

“Like We Were Just Animals”



Pushbacks of People Seeking Protection from Croatia to Bosnia and Herzegovina

An Afghan man says Croatian police destroyed his group's phones before pushing them back to Bosnia and Herzegovina in January 2021. © 2021 Elvis Barukcic/AFP via Getty Images

Summary

Laila R. fled Afghanistan with her parents and her two brothers in 2016, when she was 11 or 12 years old. They sought international protection in Iran, then Turkey, and then Greece. Increasingly desperate for stability, they travelled through North Macedonia and arrived in Bosnia and Herzegovina in early 2021. When Laila first spoke to Human Rights Watch in November 2021, she and her family had tried to enter Croatia dozens of times. Croatian police apprehended her and her family each time, ignored their repeated requests for asylum, drove them to the border, and forced them to return to Bosnia and Herzegovina.

When Croatian police carry out such pushbacks—broadly meaning official operations intended to physically prevent people from reaching, entering, or remaining in a territory and which either lack any screening for protection needs or employ summary screening—they do not contact authorities of Bosnia and Herzegovina to arrange for people's formal return. Instead, Croatian police simply order people to wade across one of the rivers that mark the international border.

Laila and many others interviewed by Human Rights Watch said Croatian authorities frequently pushed them back to Bosnia and Herzegovina in the middle of the night. She and others told Human Rights Watch Croatian police sometimes pushed them back near Velika Kladuša or other towns in Bosnia and Herzegovina. But on many occasions, the Croatian police took them somewhere far from populated areas.

Describing the first pushback she experienced, Laila said, “We had no idea where we were. It was the middle of the night, and the police ordered us to go straight ahead until we crossed the river to Bosnia. We spent that night in the forest.”

Croatian police had destroyed the family's phones, so they had no easy way of navigating to safety. The next morning, she and her family eventually came across a road. They walked some 30 kilometers to reach Velika Kladuša.



[Click to expand Image](#)

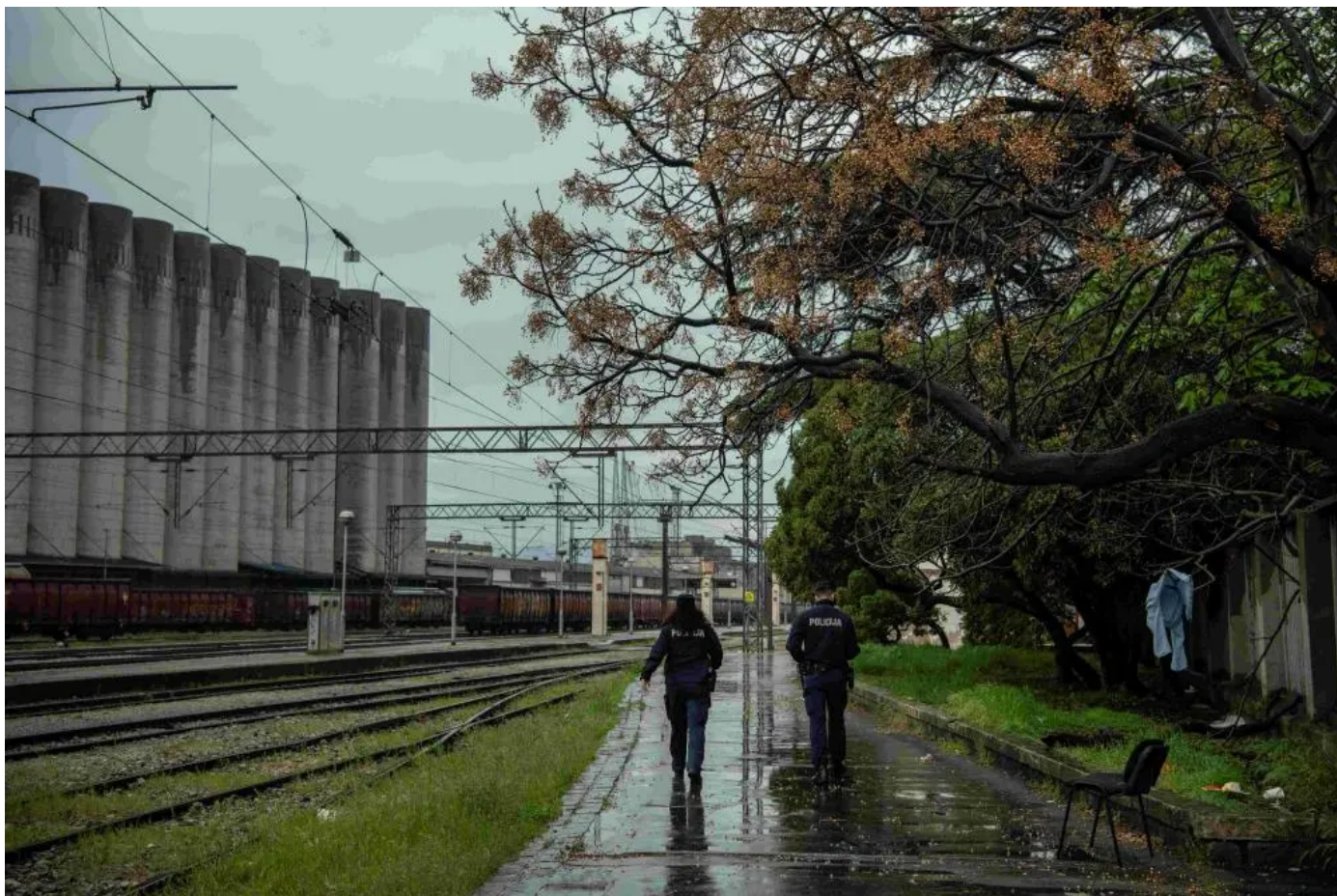
As with Laila and her family, many of the people who spoke to Human Rights Watch told us they had first sought asylum in Greece as well as in countries outside the European Union before they attempted to enter Croatia. Laila and her family spent one month in Iran, six months in Turkey, and more than three years in Greece, leaving each country after concluding that authorities in each did not intend to respond to their requests for international protection. They did not seek international protection in Bosnia and Herzegovina because they had heard that the country's authorities rarely granted asylum.

Croatia became an increasingly important point of entry to the European Union in 2016, after Hungary effectively closed its borders to people seeking asylum. Croatian police have responded to the increase in the number of people entering Croatia irregularly—without visas and at points other than official border crossings—by pushing them back without considering international protection needs or other individual circumstances. In April 2023, for instance, Farooz D. and Hadi A., both 15 years old, told Human Rights Watch Croatian police had apprehended them the night before, driven them to the border, and ordered them to walk into Bosnia and Herzegovina, disregarding their request for protection and their statements that they were under the age of 18.

Pushbacks from Croatia to the non-European Union countries it borders are now common. Between January 2020 and December 2022, the Danish Refugee Council recorded nearly 30,000 pushbacks from Croatia to Bosnia and Herzegovina, almost certainly an underestimate. Approximately 13 percent of pushbacks recorded in 2022 were of children, alone or with families. Human rights groups have also recorded pushbacks from Croatia to Serbia and to Montenegro.

Croatian pushbacks have often included violent police responses, including physical harm and deliberate humiliation. Video images captured by Lighthouse Reports, an investigative journalism group, for a 2021 investigation it conducted in collaboration with *Der Spiegel*, the *Guardian*, *Libération*, and other news outlets showed a group of men in balaclavas forcing a group of people into Bosnia and Herzegovina. Although the men did not wear name tags or police badges, the investigation identified them as Croatian police based on characteristic clothing items, the gear they carried, and the corroboration of other police officers. *Der Spiegel* recounted, “One of the masked men repeatedly lashes out with his baton, letting it fly at the people’s legs so that they stumble into the border river, where the water is chest-high. Finally, he raises his arm threateningly and shouts, ‘Go! Go to Bosnia!’”^[1]

In most of the accounts Human Rights Watch heard, Croatian police wore uniforms, drove marked police vans, and identified themselves as police, leaving no doubt that they were operating in an official capacity.



