2020

12. H-alter, [Article](#), Torture garage for migrants, 16 October 2019

INTRODUCTION

EVIDENCE OF PUSHBACKS AT THE BORDER BETWEEN CROATIA AND BOSNIA-HERZEGOVINA (BIH) AND SERBIA HAS BEEN REPORTED BY CIVIL SOCIETY ORGANISATIONS SINCE 2017 BUT HAS INTENSIFIED IN RECENT YEARS, BOTH IN THE PUSHBACK METHODS USED AND THEIR FREQUENCY.

These pushbacks have always involved children, whether travelling with adults or unaccompanied and separated children (UASCs). According to evidence presented by CSOs, human rights watchdogs and other relevant bodies, not even children are spared violent and humiliating treatment in many cases. Moreover, even when the children are not abused but their family members or other members of the group they travel with are, they are exposed to a form of psychological violence by being forced to witness these traumatic events.

ACCORDING TO EVIDENCE PRESENTED BY CSOS, HUMAN RIGHTS WATCHDOGS AND OTHER RELEVANT BODIES, NOT EVEN CHILDREN ARE SPARED VIOLENT AND HUMILIATING TREATMENT IN MANY CASES.

The recorded violations of children on the move include the violation of the principle of non-refoulement and fundamental rights; denial of the right to asylum, the right to due process and legal recourse, the right to life and the right not to be subjected to torture or inhuman or degrading treatment or punishment. Detention of people on the move, including children, has been reported since the earliest cases of pushbacks and is an ongoing practice taking place outside of formal procedures. Despite mounting evidence there has been a pervasive and continuous denial of these crimes by Croatian authorities, a failure to conduct effective and independent investigations and bring criminal charges against perpetrators.

This report is based on the written submission to the Committee of the Rights of the Child 88th session in relation to Croatia. The submission and the report serve as a chronological overview of these violations against children on the move since they started to become frequently reported in 2017 and collates substantial published evidence by European bodies, CSOs and media outlets.



Photo Credit: Tessa Kraan

EVIDENCE OF PUSHBACKS, VIOLENCE AND ABUSE OF MIGRANT AND ASYLUM-SEEKING CHILDREN

UNHCR AND PARTNERS REPORTED 3,000 CASES OF PUSHBACKS IN 2017. THIS NUMBER ONLY REPRESENTS REPORTED CASES, AND THE ACTUAL NUMBER IS PRESUMED TO BE HIGHER.

2017

In 2017 Médecins Sans Frontières (MSF) recorded seven deaths in Croatia's border areas with BiH and Serbia.¹³ In 2018 UNHCR reported over 1,000 pushbacks involving 10,000 people in Croatia, BiH, Hungary and Romania, with 62% having been perpetrated by Croatian border police.¹⁴

2018

In 2018 the civil society organisation No Name Kitchen (NNK) reported 1,503 pushbacks, Human Rights Watch (HRW) recorded 493 pushbacks and BVMN 368.¹⁵

In 2018, HRW published numerous victim testimonies. In one account 16 people, including women and children, reported being slapped, beaten with batons and kicked by Croatian police officers. Another case involved a 15-year-old unaccompanied boy who reported being severely beaten by police batons, causing him chronic back pain long after the pushback. An Iranian man who travelled with his 12-year-old son similarly testified to him and his son being beaten with batons. The trauma caused the boy to not speak for a long time afterward. A similar account involved a father and his 6-year-old son being beaten with batons.¹⁶

31 MAY 2018

On 31 May 2018 Croatian police wounded the faces of two 12-year-old children when opening fire to stop a van full of displaced people in Donji Lapac. Both children had to be hospitalised, one child requiring reconstructive surgery on their jaw and face.¹⁷

Organisations providing medical support on the Bosnian border have been treating injuries and wounds caused by pushbacks for years. In November 2018 MSF stated that they regularly treated patients, including women and small children, for pushback related medical issues.¹⁸

Pushbacks involving children have also been reported on by major media outlets. In 2018 Al Jazeera reported on numerous pushbacks, including of a Syrian mother who was strip-searched along with her 13-year-old daughter. Police took the daughter into a separate room and ordered her

to completely undress. Her protests caused the police to beat her up, forcefully undress her and pull her hair. They were eventually driven to a forest on the border to BiH and forced to walk back.¹⁹

2019

In 2019, Border Violence Monitoring Network (BVMN) reported 2,475 displaced people being affected by pushbacks at the Croatian borders with Serbia and Bosnia, including children. Examples include the use of electric discharge weapons with no medical follow up and the use of firearms in front of or at children as young as three years old.²⁰

Violence at the Croatian border has been deemed severe, to the point that both Swiss²¹ and Italian²² courts in 2019 ruled to suspend the transfer of asylum seekers to Croatia under the Dublin Regulation.²³

JANUARY 2019

In January 2019 grassroots organisations, No Name Kitchen (NNK) and Balkan Info Van, reported on a 15-year-old being kicked in the face repeatedly, a police officer putting his shoe in his face, crouching down on him and cocking his gun against his temple. They also reported a chain pushback of a 17-year-old from Slovenia, via Croatia, to BiH.²⁴

NOVEMBER 2019

In November 2019, MSF reported on an individual whose group, including children as young as 12, was beaten, robbed, and had their money, jackets and shoes removed before being instructed to go back to Velika Kladuša in BiH.²⁵

JANUARY - SEPTEMBER 2019

From January-September 2019, UNHCR reported 289 pushbacks affecting 2,194 individuals, from Croatia to Bosnia.²⁶ Pushbacks to both BiH and Serbia totalled 4,868 people.²⁷ Humiliation and children witnessing sexual assaults against their family members were also reported.²⁸

Are You Syrious (AYS), in 2019, concluded that 19% pushbacks involved the use of weapons in some manner, including gunshots in the air and threats – a practice that has been recorded since 2017. Three instances involved very young children (2 and 4 years old). In one case the police shot directly around a group of people which included a 6-year-old child, who had also been detained in the infamous Korenica police station, an informal space where people would be held for hours in deplorable conditions.²⁹

13. AYS, *Daily Digest*, 1 June 2018

14. ECRE, *Country Report Serbia* - 2018 Update, March 2019

15. CMS et al, *Report*, 5th report on pushbacks and violence from the Republic of Croatia: Illegal practices and system human rights violations at EU borders, 2 April 2019

16. Human Rights Watch, *Report*, Croatia: Migrants Pushed Back to Bosnia and Herzegovina, 11 December 2018

17. AYS, *Daily Digest*, 1 June 2018

18. The Guardian, *News* article, They didn't give a damn: first footage of Croatian police brutality, 14 November 2018

19. Al Jazeera, *Article*, Refugees stranded in Bosnia allege Croatian police brutality, 15 September 2018

20. BVMN, *Report*, Torture and cruel, inhumane, or degrading treatment of refugees and migrants in Croatia in 2019, January 2020

21. EDAL, Switzerland: *Suspension* of Dublin transfer to Croatia due to summary returns at border with Bosnia-Herzegovina, 12 July 2019.