Croatian police leave the drop-in center operated by Caritas and the Jesuit Refugee Service after dispersing asylum seekers and migrants, April 2023. © 2023 Kiana Hayeri/Human Rights Watch



Klemens Danner, a volunteer with the Jesuit Refugee Service in Bosnia and Herzegovina, distributes clothing to a group of Afghans who said Croatian police had pushed them back earlier that morning without allowing them to seek asylum, April 2023. © 2023 Kiana Hayeri/Human Rights Watch



Jesuit Refugee Service advocacy director Roberta Nikšić, pictured here in April 2023, regularly visits squats and other places where asylum seekers and migrants stay in northwestern Bosnia and Herzegovina. © 2023 Kiana Hayeri/Human Rights Watch



More than a dozen migrants who died in northwest Bosnia and Herzegovina on their way to Croatia are buried in the Humci cemetery in Bihać, many in graves marked "NN Lice" ("unidentified person"). © 2023 Kiana Hayeri/Human Rights Watch



A young man describes a pushback by Croatian police the prior evening, saying that they ordered him to wade the river marking the border with Bosnia and Herzegovina, April 2023. © 2023 Kiana Hayeri/Human Rights Watch



A 16-year-old Afghan boy rests in a squat in northwest Bosnia and Herzegovina, April 2023, several days after Croatian police pushed him and his friends back. © 2023 Kiana Hayeri/Human Rights Watch



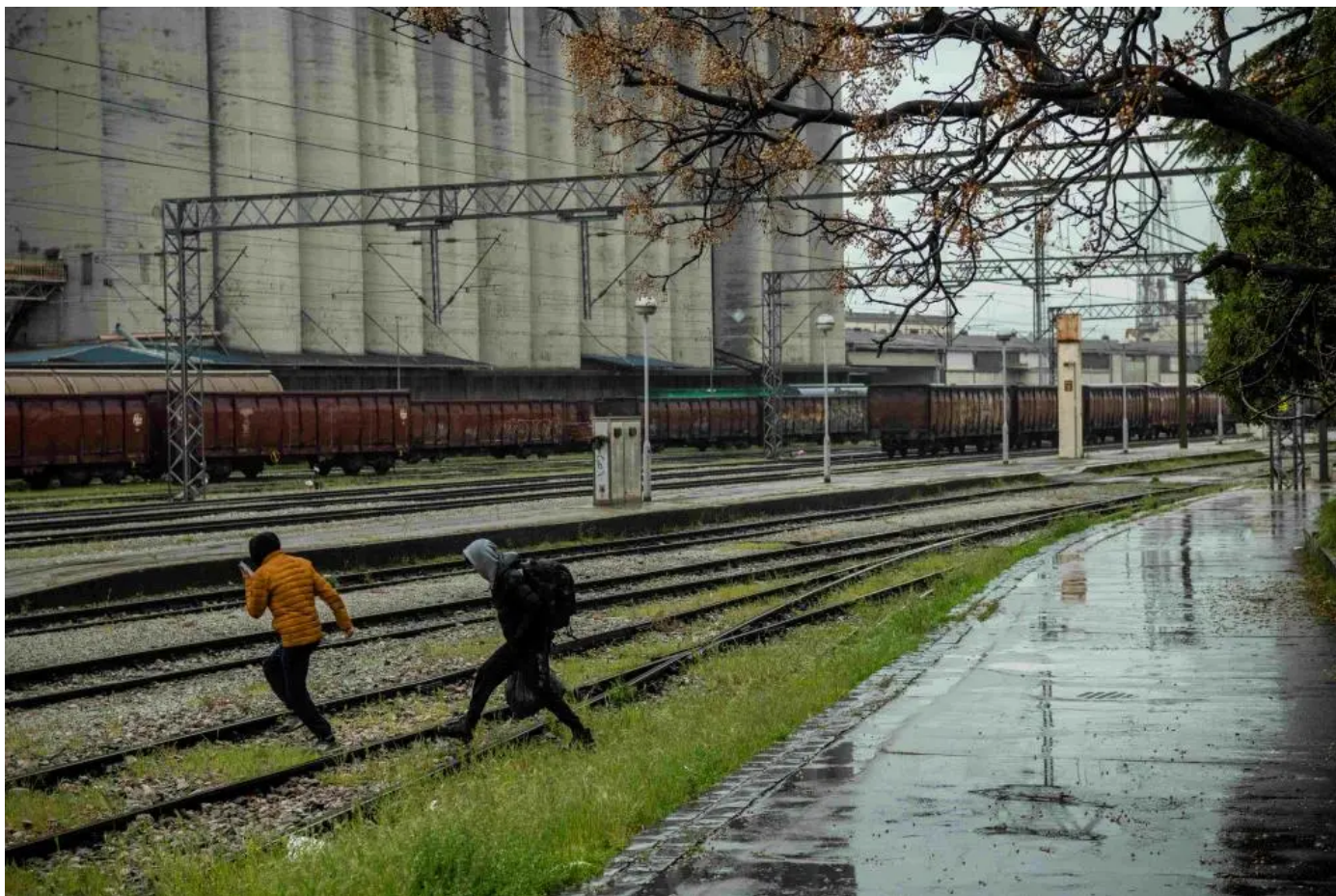
Caritas of the Archdiocese of Rijeka, the Jesuit Refugee Service, and the Red Cross offer asylum seekers and migrants who pass through the railway station in Rijeka, Croatia, a place to shower, rest, and eat before they continue their journey. © 2023 Kiana Hayeri/Human Rights Watch



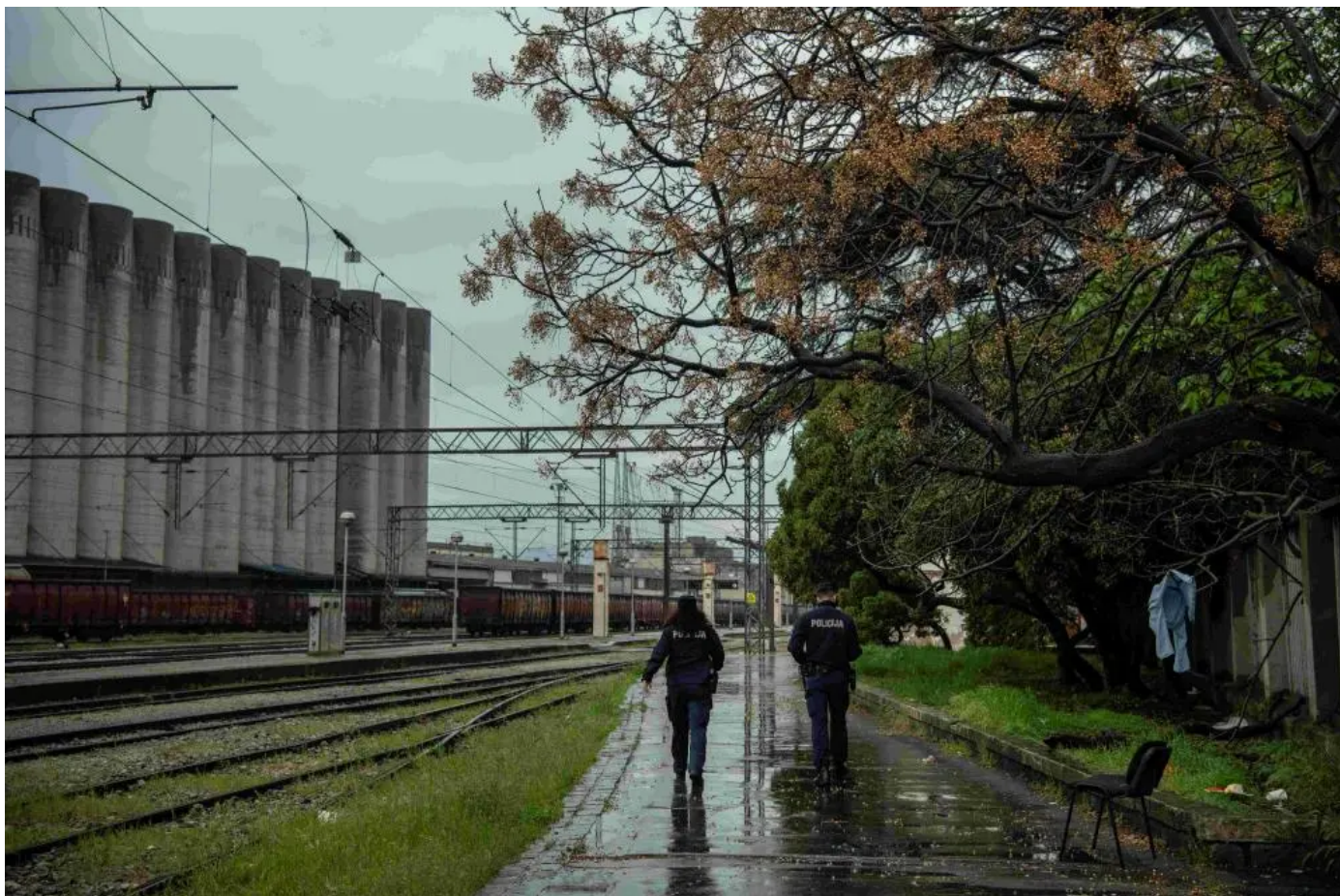
Volunteers with Caritas and the Jesuit Refugee Service provide lunch to asylum seekers and migrants at the railway station in Rijeka, Croatia. © 2023 Kiana Hayeri/Human Rights Watch



A group of Afghans charge their phones at an initiative operated by Caritas and the Jesuit Refugee Service in Rijeka, Croatia, April 2023. © 2023 Kiana Hayeri/Human Rights Watch



Two young men from Afghanistan flee the Rijeka railway station before Croatian police arrive, April 2023. © 2023 Kiana Hayeri/Human Rights Watch



Croatian police leave the drop-in center operated by Caritas and the Jesuit Refugee Service after dispersing asylum seekers and migrants, April 2023. © 2023 Kiana Hayeri/Human Rights Watch

Men and teenage boys have told Human Rights Watch and other groups that Croatian police made them walk back to Bosnia and Herzegovina barefoot and shirtless. In some cases, Croatian police forced them to strip down to their underwear or, in a few cases, to remove their clothing completely. In one particularly egregious case documented by the Danish Refugee Council, a group of men arrived at a refugee camp in Bosnia and Herzegovina with orange crosses spray-painted on their heads by Croatian police, an instance of humiliating and degrading treatment the Croatian ombudswoman concluded was an act of religious hatred.

Younger children have seen their fathers, older brothers, and other relatives punched, struck with batons, kicked, and shoved. Croatian border police have also discharged firearms close to children or pointed firearms at children. In some cases, Croatian police have also shoved or struck children as young as six.

Croatian police commonly take or destroy mobile phones. Human Rights Watch also heard frequent reports that Croatian police had burned, scattered, or otherwise disposed of people's backpacks and their contents. In some cases, people reported that police had taken money from them. "The last time we went to Croatia, the police took everyone's money and all our telephones. Why are they like this?" asked Amira H., a 29-year-old Kurdish woman from Iraq travelling with her husband and 9-year-old son.^[2]

Pushbacks inflict abuse on everyone. In particular, many people said pushbacks took a toll on their mental well-being. Hakim F., a 35-year-old Algerian man who said Croatian police had pushed him back four times between December 2022 and January 2023, commented, "These pushbacks are so stressful, so very, very stressful."^[3] Stephanie M., a 35-year-old Cameroonian woman, told Human Rights Watch in May 2022, "These pushbacks have been so traumatizing. I find I cannot sleep. I am always thinking of the things that have happened, replaying them in my head. There are days I cry, when I ask myself why I am even living. I find myself thinking, 'Let everything just end. Let the world just end.'"^[4]

For children and their families, who frequently cannot travel as fast on foot as single adults can, pushbacks may add considerably to the time spent in difficult, often squalid, and potentially unsafe conditions before they are able to make a claim for asylum in an EU country. They increase the time children spend without access to formal schooling. For unaccompanied children in particular, pushbacks can increase the risk that they will be subject to trafficking. Family separation may also result from pushbacks: the nongovernmental organization Are You Syrius has reported cases of women allowed to seek asylum in Croatia with their children while their husbands are pushed back to Bosnia and Herzegovina.

Croatian police continued to carry out pushbacks throughout 2022, although in the second half of the year police increasingly employed an alternative tactic of issuing summary expulsion orders directing people to leave the European Economic Area within seven days. These summary expulsion orders did not consider protection needs and did not afford due process protections. By late March 2023, Croatian police appeared to have abandoned this practice and resumed their reliance on pushbacks.

Croatian authorities regularly deny the overwhelming evidence that Croatian police have regularly carried out pushbacks, sometimes inflicting serious injuries, frequently destroying or seizing phones, and nearly always subjecting people to humiliating treatment in the process. The Croatian government did not respond to Human Rights Watch's request for comment on this report.

On the initiative of and with funding from the European Union, Croatia has established a border monitoring mechanism, with the ostensible purpose of preventing and addressing pushbacks and other abuses at the border. The mechanism's parameters and track record have so far not been promising. Its members cannot make unannounced visits and cannot go to unofficial border crossing points. It is not clear how the members are appointed and how the mechanism's priorities are defined. It has had its reports revised to remove criticism of Croatian police and the Croatian Ministry of the Interior.

Croatia's consistent and persistent use of pushbacks violates several international legal norms, including the prohibitions of torture and other cruel, inhuman, or degrading treatment, collective expulsion, and refoulement—the sending of people to places where they would face ill-treatment or other

irreparable harm or would be at risk of return to harm. Pushbacks of children violate the international norm that states take children's best interests into account, including by taking particular care to ensure that returns of children are in their best interests. Excessive force, other ill-treatment, family separation, and other rights violations may also accompany pushback operations.

Slovenia and other European Union member states are also implicated in the human rights violations committed by Croatian authorities against people transferred to Croatia under "readmission agreements"—arrangements under which states return people to the neighbouring countries through which they have transited, with few, if any, procedural safeguards. For instance, under Slovenia's readmission agreement with Croatia, Slovenian police summarily transferred irregular migrants to Croatia if they have entered Slovenia from Croatia, regardless of whether they requested asylum in Slovenia. In turn, Croatian authorities generally immediately pushed them on to Bosnia and Herzegovina or to Serbia.

EU institutions have effectively disregarded the human rights violations committed by Croatian border authorities. The European Union has contributed substantial funds to Croatian border management without securing meaningful guarantees that Croatia's border management practices will adhere to international human rights norms and comply with EU law.

Moreover, the European Union's decision in December 2022 to permit Croatia to join the Schengen area, the 27-country zone where internal border controls have generally been removed, sends a strong signal that it tolerates pushbacks and other abusive practices.

Croatia should immediately end pushbacks to Bosnia and Herzegovina and to Serbia and instead afford everybody who expresses an intention to seek international protection the opportunity to do so. Croatia should also reform its border monitoring mechanism to ensure that it is a robust and independent safeguard against pushbacks and other official abuse.

Until such time as Croatia definitively ends pushbacks and other collective expulsions, ensures that people in need of international protection are given access to asylum, and protects the rights of children, Slovenia should not seek to carry out returns under its readmission agreement with Croatia. Austria, Italy, and Switzerland, in turn, should not send people to Slovenia under their readmission agreements as long as Slovenia continues to apply its readmission agreement with Croatia.

Through enforcement of EU law and as a condition of funding, the European Commission should require Croatian authorities to end pushbacks and other human rights violations at the border and provide concrete, verifiable information on steps taken to investigate reports of pushbacks and other human rights violations against migrants and asylum seekers.

The European Union and its member states should also fundamentally reorient their migration policy to create pathways for safe, orderly, and regular migration.

Related Content

May 3, 2023 News Release

Croatia: Ongoing, Violent Border Pushbacks

EU Turns Blind Eye to Routine Brutality Toward Migrants, Asylum Seekers



Recommendations

To the Croatian Ministry of the Interior

- End pushbacks and other collective expulsions of people who indicate that they wish to seek asylum in Croatia.
- Allow people to claim international protection at the border or upon arrival in the country.
- Safeguard the right of every person to challenge any decision relating to their detention or deportation before a competent, impartial, and independent tribunal in an individualized, prompt, and transparent proceeding that affords essential procedural safeguards, in line with the recommendation of the United Nations special rapporteur on torture.
- Ensure that people who experience torture or other ill-treatment—whether in their home countries or en route—are identified as early as possible, have access to health care, including rights-respecting mental health care and psychosocial support, and receive redress.

- Require video recording of all border enforcement operations and the preservation of video footage to assist in investigating allegations of ill-treatment.
- Issue clear and unequivocal directives to police that ill-treatment, including any excessive use of force, contravenes Croatian and EU law and will not be tolerated, and require police to undergo training on relevant human rights norms.
- Refer any reports of excessive use of force, other ill-treatment, or other improper conduct by police to an independent authority for prompt, effective, and impartial investigation.