22. Court of Genova, *Decree*, RG No. 13280/2018, 12 April 2019 (in Italian).

23. The New Humanitarian, *Article*, Bosnia: A harsh winter stopover on Europe's migrant road, 24 December 2019

24. NNK and Balkan Info Van, *Report*, Illegal pushbacks and border violence report Bosnia-Herzegovina, January 2019

25. MSF, *Article*, Beaten, cold, sick and stranded: migrants and asylum seekers in Bosnia, 15 November 2019

26. UNHCR, *Report*, Desperate Journeys - January to September 2019, 13 October 2019

27. RiVolti Ai Balcani, *Report*, Balkans Dossier: The Balkan Route: Migrants without rights in the heart of Europe, June 2020

28. BVMN, *Testimony*, 22 October 2019

29. AYS, *Special*, It's proven, Croatian police regularly shoots at people, 19 November 2019



2020

According to Euro-Med monitor, in 2020 about 7,000 individuals were pushed back from Croatia to BiH.³⁰ From January 2017 to April 2020, BVMN recorded 548 pushbacks from Croatia to either BiH or Serbia. 209 of these cases involved children, including those who were unaccompanied, and in 19% of cases violence and other rights violations such as beatings (with batons/hand/other) were recorded. Testimonies include UASCs as young as 14 being threatened with guns and suffering prolonged injuries, denied due process etc. 16% of cases involved theft of personal belonging, destruction of personal belongings in 12% of cases. Kicking and insulting was reported in 10% and 8% of reported cases, respectively.³¹

In 2020 Save the Children published pushback testimonies involving children. One case involved a girl in her mid-teens whose family had been pushed back roughly 15 times while being denied their requests for asylum. She reported the Croatian police's violence on multiple occasions, such as breaking peoples' phones or forcing women and children to undress, including the removal of underwear.³²

FEBRUARY 2020

In February 2020, two minors' phones were confiscated, and they were beaten, kicked, stripped and administered electric shocks. They were then forced to swim across the river to BiH while police officers fired shots into the water.³³

After being apprehended and beaten, a 32-year-old man travelling with his children was forced into a van with no windows or ventilation and

with fans pumping hot air. Combined with the fast driving, the victims were vomiting in the car while children were crying from the distress, describing this experience as worse than the physical beatings.³⁴

MARCH 2020

BVMN published an investigation of visual footage, geodata and personal testimonies of a violent pushback to the Bosnian village of Poljana which took place in March 2020. It involved beatings with metal rods and branches by masked men, affecting over 50 displaced individuals, including minors. The images analysed clearly display men in uniforms wearing balaclavas and holding poles, sticks with heavy objects attached and homemade weapons. Der Spiegel and Lighthouse Reports verified the authenticity of the footage.³⁵

During 2020 forcibly undressing people, often down to the underwear, became an increasingly frequent part of pushback operations. Organisations on the Bosnian side of the border noted the need for NFIs, mainly clothes and shoes, due to this practice. According to CARE, some people came back from pushbacks "completely naked".³⁶ In their annual torture for 2020, BVMN reported that cases of forced undressing involving minors had been registered by the network during 2020, just lik in years prior. In many cases clothes are burned by the Croatian police, forcing many to return to Bosnia completely undressed. Their findings in the report also noted that 31% of pushbacks from Croatia employs force with firearms or threats, out of which 54% involved the presence of minors.³⁷

³⁰ Euro-Med monitor for human rights, *News*, Rome Court decision against Italy's illegal migrant pushbacks is a significant step, 26 January 2021

³¹ CMS et al, *Report*, Pushback report on children and unaccompanied children in Croatia, 30 May 2020

³² Save the Children, *Testimony*, Rekla sam da je nezakoniti tuci prodece I decu, 6 March 2020 (in Serbian)

³³ ECCHR, *Case Report*, Pushbacks in Croatia: Complaint before the UN Human Rights Committee, December 2020

³⁴ Movements Journal, *Analysis*, Border Violence as border deterrence, Volume 5 (1), 12 August 2020

³⁵ BVMN, *Video*, Reconstructing a Violent Pushback of Asylum Seekers from Croatia to BiH, BVMN Border Investigations, 18 November 2020; Der Spiegel, *Article*, Video Documents Illegal Refugee Pushbacks in Croatia, 18 November 2020

³⁶ InfoMigrants, *News* article, Growing concern over treatment of migrants and refugees in Balkans, 4 June 2020

³⁷ BVMN, *Annual Torture Report*, 4 May 2021

JULY 2020

In July 2020, NNK collated four testimonies. One incident involved a group of young men, including a minor, who were heavily beaten for 20 hours.³⁸ Other testimonies describe repeated beating during different stages of the pushback operation.³⁹

There have been numerous cases of families being apprehended in deserted locations with no food or water, after waiting for days for a car to pick them up. In one instance a man who was holding his 3-year-old daughter in his arms as he was beaten, fell down while holding the toddler, hurting the child's back.⁴⁰

BVMN reported a pushback of a group of 20 people which took place in September 2020. The group included several families with infants. They were all placed in a van after being apprehended and were driven for 3 hours during which the conditions in the van made a number of people dizzy and ill.⁴¹ The following month Al Jazeera published testimonies

which included violence and pushbacks against children, including kicking with boots and batons until one of the minors fainted.⁴²

NOVEMBER 2020

DRC's monthly snapshot for November 2020 reported that 87 children travelling with their family members and 21 UASCs had been pushed back. Nearly half of the respondents reported abuse, most commonly humiliation but also inhuman and degrading treatment such as denial of access to food, toilet and water (16), being forced to lie or kneel on the ground for over an hour (44), forced stripping of clothes down to underwear (204), and electrical shocks (38).⁴³

Another testimony in the snapshot involved the stripping of a father and mother down to their underwear in front of police officers and their children, along with physical abuse of the parents with hits and kicks and also hits to the head of their daughter. In another case involving a family, the father and teenage daughter were stripped of their clothes.⁴⁴

DECEMBER 2020

A chain pushback in December 2020 included an unaccompanied child starting in Italy, through Slovenia to Croatia. Once "handed over" to Croatian police from Slovenia, the group was partially stripped of their clothes and robbed of their possessions, some suffering violence at the hands of the Croatian police. During the drive back to the border they were contained in a space with no windows which made many people sick and caused breathing difficulties. They were dropped in a forest which the respondents had to walk through for five hours to reach Lipa camp in BiH without shoes and jackets which were set on fire. Police officers also kept victims' money, a reoccurring element of pushback operations.⁴⁵

The Center for Peace Studies (CMS), a Croatian NGO, compiled 110 pushback reports throughout 2020, affecting 1,656 individuals. 90% of these involved some type of torture or degrading treatment. Among the recorded pushbacks 39% involved children.⁴⁶

They filed two criminal complaints to the public prosecutor concerning pushbacks.⁴⁷ One was reported on by the Guardian⁴⁸ and took place in October 2020. Four Afghan men and a minor were detained in a police station and two days later taken to court as witnesses against a fifth member of the group. Subsequently, they were taken to an unknown location, had their money stolen, their belongings set on fire, and were forced to strip to their underwear by a group of ten men in black uniforms and balaclavas. They were restrained and repeatedly kicked, punched, whipped and beaten. DRC took photos of the wounds and published them in media reports. A local doctor confirmed that the wounds of one individual were consistent with sexual violence. An investigation comparing official documents and testimonies in the newspaper Jutarnji List gave conclusive support for the alleged crimes.⁴⁹

JANUARY - FEBRUARY 2020

In January and February 2020, DRC noted a drastic rise in pushbacks reported by families and UASCs in comparison to previous months. They estimated that 24% of the pushbacks involved children, a rate over three times higher compared to December 2020.⁵⁰



Photo Credit: Tessa Kraan

38. BVMN, [Violence report](#), 15 June 2020

39. BVMN, [Violence report](#), 27 July 2020

40. Movements Journal, [Analysis](#), Border Violence as border deterrence, Volume 5 (1), 12 August 2020

41. BVMN, [Annual Torture Report](#), 4 May 2021

42. Al Jazeera, [Article](#), Refugees allege physical, sexual abuse by Croatian authorities, 22 October 2020

43. DRC, [Monthly Snapshot](#): November 2020, Border Monitoring, December 2020

44. Ibid.

45. DRC, [Monthly Snapshot](#): January-February 2021, Border Monitoring, March 2020

46. ECRE, [Country Report Croatia - 2020 Update](#), May 2021

47. CMS, [News](#), On the human rights day new criminal complaints, 10 December 2020

48. The Guardian, [Article](#), Croatian police accused of 'sickening' assault on migrants on Balkan trail, 21 October 2020

49. Jutarnji List, [Article](#), Četvorica migranata privedeni su kao svjedoci na sud u Karlovcu. A onda su predani policiji, 5 December 2020 (in Croatian)

50. DRC, [Monthly Snapshot](#): January-February 2021, Border Monitoring, March 2020

Apart from the dangers facing children crossing difficult terrain and pushbacks, the border region between Bosnia and Croatia poses deadly risks due to remaining unexploded land mines since the war in the 1990s. In a recent accident one man was tragically killed and four individuals injured by an anti-personnel mine in Saborsko.⁵¹ According to Croatia's interior ministry⁵² there are 17,000 unexploded landmines and related ordinances in the country, while the NGO Bosnia and Herzegovina Mine Action Centre (BHMACH) estimates 79,00 unexploded devices remain in BiH.⁵³

JANUARY 2021

In January 2021 the Court of Rome ruled in favour of a victim of a chain pushback (Italy-Slovenia-Croatia-BiH) that took place in July 2020. The applicant's testimony⁵⁴ was collated by BVMN and included two minors of 14-15 years, who had been beaten during the pushback. Once they arrived in Croatia they were forced to lie on the ground in zip-tie handcuffs. The applicant, along with four other people, was beaten with boots and police batons with barbed wire on them. They were transported to the Bosnian border in vehicles with poor ventilation. Once at the border, the police instructed the group to run back to Bosnia after firing shots in the air and releasing dogs on the group.⁵⁵

FEBRUARY 2021

In February 2021, The Guardian followed and interviewed several families with children that had experienced repeated pushbacks. One family with a 6-year-old child and a baby were pushed back 11 times. The parents reported the baby being stripped bare to check if they were hiding phones or money in her nappy. Another 3-child family, including a 11-year-old paralysed on one side of her body, had been pushed back 37 times in five months, during which their repeated requests for asylum were ignored. One father with three children reported being pushed back 54 times.⁵⁶

According to DRC over 800 children were pushed back in 2020, many under the age of 6. Médecins du Monde observed mental health issues among children in the form of anxiety, depression and symptoms of post-traumatic stress disorder - even among children who have not been directly affected by violence but who have had to witness it.⁵⁷

The Council of Europe Commissioner for Human Rights submitted her findings on the situation at the Croatian-Bosnian border to the European Court of Human Rights, concluding that all information reviewed supports the existence of pushbacks as an established practice and widespread ill-treatment of people on the move by Croatian law enforcement officers.⁵⁸

Although direct physical violence against women and children are not as common as against men, they were still often exposed to psychological violence, abuse and humiliation, especially in the form of forced undressing. Women also reported being stripped naked and sexually

harassed (being touched on breasts and genitals) while being searched, in front of their children. A 29-year-old man from Iran said that the police were touching both his wife and daughter all over their bodies. When pleading with the police officers to stop he was beaten.⁵⁹

APRIL 2021

In April 2021 a case of sexual assault against a woman was reported. She was travelling with a group including children. They were stopped by the Croatian border police who pointed rifles at them, rejected their requests for asylum and slapped the children in the group. After this she was taken aside, held at knifepoint, sexually assaulted and threatened.⁶⁰