To the Croatian Police Directorate

- Direct police to wear identifying numbers during border enforcement operations.
- Forbid police from the routine wearing of balaclavas during border enforcement operations, and forbid the use of wooden sticks and other objects other than those issued by the police directorate.
- Require police to record every “interception” and “diversion” operation involving migrants, which at a minimum should include the time, precise location and a brief description of actions taken, the officers involved, the means used to “intercept” or “divert” people, the number of people “intercepted” or “diverted,” whether any means of restraint or use of force was applied and to how many people, and the outcome of the operation.

To the State Attorney’s Office

- Promptly and thoroughly investigate reports of pushbacks made by nongovernmental organizations or referred by the Croatian ombudsperson or the border monitoring mechanism.

To the Government of Croatia

- Reform the border monitoring mechanism so that it is independent in law and in practice, has sufficient resources and a robust mandate to monitor border-related operations anywhere on the territory of Croatia, is empowered to investigate cross-border violations even when victims are no longer on Croatian territory, and takes into account information provided or made publicly available by non-governmental organizations, media, and EU or UN agencies.
- Explicitly ensure that the border monitoring mechanism can refer reports of pushbacks and other human rights violations to the State Attorney’s Office for prompt and thorough investigation.
- Encourage the border monitoring mechanism to focus on conducting unannounced visits, which should pay particular attention to verifying respect for fundamental rights in the application of the Schengen *acquis*, and take into account evidence from the Croatian ombudsperson and nongovernmental and international organizations in the programming and design of evaluations.
- Cooperate with human rights oversight bodies of the United Nations and the Council of Europe, including UN special rapporteurs and the European Committee for the Prevention of Torture (CPT).

To the Government of Slovenia

- In recognition of the risk of pushbacks of asylum seekers by Croatian authorities to Bosnia and Herzegovina and to Serbia, limit Slovenia’s readmission agreement with Croatia to returns of Croatian nationals.
- Ensure that Slovenian police afford access to asylum to people who express an intention to apply or are in need for international protection.
- Ensure that Slovenian police accept a person’s declaration that they are under the age of 18 if there is a reasonable possibility that the person is a child. If they are unaccompanied, border police should transfer those individuals to the care of child protection authorities, assign them a guardian, give them access to an appropriate age determination process, and conduct a best interests determination. In no case should an individual be returned to Croatia if there is a reasonable possibility that the person is a child.

To the Governments of Austria, Italy, and Switzerland

- In recognition of the risk of chain pushbacks of asylum seekers from Slovenia to Croatia and on to Bosnia and Herzegovina and to Serbia, refrain from applying bilateral readmission agreements with Slovenia other than to people who are EU nationals.

To All European Union Member States

- All countries in the European Union should suspend the return of asylum seekers to Croatia under the Dublin III Regulation, which generally requires that the first EU country of arrival is responsible for a person’s asylum claim, until each of those countries definitely ends pushbacks and other collective expulsions.
- All countries in the European Union should create pathways for safe, orderly, and regular migration.

To the Government of Bosnia and Herzegovina

- Provide adequate staffing and other resources and the necessary political support to enable the Ministry of Security’s Sector for Asylum to register asylum claims and make refugee status determinations within the six-month period provided in the Law on Asylum.
- Ensure that conditions in temporary reception centers for asylum seekers meet essential standards of habitability and provide food and other services that are appropriate for the age, health and disability needs, and culture of the people housed there. Temporary reception centers should be

accessible by public transit and should not be unreasonably far from shops, schools, hospitals, and other essential services.

To the European Commission

- In line with the recommendation of the European ombudsperson, require Croatian authorities to provide concrete and verifiable information on steps taken to investigate reports of collective expulsions and mistreatment of migrants and asylum seekers.
- Press Croatia to end its violations of fundamental rights at its borders and provide solid evidence of thorough investigations of allegations of collective returns and violence against migrants and asylum seekers at its borders. In the absence of such evidence, the European Commission should consider opening legal proceedings against Croatia for violating EU laws prohibiting collective expulsions.
- Actively review and assess the border monitoring mechanism to ensure that Croatian authorities have in place a system that can credibly monitor compliance with EU law in border operations, and provide political and financial support only to a system that meets these conditions.
- Withhold migration management funding until Croatia demonstrates meaningful and sustained progress in ending pushbacks and abuses at its borders and make any future funding contingent on full and unhindered access of EU staff and other independent observers who monitor border operations.

To the EU Council and the European Parliament

- Ensure that the proposal by the European Commission to require EU member states to establish independent border monitoring mechanisms is adopted and that such mechanisms apply to all alleged fundamental rights violations by national border management authorities or during border control activities, are independent from border control or law enforcement institutions, proactively take into account information from other relevant sources, are designed to end abuses and ensure accountability at the domestic level, and publicly report on their findings and conclusions.

To Frontex, the European Border and Coast Guard Agency

- The executive director should ensure that Frontex operations in Croatia are consistent with its human rights obligations under the EU Charter of Fundamental Rights and all applicable international human rights law, including the Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention on Human Rights), and that Frontex complies with its duty to avoid complicity in abuse.
- Frontex's Fundamental Rights Officer (FRO) should monitor and publicly report on Croatian security forces' compliance with European and international human rights and refugee law, as well as compliance by Frontex's officers and those contributed by member states.
- The executive director should inform the Management Board and the Croatian authorities of Frontex's intention to trigger article 46 of its regulation, under which the agency has a duty to suspend or terminate operations in case of serious abuses, if no concrete improvements are made by Croatia to end these abuses within three months from the publication of this report.
- In considering whether to trigger article 46 of Frontex's regulation on Croatia, or when examining concerns brought by the FRO, the executive director should consider allegations of abuse and reports from international and regional organizations, nongovernmental groups, civil society, and the media.

Methodology

Human Rights Watch researchers interviewed 105 people—all refugees, asylum seekers, and other migrants, staying in squats, encampments, or shelters, in transit, or sleeping on the streets. Interviews took place in and around Bihać and Velika Kladuša, Bosnia and Herzegovina; Rijeka, Croatia; Ljubljana, Slovenia; Oulx and Trieste, Italy; and Briançon, France. Most of these interviews were carried out in Bosnia and Herzegovina near the Croatian border during visits in November 2021, May and July 2022, and February, March, and April 2023. Twenty-one people identified themselves as unaccompanied children under the age of 18. Five were parents travelling with children under age 18, and twelve were children travelling with their parents or other family members. Most of those interviewed were from Afghanistan, Iran, Iraq, and Pakistan. Other countries of origin included Algeria, Angola, Burundi, Cameroon, Côte d'Ivoire, Cuba, Democratic Republic of Congo, Ghana, Guinea, Morocco, India, Nepal, and Turkey.

Human Rights Watch also interviewed aid workers, volunteers, and activists who distribute food, provide medical or legal services, or offer information and other support to asylum seekers and migrants.

Human Rights Watch researchers conducted interviews in English, French, Spanish, or Portuguese, in some cases with the aid of interpreters for people who did not speak those languages. We explained to all interviewees the purpose and public nature of our reporting, that the interviews were voluntary and confidential, and that they would receive no personal service or benefit for speaking to us. We also obtained oral consent from each adult interviewee and oral assent from each child interviewee.

This report uses pseudonyms for all migrant or asylum-seeking children and adults. In some cases, additional identifying information such as the precise location of the interview has also been withheld. Moreover, Human Rights Watch has withheld the names and other identifying information of some humanitarian workers who requested that we not publish this information.

In line with international standards, the term *child* refers to a person under the age of 18.^[5] As the United Nations Committee on the Rights of the Child and other international authorities do, we use the term *unaccompanied children* in this report to refer to children “who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.”^[6] *Separated children* are those who are “separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives,”^[7] meaning that they may be accompanied by other adult family members.

This report uses *refugee* to mean a person who meets the criteria in the 1951 Refugee Convention and its 1967 Protocol. Under the 1951 Refugee Convention and its 1967 Protocol, a refugee is a person with a “well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion,” who is outside of the country of nationality and is unable or unwilling, because of that fear, to return.^[8] People are refugees as soon as they fulfill the criteria in the Refugee Convention and Protocol. The UN Refugee Agency (UNHCR) explains:

A person is a refugee within the meaning of the 1951 Convention as soon as he fulfils the criteria contained in the definition. This would necessarily occur prior to the time at which his refugee status is formally determined. Recognition of his refugee status does not therefore make him a refugee but declares him to be one. He does not become a refugee because of recognition, but is recognized because he is a refugee.^[9]

The term *migrant* is not defined in international law; our use of this term is in its “common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons.”^[10] It includes asylum seekers and refugees, and the term *migrant children* includes asylum-seeking and refugee children.^[11]

The report uses the term *pushback* to mean operations aimed at physically preventing people from reaching, entering, or remaining in a territory and which employ no or merely summary screening for protection needs. These operations may be conducted by state authorities or by individuals or groups acting at the behest of state authorities or under colour of law. This use follows the practice of the UN special rapporteur on the human rights of migrants, the UN special rapporteur on torture, the Council of Europe’s Commissioner for Human Rights, and other international and regional experts.^[12] The Committee on the Rights of the Child uses *pushback* interchangeably with *forced return*,^[13] and this report does the same.

I. Forcible Returns to Bosnia and Herzegovina

Pushbacks from Croatia to Bosnia and Herzegovina are both a longstanding phenomenon and an ongoing practice. The Danish Refugee Council recorded nearly 30,000 pushbacks from Croatia to northwestern Bosnia and Herzegovina between 2020 and the end of 2022—a number that it cautions is likely a significant underestimate.^[14] Its teams in Bosnia and Herzegovina continued to record pushbacks as this report was being finalized in mid-April 2023.

Every humanitarian group operating in northwestern Bosnia and Herzegovina observed that the number of people transiting through the country had fallen throughout 2022 and early 2023, and that correspondingly fewer people were pushed back from Croatia. Even so, they observed that the number of pushbacks in 2022—nearly 4,100, according to the Danish Refugee Council—was still high in absolute terms, and almost certainly severely undercounted the total number of pushbacks from Croatia.^[15]

The lower numbers of observed pushbacks in 2022 may in part be the result of variations in people’s routes through Bosnia and Herzegovina, for example to Banja Luka and then north to the Croatian border rather than through Bihać and Velika Kladuša. The lower numbers may also have resulted in part from Croatian authorities’ apparent reliance in the latter half of 2022 on summary but unenforced expulsion orders that effectively allowed people seven days to transit through Croatia to other EU countries.

But by March 2023, groups reported that Croatian police were again carrying out pushbacks and other mass summary expulsions to Bosnia and Herzegovina.^[16] Some of these expulsions had a veneer of legality—Croatian police issued written decisions and expelled people at regular border crossings, using a “readmission” agreement with Bosnia and Herzegovina. Nevertheless, as with informal pushbacks and the unenforced “seven-day” orders, expulsions under the readmission agreement did not consider people’s individual protection needs, in violation of international norms. And in many instances, Croatian police made no effort to follow readmission procedures; instead, following their usual pushback practice, they simply ordered people to cross rivers or wooded or mountainous areas to enter Bosnia and Herzegovina.

The Route to Bosnia and Herzegovina

Many of the people Human Rights Watch interviewed for this report had spent time in Turkey and Greece (as well as Iran, in the case of most Afghans and Pakistanis we spoke with) before travelling on through some combination of Bulgaria, North Macedonia, Albania, Kosovo, Montenegro, and Serbia. Some described protracted efforts to find safety and stability at earlier points in their journeys. For instance, some people spent months or years in Iran, Turkey, or both in fear of deportation because they had been unable to register as refugees.^[17] Many had sought asylum in Greece, the first EU country they reached, but said that they left after facing obstacles in access to protection, including summary rejection of their asylum claims or protracted periods waiting for resolution of their claims, as well as inhumane conditions in state reception facilities.^[18] Many also said they had experienced pushbacks before arriving in Bosnia and Herzegovina, for example from Bulgaria or Greece to Turkey.

Bosnia and Herzegovina is a country of transit for the overwhelming majority of asylum seekers and migrants who spend time in the country. Some of the people interviewed by Human Rights Watch had relatives or friends elsewhere in Europe and had a definite destination in mind when they began their journeys. Others told us they hoped to go to other countries based on language, perceived opportunities, or simply because they had heard something about those places before they left. A 9-year-old girl told us she had persuaded her family to try to go to Germany because she had read about it online. Several unaccompanied teenage boys, interviewed separately several months apart, said they had chosen their intended destination based on their favourite sports teams.

More frequently, people said they had a general desire to go to a country that they believed would provide safety and security for themselves or their children. Many said they appreciated the assistance they had received from ordinary Bosnians during their time in the country. But they did not believe that Bosnia and Herzegovina offered them a realistic prospect of a stable life.

Such assessments are well-founded. Bosnia and Herzegovina’s asylum system is ineffective, meaning that it is not an option for most people fleeing persecution. Only five people received refugee recognition in 2021, up from one in 2020 and three in 2019. On average, applicants waited 72 days just to register an asylum claim in 2022, a further 280 days to receive an interview, and 307 days for a decision on their claims, according to UNHCR.^[19]

Until the end of 2021, camps for asylum seekers were overcrowded and did not afford adequate access to food, water, or electricity.^[20] These camps held fewer people in 2022 and early 2023, and a new facility for adult men in northwest Bosnia and Herzegovina that opened in November 2021 offered better living conditions than the camp it replaced. Even so, people who stayed in the camps frequently noted that these facilities were not suitable for stays longer than a few days and did not always offer food or services that were culturally appropriate. Adult men who stayed in Lipa Camp, in northwest Bosnia and Herzegovina, also said that its distance from the closest urban center meant that they could not easily buy food or clothing, look for informal employment, or carry out other day-to-day tasks.

Moreover, some 100,000 people continue to be internally displaced as a result of the 1992-1995 war,^[21] and, as the International Crisis Group observed in September 2022, the country has faced “three decades of post-conflict dysfunction and gridlock.”^[22]

A Longstanding Phenomenon

Human rights groups have documented pushbacks from Croatia in significant numbers at least since early 2016,[23] as Croatia became an increasingly important country of transit for people seeking to travel irregularly to Western Europe.[24]

In particular, Hungary's construction of a fence on its border with Serbia and imposition of other restrictions on the entry of refugees and migrants in late 2015 effectively rerouted people through Croatia, from where they could then seek access to Hungary.[25] In this context, the Croatian ombudswoman observed that she received an increasing number of complaints of summary returns to Serbia in 2016 and early 2017, including "allegations that Croatian police officers beat them with bats, made them take their shoes off and kneel or stand in the snow, made them pass through a cordon where they would be beaten and insulted." [26] In January 2017, Save the Children estimated that an average of 30 people each day were facing pushbacks from Croatia to Serbia, including large numbers of children travelling alone and with families.[27] UNHCR recorded some 3,200 pushbacks from Croatia to Serbia in 2017 and more than 10,000 such pushbacks in 2018.[28] As in earlier years, pushbacks to Serbia in 2018 included significant numbers of children, Save the Children and Praxis, a Serbian organization, found.[29]

In likely the most widely publicized case of such a pushback to Serbia, Croatian police disregarded the asylum request made by an Afghan family, including a 6-year-old girl, Madina Hussiny, and ordered them to follow a set of train tracks into Serbia in November 2017. When the family complied, a train struck and killed Madina. The European Court of Human Rights relied on the extensive reporting on pushback practices by Croatia to conclude, despite the state's forceful denials, that its authorities had pushed Madina and her family back to Serbia.[30] As two lawyers with the European Center for Constitutional and Human Rights observed, the court's reasoning "is an acknowledgement of the truthfulness—and credibility—of this body of reports but also of the Croatian state's cover-up for such practices." [31]