JANUARY - FEBRUARY 2020

During Jan-April 2021, BVMN published 17 testimonies of pushbacks that involved children and minors.⁶¹ Between 16 April and 30 June the PRAB group, a network of CSOs working across Europe, reported 3,403 individuals had been victims of pushbacks. They also encountered worrying cases of family separation. In June DRC teams came across four families with children in Velika Kladusa who had been pushed back from Croatia. One of the families had been separated from their four children by Croatian police officers. They had been taken into one van to be taken back to Bosnia, while the children were placed in a second van. Four hours later they were dropped off in a forest but the van with the children was missing and the police refused to provide any information to the parents. Once the parents had arrived back to TRC Miral, a reception centre, they reported the incident and the children were located in a village and brought back to the parents. This incident is particularly concerning in the context of insufficient formal procedures and vulnerability assessments which puts the children at particular risk for becoming victims of human trafficking.⁶²

MAY - JUNE 2021

Spiegel and a group of media organisations published footage of a number of pushbacks in June 2021 which shows families being pushed back in May 2021 across the green border between Croatia and Bosnia, including pregnant women, small children and children with disabilities. The identities of individual police officers can be partially discerned, one officer clearly identifiable, and the footage also shows the participation of armed officers in black uniforms and border police in the pushbacks.⁶³

In their submission for the questionnaire of the Special Rapporteur on the human rights of migrants regarding pushback practices, Save the Children outlined a number of accounts of pushbacks of children. One 15-year-old boy that they interviewed told of being beaten on the head with a baton by the Croatian police. The violence caused bleeding and a hematoma injury. His phone had also been confiscated. In another case concerning a 17-year-old boy from Pakistan, he reported being a victim of a chain pushback from Slovenia to Croatia, finally ending up in BiH. During the pushback he sustained injuries in his stomach and hand bruises which were confirmed in a medical examination.⁶⁴

⁵¹ The Guardian, [Article](#), Croatia: landmine from 1990s Balkan wars kills asylum seeker, 7 March 2021

⁵² Interior ministry Croatia, [Overview](#), Minska situacija u RH (in Croatian)

⁵³ The Guardian, [Article](#), Croatia: landmine from 1990s Balkan wars kills asylum seeker, 7 March 2021

⁵⁴ Court of Rome, [Decree](#), RG No. 56420/2020, 18 January 2021 (in Italian)

⁵⁵ BVMN, [Testimony](#), Chain Pushback from Italy to BiH, 15 July 2020

⁵⁶ The Guardian, [Article](#), Police searched my baby's nappy: migrant families on the perilous Balkan route, 1 February 2021

⁵⁷ Ibid.

⁵⁸ Council of Europe, [Third Party Intervention](#) by the Council of Europe Commissioner for Human Rights - S.B. v. Croatia, A.A. v. Croatia and A.B. v. Croatia, 22 December 2020

⁵⁹ Movements Journal, [Analysis](#), Border Violence as border deterrence, Volume 5 (1), 12 August 2020

⁶⁰ The Guardian, [Article](#), Croatian border police accused of sexually assaulting Afghan migrant, 7 April 2021

⁶¹ BVMN, [Testimony database](#), filtered for cases including minors

⁶² PRAB, [Report](#) April-June 2021, July 2021

⁶³ Spiegel [Article](#), Croatia conducts illegal pushbacks of vulnerable migrants, 25 June 2021; BVMN Monthly Report June, July 2021

⁶⁴ Save the Children, [Submission](#) by Save the Children on the EU-Balkans borders pushbacks - Questionnaire of the Special Rapporteur on the human rights of migrants: pushback practices and their impact on the human rights of migrants, 2021

EVIDENCE OF PUSHBACKS, VIOLENCE AND ABUSE OF MIGRANT AND ASYLUM-SEEKING CHILDREN

THE FIRST CASES OF PUSHBACKS FROM CROATIA TO SERBIA WERE REGISTERED IN 2016 AFTER THE CLOSURE OF THE BALKAN ROUTE. A REPORT BY MOVING EUROPE IN 2016 DESCRIBES CHILDREN AS YOUNG AS 10 YEARS OLD BEING PUSHED BACK AND FORCED TO WALK FOR KILOMETRES ALONG TRAIN TRACKS TO SERBIA.⁶⁵

2017

In 2017 NNK published several reports of pushbacks involving children. One case involved the pushback of three children, including a 5-month-old baby, who were travelling with their mother. They had already been pushed back once prior to this incident.⁶⁶

OCTOBER 2017

In October 2017, MSF reported having treated eight children's patients following violent pushbacks by the Croatian police to Serbia.⁶⁷ Save the Children had similarly been informed by teenage boys that they had been brutally pushed back by Croatian authorities.⁶⁸

Save the Children estimated that 6,340 individuals were pushed back from Croatia to Serbia from January–November 2018, while UNHCR Serbia estimated 10,432 pushbacks during 2018.⁶⁹ The Serbian based NGO Asylum Protection Center APC/CZA shed light on the pushback of two unaccompanied children who were intercepted by Croatian policemen who directed their guns at them and fired into the air, threatening to shoot them.⁷⁰

NOVEMBER 2018

MSF's head of mission in Serbia stated in November 2018 that border violence was systematic and strategic, and that the organization had come across stories of parents witnessing beatings of their children.⁷¹ Save the Children reported that, between January and September 2019, 1,230 children were pushed back on the Western Balkan route, a majority (321 children) at the Croatian–Serbian border.⁷²

2019

During 2019 the Serbian organization Praxis supported 731 children (UASCs and children part of a family unit) affected by pushbacks (40% of all the children they supported) primarily at the Croatian–Serbian border

and at other borders in Serbia. One third reported either being victims of violence or witnessing violence. Most of the pushbacks among the children were reported by UASCs, 664 cases in total. Out of these 222 were conducted by Croatia.⁷³

NOVEMBER 2019

In November 2019, the tragic death of 6-year-old Madina Hussini happened after she and her family had been pushed back from Croatia and were forced to walk back to Serbia on train tracks. She was hit by a train and died within minutes of the pushback. Afterwards, her family, who was travelling with their other children, were forced to wait in the forest for an hour before they were taken back to Belgrade. According to MSF, the risks of pushbacks on train lines were known to the authorities, and seven people (including three children) had died at the border in 2017 on the train line between Tovarnik and Šid, due to either trains or electrocution.⁷⁴

SEPTEMBER 2019

In September 2019, the Commissariat for Refugees and Migration in Serbia stated that Croatia was responsible for the physical and psychological torture of an Afghan minor by police officers. They had beaten and tortured them with electric chocks which led to internal bleeding and rib fracture.⁷⁵ The case was covered by a number of media outlets in Croatia and Serbia.⁷⁶

Ten allegations of rights violations of children were reported to the Croatian Ombudsperson in 2019, also encompassing pushbacks at the Croatian borders to Serbia and Bosnia. The Ombudsperson noted concern regarding pushbacks reported by civil society organisations, including the failure of Croatian authorities to conduct age assessments in cases of pushbacks of minors.⁷⁷ In 2020 the former Croatian Interior Minister Ostojić similarly accused the Croatian government of conducting pushbacks.⁷⁸

JANUARY – APRIL 2019

Across Jan–April 2020, BVMN published nine testimonies of pushbacks involving children.

JULY 2020

In July 2020 a group including two children were violently pushed back. The group were called criminals, forced to lie on the ground and subsequently beaten, kicked and punched repeatedly. The minors informed the police

⁶⁵ Moving Europe, [Report](#) on Systemic Police violence and Push-backs against Non-SIA People conducted by Croatian authorities, 28 January 2016

⁶⁶ BVMN, [Testimony](#), A family with a baby and two small children begged the police not to push them back, 1 September 2017

⁶⁷ MSF, [Report](#), Games of violence: Unaccompanied children and young people repeatedly abused by EU Member state border authorities, 3 October 2017

⁶⁸ Save the Children, [Press Release](#), Refugee and Migrant children injured in illegal border pushbacks across Balkans, 24 January 2017

⁶⁹ CMS et al, [Report](#), 5th report on pushbacks and violence from the Republic of Croatia: Illegal practices and system human rights violations at EU borders, 2 April 2019

⁷⁰ APC/CZA, [Article](#), Hrvatski policajci pretili oružjem dečacima iz Avganistana, 5 October 2018 (in Serbian)

⁷¹ The Guardian, [News article](#), They didn't give a damn: first footage of Croatian police brutality, 14 November 2018

⁷² FRA, [Report](#), Children in Migration 2019, 30 March 2020

⁷³ Save the Children, [Reports](#) about pushbacks and violence against children on the move at the Western Balkan borders: January–June 2019, 14 August 2019

⁷⁴ Al Jazeera, [News article](#), The tragic death of a six-year-old refugee in Serbia, 6 December 2017

⁷⁵ ECRE, [Country Report](#): Croatia – 2019 Update, 24 April 2020

⁷⁶ N1, [News article](#), Migranti optužuju hrvatsku policiju za torturu, Zagreb tvrdi – štitimo granice, 4 September 2019 (in Croatian); PTC, [News article](#), Svedočenje dečaka migranta za RTS: Hrvatski policajci su me tukli i mučili elektrošokovima, 31 August 2019 (in Serbian)

⁷⁷ Ombudsperson for Children, [Report](#) on the work of Ombudswoman for Children in 2019, March 2020 (in Croatian)

⁷⁸ Der Spiegel, [News article](#), Video documents Illegal refugee pushbacks in Croatia, 18 November 2020

officers of their age but were not spared the beatings.⁷⁹ Similarly, a group pushback involving a 15-year-old and three 18-year-olds, were kicked, beaten by hand and with batons by police officers and had their personal belongings stolen. They were also threatened to be taken to jail for five nights if they could not pay the officers 50 euros.⁸⁰

UNHCR Serbia and DRC estimated that 18,400 people had been refused access to territory in Croatia during 2020 due to pushbacks; 16,425 from Croatia to BiH and 1,975 from Croatia to Serbia. This includes pushbacks of vulnerable groups such as children.⁸¹

2021

In 2021, NNK recorded three cases of pushbacks to Serbia which involved children. In one group pushback in February 2021, which involved a 17-year-old, the Croatian officers took the group to an enclosed space, where they were forced to undress, insulted, beaten with batons and had their phones broken. Another incident involved three teenagers who faced similar abuse and humiliation, causing them severe physical pain. They were also attacked by dogs, had their money stolen and had to walk for five hours to get back to Serbia.⁸²

MARCH 2021

In March 2021, UNHCR estimated 2,121 pushbacks took place to Serbia from neighbouring countries, including from Croatia to Serbia. The main demographic of victims is younger men, including unaccompanied boys from Afghanistan.⁸³

BVMN recorded a number of recent pushbacks including children in mid-2021. In June, a group of people on the move were pushed back near Tovarnik on the train tracks leading back to Serbia, including a family with an 8-month-old baby.⁸⁴ On 14 June, two teenagers of 16 and 18 years old attempted to cross the border to Croatia in a truck. They were caught by Croatian police officers at a border checkpoint and beaten by border police officers. Their money and phones were confiscated before they were eventually handed over to the Serbian border police, driven to a village near the border crossing (Batrovci) and beaten again by batons, fists and kicks.⁸⁵ Only a few days later, on 19 June, a 16- and a 17-year-old were pushed back in a similar fashion. They were apprehended and beaten with fists and kicks. The youngest was threatened that he would be killed if he was found trying to cross the border again. They were given documents to sign and were handed over to Serbian border police officers.⁸⁶



Photo Credit: Tessa Kraan

⁷⁹ BVMN, *Testimony*, You are all criminals, 3 July 2020

⁸⁰ BVMN, *Testimony*, Give us 50 euros, then we will leave you, 11 November 2020

⁸¹ ECRE, *Country Report* updates Croatia, 27 May 2021

⁸² BVMN, *Testimony*, They wrote something in English..., 4 February 2021

⁸³ UNHCR Serbia, *Monthly Update*, March, 20 April 2021

⁸⁴ BVMN, *Testimony*, 1 June 2021

⁸⁵ BVMN, *Testimony*, 14 June

⁸⁶ BVMN *Testimony*, 19 June

EVIDENCE OF DETENTION OF CHILDREN ON THE MOVE

THE LAW ON INTERNATIONAL AND TEMPORARY PROTECTION (LITP) IN CROATIA ALLOWS FOR THE DETENTION OF VULNERABLE APPLICANTS IF DETENTION FACILITIES ARE SUITABLE TO THEIR SPECIAL NEEDS AFTER A COMPREHENSIVE ASSESSMENT.