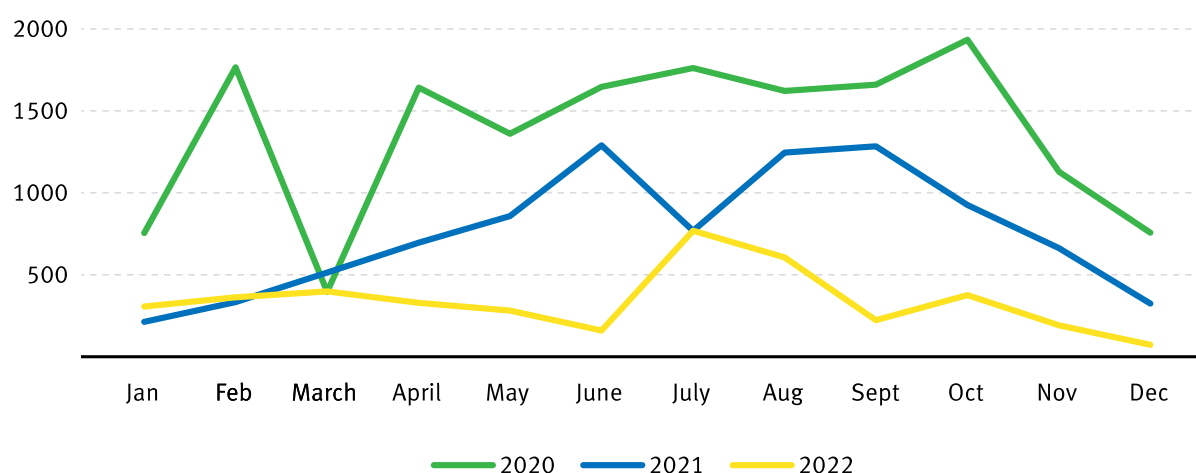
By 2018, Bosnia and Herzegovina had become a significant country of transit,[32] and pushbacks from Croatia to Bosnia and Herzegovina increased accordingly. The Council of Europe Commissioner for Human Rights noted an "intensified" number of reports in 2018 of summary expulsions by Croatia to Bosnia and Herzegovina as well as to Serbia.[33] And over the course of 2019, the Border Violence Monitoring Network identified a trend of increasing violence by Croatian authorities during pushbacks to Bosnia and Herzegovina as well as to Serbia.[34]

An Ongoing Practice

The Danish Refugee Council recorded some 16,400 pushbacks from Croatia to Bosnia and Herzegovina in 2020 and 9,100 such pushbacks in 2021. In 2022, the Danish Refugee Council recorded nearly 4,100 pushbacks from Croatia to Bosnia and Herzegovina.[35] Croatian authorities also continue to carry out pushbacks to Serbia, including of unaccompanied children, other groups have reported.[36]

In 2022, one in four pushbacks recorded by the Danish Refugee Council was of a person from Afghanistan, and nearly one in four was of a person from Pakistan.[37] These countries of origin were also the most commonly reported in earlier years.[38] Bangladesh, Iran, Iraq, and Eritrea were the next most commonly reported countries of origin in 2020 and 2021.[39] In 2022, the third most commonly reported country of origin was Burundi (491 pushbacks, 12 percent of the total), followed by Iran (145, 3.6 percent), Bangladesh (139, 3.4 percent), India (131, 3.2 percent), Cuba (128, 3.1 percent), Cameroon (115, 2.8 percent), the Democratic Republic of Congo (101, 2.5 percent), and Iraq (96, 2.4 percent).[40] People from Burkina Faso, Cuba, Eritrea, Gambia, Guinea, Jordan, Morocco, Nepal, Senegal, Somalia, and Turkey also reported pushbacks during 2022 in smaller though notable numbers.[41]

Figure 1: Pushbacks from Croatia to Bosnia and Herzegovina by Month, 2020 – 2022



Source: Danish Refugee Council (DRC), Border Monitoring Factsheets, March 2021–December 2022; DRC, Bosnia and Herzegovina Border Monitoring Bimonthly Snapshot, January/February 2021; DRC, Border Monitoring Monthly Snapshots, January–December 2020

[Click to expand Image](#)

Approximately 7 percent of recorded pushbacks in 2020 were of children, alone or with families. Children accounted for 12 percent of recorded pushbacks in 2021 and 13 percent in 2022.[42] Similarly, an analysis of Afghans who reported pushbacks from Croatia to Bosnia and Herzegovina between August and November 2021 found that just over 13 percent were children.[43]

Figure 2: Pushbacks from Croatia to Bosnia and Herzegovina, by Age and Gender

	2020	2021	2022	* Nearly all unaccompanied children are boys, but the Danish Refugee Council has occasionally recorded some pushbacks of unaccompanied girls. For instance, the Danish Refugee Council reports 2 pushbacks of unaccompanied girls and 35 pushbacks of unaccompanied boys in September 2020. Source: Danish Refugee Council (DRC), Border Monitoring Factsheets, March 2021-December 2022; DRC, Bosnia and Herzegovina Border Monitoring Bimonthly Snapshot, January/February 2021; DRC, Border Monitoring Monthly Snapshots, January-December 2020
Men	14,681	7,527	3,101	
Women	514	526	437	
Boys in families	490	500	212	
Girls in families	307	366	168	
Unaccompanied children*	431	205	156	Because Danish Refugee Council staff do not meet every person who has experienced a pushback, these numbers likely understate the true number of pushbacks carried out by Croatian authorities to Bosnia and Herzegovina; they also do not include pushbacks to
Total	16,423	9,124	4,074	other countries.[44] Based on accounts it has collected of pushbacks to Serbia and Montenegro as well as Bosnia and Herzegovina, the Border Violence Monitoring Network estimates that Croatian authorities push back more than 20,000 people each year.[45]

other countries.[44] Based on accounts it has collected of pushbacks to Serbia and Montenegro as well as Bosnia and Herzegovina, the Border Violence Monitoring Network estimates that Croatian authorities push back more than 20,000 people each year.[45]

Nevertheless, the data collected by the Danish Refugee Council match the general observations Human Rights Watch heard from staff of nongovernmental organizations and volunteers with humanitarian groups, including in the following respects:

- People attempt to enter Croatia irregularly from Bosnia and Herzegovina and are pushed back throughout the year; however, irregular crossings are less frequent, and the number of pushbacks is lower from November to February.
- The vast majority of people pushed back are adult men, most of whom are between the ages of 18 and 30.
- Families with children and unaccompanied children also regularly face pushbacks.
- Many of those pushed back, regardless of age or gender, reported that they have faced multiple pushbacks, sometimes dozens.

Other Forms of Summary Expulsion

Humanitarian and human rights groups in Bosnia and Herzegovina, Croatia, Slovenia, and Italy received fewer accounts of pushbacks by Croatian authorities in the months before Croatia's admission to the Schengen area in January 2023.[46] Their observations matched the accounts Human Rights Watch heard between May 2022 and early 2023.

Instead, Croatian authorities increasingly employed other measures that amounted to summary and often collective expulsion, without consideration of individual protection needs.

In the second half of 2022, in one such tactic, Croatian police frequently issued people summary expulsion orders giving them a seven-day deadline to leave the European Economic Area.[47] People who received these orders told Human Rights Watch that Croatian police did not allow them to explain their circumstances or to request asylum, did not explain the process or the nature of the order, did not say if they had an opportunity to be represented or to seek review of the order, and did not provide translations of the order in the languages they understood best. In fact, nearly everybody Human Rights Watch spoke with understood the papers they received to be a seven-day permit to transit Croatia.[48] "It was clear that the intention of Croatian authorities was to prompt people to exit the country in any direction, regardless of whether they left the European Economic Area or simply travelled onward to other EU countries," said Urša Regvar, a legal adviser with the Legal Center for the Protection of Human Rights and the Environment (PIC) in Ljubljana.[49]

In late March 2023, Croatian police also made increasing use of the EU readmission agreement with Bosnia and Herzegovina. Between March 23 and April 6, Croatian authorities transferred 559 people to Una-Sana Canton, in northwest Bosnia and Herzegovina.[50] Croatian authorities have also made transfers under the readmission agreement to Gradiška and Orašje, municipalities on Bosnia and Herzegovina's northern border near the Croatian town of Slavonski Brod.[51]

In addition, Croatian authorities have begun to tell some people that they owed significant fines for their time in detention prior to their expulsion. For instance, Urša Regvar has reviewed documents in which Croatian authorities assessed charges of nearly €800, purportedly to cover the cost of their detention.[52]

II. Violence, Humiliation, and Other Abuses During Pushbacks

The police came. They had us remove our clothes. They took our phones. They searched us. We said we want to seek asylum in Croatia. We said we needed medical attention. They said, "Go." They deported us with no consideration of our situation. This was the fifth time this has happened to us.