In the case of children, detention is allowed only as a last resort and for as short a time as possible. A guardian is to be appointed to all unaccompanied children in detention.⁸⁷

Detention is allowed as a last resort in circumstances such as processing of asylum claims where there is a flight risk, due to national security and public order concerns, identification of asylum seeker and the prevention of abusive asylum claims during expulsion procedures. For non-asylum applicants, detention for 48 hours is allowed with the subsequent intention of removal from the territory.⁸⁸

The Special Representative of the Secretary General on migration and refugees noted in a fact-finding mission report that amendments to the Law on foreigners in May 2018 expanded the concept of “risk of flight” and “risk of interfering with expulsion” to individuals who lack sufficient identity documentation, accommodation and/or financial resources.⁸⁹

The Ježevu immigration detention centre functions as a pre-removal detention facility. There are also two transit centres for irregular migrants

in Trilj and Tovarnik that have been used for the detention of asylum seekers since March 2018,⁹⁰ along with various police stations.⁹¹

The most common reason for detention is where applicants apply for asylum after being given deportation orders or attempting/succeeding to leave the country before completion of the asylum procedure.⁹²

48 CHILDREN WITH FAMILIES HAD BEEN PLACED IN ONE OF THE THREE AFOREMENTIONED FACILITIES – DESPITE THE OMBUDSPERSONS WARNING AGAINST THIS PRACTICE AS IT CONTRAVENES THE BEST INTERESTS OF THE CHILD.

Though unaccompanied minors are in practice rarely placed in detention, the Croatian Ombudsperson for Children’s 2020 report noted that 48 children with families had been placed in one of the three aforementioned facilities – despite the Ombudspersons warning against this practice as it contravenes the best interests of the child. The report criticises the lack of changes to the legal framework, which continues to permit the detention of migrant children.⁹³

Attorneys have raised concerns about the lack of effective access to legal assistance for review of detention, the possibilities to review individual detention decisions and the lack of access to clients and opportunities to speak to them in privacy.⁹⁴



Photo Credit: Tessa Kraan

⁸⁷ Croatia, the Law on International and Temporary Protection, LITP, No. 70/15, 127/17, Article 54(7)

⁸⁸ Ibid.

⁸⁹ Council of Europe, [Report](#) of the fact-finding mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees, to Bosnia and Herzegovina and to Croatia, 23 April 2019

⁹⁰ Ibid.

⁹¹ BVMN, [Annual Torture Report](#), 4 May 2021

⁹² ECRE, [Report](#), Detention of Asylum Seekers, 12 January 2021

⁹³ Ombudsperson for Children, [Report](#) on the work of Ombudswoman for Children in 2020, 6 April 2021 (in Croatian)

PEOPLE ARE ARBITRARILY ARRESTED WITHOUT OFFICIAL REASON AND/OR TAKEN TO POLICE STATIONS OR INFORMAL DETENTION SITES.

Detention of people on the move, including children, has been reported since the earliest cases of pushbacks. Though not all pushbacks involve detention it is an ongoing practice reported by groups monitoring the situation on the ground, taking place outside of the aforementioned formal detention procedures – people are arbitrarily arrested without official reason and/or taken to police stations or informal detention sites. According to DRC 10% of their reported cases involved arbitrary arrest or detention.⁹⁵

In 2018 HRW interviewed 20 respondents who provided detailed testimonies of arbitrary detention before being pushed back, many of them including families with children and one unaccompanied child.⁹⁶

NNK collated numerous testimonies of detention, with victims describing being confined for hours in cells as a punitive measure.⁹⁷ BVMN's online testimony database⁹⁸ contains numerous testimonies that involve some form of detention, including of children, in informal detention spaces without a legal basis. Since 2018 many reported cases were detained in a garage in Korenica, dubbed the "torture garage". Here people would be held for hours in unhygienic conditions without water, food or access to toilet facilities. Images taken by an anonymous police officer and those accessed by the outlet H-alter showed the inhumane conditions.

Testimonies also indicate a number of other facilities where people have been held in close proximity to the Bosnian border.^{99, 100}

In October 2019 BVMN reported on three unaccompanied minors who were taken from a van, transferred and detained at the Bajakovo border-crossing point and beaten.¹⁰¹

Center for Peace Studies reported in 2019 that a group of displaced individuals were detained inside a police station for four hours, during which they were denied water. There was only one toilet in the cell which offered no privacy.¹⁰²

HE WAS ARRESTED, SEPARATED FROM HIS FAMILY AND HELD ALONE IN A ROOM FOR SIX HOURS AND DENIED FOOD AND WATER. AFTER DESTROYING HIS PERSONAL DOCUMENTATION AND PHONE, THE FAMILY WERE PUT IN A VAN AND RETURNED TO BIH.

In 2019 Amnesty International reported on the case of an Iraqi man who was held for hours in detention along with his wife and one-year-old baby. Their requests for food were denied, even when they offered money for food to be bought for them. They were eventually placed in vans and driven to the border. Another case concerned an Afghan man with his three children, who were pushed back to Bosnia twice. His requests for asylum were ignored. The second time, he was arrested, separated from his family and held alone in a room for six hours and denied food and water. After destroying his personal documentation and phone, the family were put in a van and returned to BiH.¹⁰³

One pushback incident involving minors was brought before the European Court of Human Rights (ECtHR), over which the Croatian government was probed in March 2020. One complainant was a minor from Syria at the time of the pushback in 2018. He had been pushed back violently, unlawfully detained and denied the right to seek asylum.¹⁰⁴

A pushback recorded by BVMN in July 2020 included several children from Kashmir, who were forced by Croatian police officers to squat in the pouring rain as a form of punishment. They were later held in a police station without food and water and were forced to urinate in a bottle when they asked to use the toilet.¹⁰⁵

In their annual torture report, the network noted a case from January 2020 concerning four men and a minor who were travelling through Croatia. They were detained in a cell in a police station for 24 hours after being apprehended, during which their requests for food and water were refused and they didn't have any access to a toilet. The group slept on the cold floor. After release from detention they were pushed back to BiH.¹⁰⁶ In a case of detention in July 2020 a large group including three children were travelling through Croatia. Once caught they were packed into a van and held in a shared cell at a police station. It was described as dirty, lacking basic facilities, and again requests for food and water were rejected. They had not other choice but to urinate in bottles in front of each other as they were held for 10 hours.¹⁰⁷