—Stephanie M., a 35-year-old woman from Cameroon, interviewed in Velika Kladuša, Bosnia and Herzegovina, May 25, 2022

When the police caught us the first time we tried to cross into Croatia, in October 2020, they attacked me and my father, beating us. I told them my mother was very sick and needed to go to a hospital. The police spoke really harshly to us: "Go to Bosnia. Go back. We are the police, not doctors. Go to Bosnia, you motherfucker. Why have you come to Croatia?"

—Farhad K., a 21-year-old Iranian man travelling with his parents and 14-year-old sister, interviewed in Šturlić, Bosnia and Herzegovina,

Describing a pushback in November 2021, Laila R., the 16-year-old girl from Afghanistan whose account opens this report, said, “Some people were beaten really badly. The Croatian police took everybody’s phones and broke them. They burned our stuff in front of us. They were shouting at us, saying, ‘We don’t want you in this country, go back to Bosnia!’”^[53]

Laila and her family experienced many such pushbacks over the course of 10 months, she told Human Rights Watch. Her account was typical of those we heard. Many of the people interviewed by Human Rights Watch described five or more pushbacks by Croatian authorities—in some cases, dozens.

Pushbacks harm everyone, whether they are men travelling alone, women with or without partners, children travelling with their families, or unaccompanied children. But families with young children often told Human Rights Watch they had spent extended periods in transit, likely reflecting the limits they faced because of when and how fast they could travel, the routes they could take, and other conditions of their journey. “It’s very difficult to move with a large family,” Rozad N., a 17-year-old Kurdish boy from Iraq, told us. “It’s difficult in every possible way.”^[54]

People who had health conditions or were living with disabilities said Croatian police pushed them back without regard to their circumstances. Mahdi F., from Iran, told us he and his wife had been pushed back several times, including the night before we spoke, even though his wife used crutches and walked very slowly.^[55] Others described having to carry relatives—in one case, on a stretcher^[56]—as they followed the orders of Croatian border police to re-enter Bosnia and Herzegovina.

The likelihood of being pushed back while trying to enter Croatia and travel onward to other EU countries is so high that many people ironically refer to the attempt as the “game.” “We call it the ‘game’ because only a few of us are able to reach [our destinations],” a 33-year-old Pakistani man, Mustafa Q., told Human Rights Watch.^[57]

Croatian border police have often beaten men and teenage boys during pushbacks. For example, Dawar F., a 20-year-old Afghan man interviewed by Human Rights Watch the morning he entered Italy after crossing Croatia and Slovenia, said that on each of the 10 times Croatian police pushed him back to Bosnia and Herzegovina, they punched and kicked him and other men and boys.^[58] Sarim H., a 26-year-old from Pakistan, said Croatian police hit him with their batons on each of the four times they pushed him back in March and April 2023.^[59] Hasan F., a 15-year-old boy from Afghanistan, told us that during a pushback in April 2023, “One of the police kicked me hard on my right side. Why did they do this? I wasn’t running from them. I was sitting on the ground following their orders.”^[60] Human Rights Watch also heard of some instances in which Croatian police subjected women and younger children to physical violence.

Croatian police commonly take or destroy mobile phones and power banks (battery packs to recharge phones) and in some cases have also taken or destroyed money, backpacks, and other property. “The last time we were pushed back, the Croatian police burned all our stuff. I told them they were thieves,” Laila said.^[61]

Some men and boys also reported that Croatian police ordered them to remove their shirts and shoes—and in a few cases to strip down to their underwear—before ordering them to walk through the forest and cross the international border, which frequently runs along a river or stream. Some of these cases took place in the early spring or late autumn, when night-time temperatures were in the range of 4 degrees Celsius or lower.

There is no reason to doubt that Croatian police are responsible for pushbacks to Bosnia and Herzegovina. Describing the men who pushed him back to Bosnia and Herzegovina on the ten unsuccessful attempts he made to enter Croatia in late 2021 and early 2022, Dawar F. said, “The men who did this were police in uniforms. The uniforms had the word *policija* [‘police’] on them, and the men said they were Croatian police.”^[62] Osman L., 26, gave a similar description of the men who pushed him back to Bosnia and Herzegovina in November 2020, saying, “They wore black uniforms and badges. Their shirts said ‘police.’ They had a patch with the Croatian flag on the shoulder. I recognized the Croatian badge.”^[63] Farhad K. said, “They wear blue or sometimes black uniforms with a shield on the arm. Sometimes they have a name tag. Sometimes their faces are covered.”^[64] Firooz D., a 15-year-old Afghan boy, said the police who pushed him and another 15-year-old back in April 2023 wore dark blue uniforms and had shoulder patches that he recognized as Croatian.^[65] And Laila R. told us, “They wear police uniforms that have marks on the chest and back. They say *policija*. There is a patch on the arm.”^[66] Their accounts are typical of those we heard.

In addition to physical injuries, pushbacks inflict considerable mental trauma. Children and adults alike described harm to their mental well-being that they attributed to repeated pushbacks. “It is so stressful. I don’t understand why the Croatian police have to do these things to us,” Stephanie M., 35, from Cameroon, said.^[67]

Human Rights Watch’s findings are consistent with reporting by journalists, human rights and humanitarian groups, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), and other official entities. These reports document strikingly similar tactics, including beatings and other violence, often administered as people are forced to run between a row of police wielding batons and other objects; the destruction or theft of personal property, particularly mobile phones; frequent theft of money; forcing people to remove shoes and other clothing before crossing rivers to re-enter Bosnia and Herzegovina; and rejection of all efforts to seek asylum.

In combination, these consistent reports leave little room to doubt that Croatian authorities regularly engage in pushbacks to Bosnia and Herzegovina, in violation of international and EU law.

Beatings and Other Ill-Treatment

Human Rights Watch heard frequent accounts of physical violence and other degrading treatment by Croatian border police during pushbacks.

Many of the adult men we interviewed for this report described being beaten by Croatian police during a pushback to Bosnia and Herzegovina. Nearly everybody we spoke with—children as well as adults, without exception—who said they had experienced a pushback also said they had witnessed somebody being beaten by Croatian police at least once. “They look at you like you’re not human,” said Zafar R., a 28-year-old man, going on to describe the beatings he faced from Croatian police.^[68] “The beating is part of the process,” Darius M., an 18-year-old from Iran, said matter-of-factly.^[69]

For example, in May 2022, Imran S., a 28-year-old man from Pakistan, pointed out bruises on his chest, telling Human Rights Watch that Croatian police had apprehended him the night before. “They told me to get down, and then one of them kicked me hard, twice,” he said.^[70] Two other men who told Human Rights Watch they were apprehended at the same time said they saw a Croatian border agent kick the man hard in the chest.^[71]

Osman L., a 26-year-old man from Pakistan, also said Croatian police beat him and other men in 2021 after ordering them to lie on the ground: “We were travelling in a group of 10 people when the Croatian police caught us. They made us lie flat with our palms up. Then they started to beat us one by one. One police officer also kicked us in the face.”^[72]

Similarly, Rashid L., a 31-year-old man from Pakistan, said that when Croatian police pushed him and others back to Bosnia and Herzegovina in May 2022, “They punched and kicked me. They beat me on my legs, back, shoulders, chest.”[73] Zalmay T., a 24-year-old man from Afghanistan, told Human Rights Watch, “The Croatian police punched me and kicked me in the back” when they pushed him back to Bosnia and Herzegovina in 2021.[74] Joseph C., a 40-year-old man from Cameroon, told us Croatian police had kicked and punched him during a pushback in 2022.[75] Farhad K., 21, said Croatian police had kicked him during many of the two dozen pushbacks he and his family had faced.[76]

Teenage boys receive much the same treatment as adult men, we heard. For instance, Laila R. told Human Rights Watch:

The Croatian police will just start beating the men and boys, even young boys, without any reason. One time they stopped the van and told us to get out, all but one boy. They didn't let that boy out. They shouted at us, “Go over there or we'll burn your stuff.” We waited where they told us for maybe 20 minutes. Then we saw they had beaten that boy and taken his shoes and jacket. It was raining hard that day, and the boy had to walk back into Bosnia with no shoes and just a t-shirt.[77]