Photo Credit: Tessa Kraan

⁹⁴ ECRE, [Country Report: Croatia – 2019 Update](#), 24 April 2020

⁹⁵ DRC, [Monthly Snapshot](#): January–February 2021, Border Monitoring, March 2020

⁹⁶ HRW, [Report](#), Croatia: Migrants Pushed Back to Bosnia and Herzegovina, 11 December 2018

⁹⁷ Movements Journal, [Analysis](#), Border Violence as border deterrence, Volume 5 (1), 12 August

⁹⁸ BVMN, [Testimony database](#), selected cases including minors and detention

⁹⁹ CMS et al, [Report](#), Pushback report on children and unaccompanied children in Croatia, 30 May 2020

¹⁰⁰ H-alter, [Article](#), Torture garage for migrants, 16 October 2019

¹⁰¹ BVMN, [Testimony](#), They didn't allow us to say something, 16 October 2019

¹⁰² CMS et al, [Report](#), Pushback report on children and unaccompanied children in Croatia, 30 May 2020

¹⁰³ Amnesty International, [Report](#), Pushed to the Edge, 13 March 2019

¹⁰⁴ ECCHR, [Case overview](#), Croatia to answer to European Court of Human Rights, 26 May 2020

¹⁰⁵ BVMN, [Testimony](#), They said go to river, They beat, 8 July 2020.

¹⁰⁶ BVMN, [Annual Torture Report](#), 4 May 2021

¹⁰⁷ Ibid.

EVIDENCE OF LACK OF INVESTIGATION AND ACCOUNTABILITY

IN JANUARY 2021, THE COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS SUBMITTED HER FINDINGS ON PUSHBACKS PRACTICES AT THE CROATIAN-BOSNIAN BORDER TO THE EUROPEAN COURT OF HUMAN RIGHTS, NOTING THE PREVALENT IMPUNITY FOR THESE CRIMES AND THE LACK OF PROMPT, EFFECTIVE AND INDEPENDENT INVESTIGATIONS.¹⁰⁸

It was noted that Croatian authorities have “failed to adopt a constructive approach to addressing the numerous allegations of summary expulsions, denial of access to asylum and the ill-treatment of migrants” and to open effective and independent investigations into these violations of rights.¹⁰⁹ This was met by repeated denials of wrongdoing from Croatian authorities.¹¹⁰

In the aforementioned case of the death of the 6-year-old Afghan girl Madina, AYS and Center for Peace Studies initiated an investigation at the State Attorney’s office, which was denied on the basis of lack of evidence. Footage from a thermal camera was missing due to a technical malfunction. This footage was according to the Ministry of Interior key evidence. The State Attorney’s Office eventually deemed no one responsible for her death.¹¹¹ The Ministry of Interior stated that the Croatian border police “had not contributed in any way or caused the accident and the death of a child”.¹¹²

The Constitutional Court however ruled on the rights of the girl’s family, concluding that the police officers ignored their requests for international protection by returning them to Serbia along the railway in the middle of the night. It reaffirmed that the asylum rights were violated, and that the family were potentially exposed to torture and ill treatment as the ruling addressed the failure to evaluate whether Serbia was a “safe third country”.¹¹³

THEY (CROATIAN POLICEMEN) HAD CONDUCTED PUSHBACKS AS PER INSTRUCTIONS BY SUPERIORS, INCLUDING THE USE OF VIOLENCE. THEY FEARED THEY WOULD LOSE THEIR JOBS IF THEY DID NOT ENFORCE ORDERS.

An anonymous complaint was submitted by a number of Croatian policemen to the Croatian Ombudsperson in July 2019. They stated that they had conducted pushbacks as per instructions by superiors, including the use of violence. They feared they would lose their jobs if they did not enforce orders.¹¹⁴ The broadcaster BBC published an interview with a police officer who had taken part in these practices,¹¹⁵ and several other officers corroborated the pushback allegations and tactics in Croatian media.¹¹⁶



Photo Credit: Tessa Kraan

¹⁰⁸ Council of Europe, [Third Party Intervention](#) by the Council of Europe Commissioner for Human Rights – S.B. v. Croatia, A.A. v. Croatia and A.B. v. Croatia, 22 December 2020

¹⁰⁹ Ibid.

¹¹⁰ Croatia Ministry of the Interior, [Statement](#), Response of the Ministry of the to the report of Human Rights Watch, 9 November 2019

¹¹¹ AYS, [Daily Digest](#), 2 June 2018

¹¹² The Guardian, [Article](#), They treated her like a dog: tragedy of the six-year old killed at Croatian border, 8 December 2017

¹¹³ Balkani Caucaso, [Article](#), Violence against migrants in Croatia: Amnesty International denounces the silence of the EU; Constitutional Court of the Republic of Croatia, [Court Ruling](#), U-III-4865/2018, 4 March 2021

¹¹⁴ BVMN, [Article](#), Complaint by Croatian police officers who are being urged to act unlawfully, 17 July 2019

¹¹⁵ BBC, [Video](#), Beaten and ribbed: How Croatia is policing its borders, 29 July 2019

¹¹⁶ Telegram Croatia, [Article](#), Prvi intervju u kojem hrvatski policajac tvrdi: šefovi nam naređuju da ilegalno protjerujemo migrante, 24 July 2019, (in Croatian); Telegram Croatia, [Article](#), Istupio je još jedan policajac koji tvrdi da hrvatska policija, po naredbi šefova, migrante ilegalno vraća u BiH, 21 October 2019 (in Croatian)

Following the police officers' reports submitted to the Croatian Ombudsperson, she relayed the information to the State Attorney. Upon receiving no response, she brought the complaint to the Croatian Parliament and relevant parliamentary committees in June 2019. This was met with further silence, prompting the Ombudsperson to release the information to the public, as per established procedures in the Ombudsperson Act.¹¹⁷

The Commissioner for Human Rights has lamented the Croatian authorities' disregard for co-operation with the Croatian Ombudsperson and the National Preventive Mechanism working under her. Examples include the Ministry of Interior refusing to grant her access to files and information on allegations of pushbacks and human rights violations perpetrated against people on the move.¹¹⁸

30 POLICE OFFICERS HAD RECEIVED DISCIPLINARY SANCTIONS WHICH RANGE ACROSS WARNINGS, SUSPENSIONS OF PROMOTIONS, DEMOTION, FINANCIAL SANCTIONS OR DISMISSAL. THESE MEASURES HOWEVER DID NOT LEAD TO CRIMINAL CHARGES.

Some investigations by the Internal Control Department and the General Directorate of the Police have led to sanctions of Croatian police officers. According to a Fundamental Rights Agency (FRA) report, 30 police officers had received disciplinary sanctions which range across warnings, suspensions of promotions, demotion, financial sanctions or dismissal. These measures however did not lead to criminal charges.¹¹⁹

In June 2020, two Croatian officers were arrested and charged for violence against people on the move and the failure to report a crime, respectively. They were removed from service and disciplinary proceedings were launched against them. The Croatian interior minister Davor Božinović denied however that the violence was a common practice, describing them rather as isolated incidents.¹²⁰

The Centre for Peace Studies filed two criminal complaints to the State Attorney's Office in June and July 2020 regarding the alleged torture and degrading treatment of migrants and asylum seekers by the Croatian police during two incidents.¹²¹ The Croatian Ministry of Interior has denied the reports, despite pressure from civil society and UN Special Rapporteurs to investigate and sanction accordingly.¹²²

The organisation received rejection letters in May and June 2021 by the Croatian State Attorney Office in relation to the violent pushbacks. According to CMS the bases of the rejection were either nonfactual or unsubstantiated, raising additional concerns of ineffective investigations of rights violations. As further noted, "all the above criminal complaints allege torture, inhuman treatment and illegal expulsion contrary to the principle of non-refoulement, i.e., violation of Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Therefore, failure to conduct effective proceedings in these cases not only resulted in denied access to remedies and legal protection, but also violated the procedural aspect of Art. 3 of the ECHR, which impeded potential establishing of a substantive violation of Article 3 of the ECHR."¹²³

Last year the Council of Europe Committee for the Prevention of Torture

(CPT) conducted an assessment visit to Croatia to investigate how people on the move are treated once apprehended by the Croatian law enforcement officials. The delegation interviewed people and visited reception centres, key police stations and police administrative bodies and concluded and presented their observations to the Croatian authorities. According to the Croatian Ombudsperson the report was finalised in November 2020 but is yet to be published despite common practice and calls by CoE Commissioner for Human Rights to make the information public.¹²⁴

DESPITE THE CONSTANT STREAM OF EVIDENCE, INCLUDING THE FOOTAGE THAT HAS BEEN PRESENTED OVER THE LAST FEW YEARS, THE MINISTRY OF THE INTERIOR CONTINUES TO DENY REPORTS OF PUSHBACKS

Despite the constant stream of evidence, including the footage that has been presented over the last few years, the Ministry of the Interior continues to deny reports, including the most recent one published by Der Spiegel, of pushbacks. It is often argued that there is a lack of sufficient evidence in reported cases, despite substantial information and the willingness of many victims to be identified and identify perpetrators. The Council of Europe's Committee for Prevention of Torture (CPT) and NGOs such as Amnesty International have raised concerns about the lack of the Ministry of Interior's Internal Control Service, which reviews complaints. Most complaints presented to them for review in 2019 were dismissed as groundless. Though a number of cases were found to be grounded more recently, it is not clear what the outcomes were in terms of disciplinary or criminal actions, if any. After a visit in 2018 the CPT raised concerns about the quality of investigations by this body within the MOI, subsequently calling for the establishment of a Commission to process complaints and enforce independent oversight. Yet this was never established.¹²⁵



Photo Credit: Tessa Kraan

¹¹⁷ Ombudswoman of Croatia, [News](#), No institutional reaction to alleged illegal police treatment of migrants, 25 July 2019

¹¹⁸ Ombudswoman of Croatia, [Annual Report](#) of the work of Ombudswoman of Croatia for 2018

¹¹⁹ FRA, [Report](#), Migration: Fundamental rights issues at land borders, 31 December 2020

¹²⁰ The Guardian, [Article](#), Croatian police officers arrested over beating of Afghan asylum seeker, 19 June 2020

¹²¹ Balkan Insight, [Article](#), NGO charges Croatian police with 'inhumane treatment of refugees, 5 June 2020; Center for Peace Studies, [News](#), CPS filed one more criminal complaint, 23 July 2020.

¹²² United Nations Office of the Human Rights Commissioner, [News](#), Croatia: Police brutality in migrant pushback operations must be investigated and sanctioned – UN Special Rapporteurs, 19 June, 2020

¹²³ CMS, [Article](#), Tisuće svjedočanstava izbjeglica, a niti jedna učinkovita istraga, 2 April 2021

¹²⁴ ECRE, [Country Report](#) Croatia – 2020 Update, May 2021

¹²⁵ Balkani Caucasus, [Article](#), Violence against migrants in Croatia: Amnesty International denounces the silence of the EU; Constitutional Court of the Republic of Croatia



Photo Credit: Abdul Saboor

CONCLUSION

THE EVIDENCE PRESENTED IN THIS REPORT SHOWCASES THE DEPRAVITY AND SEVERITY OF PUSHBACKS AND OTHER RIGHTS VIOLATIONS OF CHILDREN ON THE MOVE INSIDE CROATIAN TERRITORY AND AT THE BORDERS WITH SERBIA AND BIH SINCE 2017.

Recorded cases evidence routine violations of the principles of non-refoulement and fundamental rights; the right to asylum, the right to due process and legal recourse, the right to life, the right not to be subjected to torture or inhuman or degrading treatment or punishment and the right to not be detained arbitrarily and without judicial guarantees.

It is particularly alarming to observe an increase of scale as well as the type of methods of punishment, violence and torture directed against people in the move, including children. Moreover children's exposure to these experiences, even if not directly violated, has particularly severe and potentially long-term consequences to their mental wellbeing.

Despite the overwhelming evidence presented by civil society and a number of human rights bodies, the responses by Croatian authorities have thus far overwhelmingly been denial, the obstruction of justice and access to information by watchdog institutions, and an unwillingness to conduct proper investigations and bring criminal charges against perpetrators.



Photo Credit: Nidžara Ahmetasević



WWW.REFUGEE-RIGHTS.EU

|

INFO@REFUGEE-RIGHTS.EU

|

[@REFUGEE_RE](https://www.instagram.com/REFUGEE_RE)