Describing his treatment by Croatian police during a July 2022 pushback, Antonin G., a 17-year-old Burundian boy, said, “They made me put my hands up, and then they swung their batons and hit me.”[78] Mamadou B., 15, and Aboubacar L., 14, both from Guinea, told us Croatian police kicked them and hit them with batons before telling them to go back to Bosnia and Herzegovina in July 2022.[79] Firooz D. and Hadi A., both 15 and from Afghanistan, said police kicked them several times before pushing them back to Bosnia and Herzegovina in the early hours of the morning we spoke to them in April 2023.[80] Saqib I., 18 at the time of our interview, said Croatian police beat him when they pushed him back to Bosnia and Herzegovina in 2021, when he was 17.[81] And Ali S., 22, said that during one 2021 pushback, Croatian police were particularly brutal toward a 14-year-old Afghan boy in the group. “They beat him really badly,” Ali said.[82]

Some people told us that police singled out men and boys who tried to conceal phones or other property. In one such case, Laila said that police had beaten a teenage boy for trying to conceal his phone. “He said he didn't have a phone, but the police found it when they searched him. They started beating him badly,” she said.[83]

A medical student volunteering with Strada SiCura, an Italian humanitarian group, said that during a visit to Bosnia and Herzegovina in April 2022, he saw many injuries that corresponded with the accounts he heard of people being beaten by police:

I saw broken ribs, lots of injuries on the legs consistent with kicks, bruising on the face or elsewhere on the head that matched accounts of being punched. One person had a burn, a square burn mark in a line down the chest, that looked like it may have been caused by an electrical device.[84]

We also heard accounts of people who required hospitalization and took protracted periods to recover after beatings during pushbacks. In one such case, 19-year-old Ibrahim F., from Cameroon, said Croatian police beat him so badly during a December 2021 pushback that he could not walk for two months.[85]

Some people said Croatian police threatened them with serious injury if they attempted to reenter Croatia. For instance, Ciran H., an Iraqi man travelling with his wife and 9-year-old son, related, “The police told me, ‘If you come back, we will break your hands and your legs.’”[86] In another such account, Firooz D., a 15-year-old boy from Afghanistan, told Human Rights Watch that when Croatian police pushed him and another 15-year-old boy back to Bosnia and Herzegovina in April 2023, “They said if they caught us again, they would really beat us.”[87]

Many who described pushbacks they experienced said that Croatian police did not usually subject women, girls, and younger boys to physical violence. For example, Farhad K. told us, “Sometimes they kick or hit me and my father, but they never hit my mother or my sister.”[88]

But children see their parents, older siblings, and other adults being beaten, exposing them to violence in ways that have been associated with increases in depression, anxiety, and post-traumatic stress disorder.[89] Seywan A., a 34-year-old Kurdish man from Turkey, travelled with his extended family, 11 in all, through Croatia on their way to Western Europe. He said, “We were beaten in Croatia and returned illegally to Bosnia. The Croatian border guards beat me in front of my children.” Most of the adult men and older boys were beaten during pushbacks, he told us. Reflecting on his own experience, he added, “It was like being in a fight club.”[90]

In another of the many similar accounts we heard, Edward C., a Cameroonian man, told us that on one attempt to enter Croatia, “there were children with us when the Croatian police caught us. They started beating us. It was unfair. There were children watching. I objected, and the police just beat me more. They beat us in front of the children. That is not right. That was not good for these children.”[91]

We also heard some accounts that Croatian police had subjected women and girls to sexual harassment or abuse. For instance, Emmanuel J., from Ghana, said that when Croatian police apprehended the large group he was travelling with in May 2022, including eight women, several police “were harassing the ladies. They were touching the ladies’ private parts.”[92]

Laila R.’s earlier account of Croatian police forcing a boy to walk into Bosnia and Herzegovina barefoot and without a jacket was not unusual. We heard many other accounts from people who said Croatian police took their shoes and other clothing, regardless of the weather or the season, before pushing them back to Bosnia and Herzegovina. For instance, 17-year-old Amir G. said Croatian police usually took his shoes in addition to beating him during the nearly two dozen pushbacks to Bosnia and Herzegovina he faced.[93] Osman L., a 26-year-old man from Pakistan, said Croatian police made him and the other men he was travelling with remove their shirts and shoes before telling them to return to Bosnia and Herzegovina.[94] Edward C. said, “The Croatians took everything before they forced us back to Bosnia. I was just in my underwear. They made us cross a river. The water was up to my belly. It was very cold, and I was wearing nothing but my underwear.”[95]

Some people said they had seen a change in the behaviour of Croatian police in 2022, describing less violence by police, instances in which their possessions were returned instead of destroyed, and in some cases courteous interactions.[96] Imran S., a 28-year-old Pakistani man, said, “Some police are good. They return everything when they send us back to Bosnia.”[97] If these experiences reflect a more general development, that change is positive as far as it goes but also reveals the diminished expectations many people have of Croatian border police: as discussed in the following chapter, Croatian authorities do not assess individual protection needs before forcibly returning people to Bosnia and Herzegovina, in violation of human rights norms and EU law.

Moreover, these few positive accounts stand in contrast to those who described violence during pushbacks throughout 2022, suggesting little overall change in Croatian border policing practices. During a pushback in May 2022, for example, Stephanie M., a 35-year-old Cameroonian woman, said that Croatian police beat many of the men in the group. “After they took our mobiles and our things, they started kicking the men,” she told us.[98] And in July 2022, Éric J., a 24-year-old man from Cameroon, said that Croatian police hit him and the other members of his group—including several 15- and 16-year-old boys—on the legs during a pushback the previous week. In addition, he said, “One of the police pointed a gun at my head and said, ‘I will shoot you if I catch you again.’”[99]

Destruction or Theft of Phones and Other Property

Human Rights Watch consistently heard that Croatian border police destroyed or confiscated and failed to return personal property during pushbacks.

Phones and power banks (battery packs to recharge phones) are a particular target for Croatian border police. In many cases, we heard, Croatian police destroy phones and power banks in front of people before pushing them back to Bosnia and Herzegovina. For instance, the first time 16-year-old Laila R. and her family entered Croatia and were apprehended by border police, “the police asked for our phones, and right in front of us they smashed all our phones.”[100]

In many other cases, people told us Croatian police seized and did not return phones before pushing people back. For example, 17-year-old Mansoor K., from Afghanistan, said that Croatian police took his phone and did not return it before pushing him back to Bosnia and Herzegovina in April 2023.[101] Rozad N., 17, said that the first time he and his family entered Croatia:

A policeman took my phone from me and put it in his pocket. It was my first game, so I was surprised. I said, ‘What are you doing? That’s my phone.’ He said, ‘Oh, it was yours. Now it belongs to me.’ I didn’t understand what was going on. I started yelling, and he beat me.”[102]

Since that time, he has regularly seen police take phones:

They make you open the phone, and they go to the maps to see what you’ve marked. They check the photos. They look to see if there are any group chats. They want to see if you have had any contact with smugglers. Then, if they like the phone, they make you enter the code so they can restore all the factory settings, and they keep it.”[103]

Similarly, Arsal G., a 20-year-old Afghan man we spoke with in Italy and then a few days later in France, explained, “Before the Croatian police deport you, they take things. They look at your phone. If it’s new, they make you reset it, and they put it in their pocket. If it’s not new, they break it.”[104]

It is also common for Croatian border police to steal money from the people they push back. During a pushback in April 2023, for instance, Croatian police took €300 from Nasim H. and €170 from Amin B. before ordering them to return to Bosnia and Herzegovina.[105] Firooz D., a 15-year-old Afghan boy, told us police took €500 from him during a separate pushback in April 2023.[106] Similarly, Omar T., a 66-year-old Tunisian man, told us Croatian police took money from him and others before pushing them back to Bosnia and Herzegovina in early February 2023: “I had €30, so the police took that. I saw them take €50 from others, €100 from some, €20 or €40 from some other people, whatever people had. The police did not return this money when they pushed us back.”[107] In fact, theft of money during pushbacks is so common that Ahmad H., from Pakistan, commented, “Every time I try to cross into Croatia, I know the Croatian police will take at least €100 if they catch me.”[108]

In some cases, Croatian police set money on fire after taking it from people. Nadeem S., a 26-year-old Pakistani man, said that the last time Croatian police pushed him back to Bosnia and Herzegovina, in May 2022, they took €300 from him and burned the money in front of him. They also seized his group’s phones, placed them in a row on the ground, and shot them to destroy them.[109] Yasser D., also age 26 and from Pakistan, said Croatian police burned the €400 he was carrying when they apprehended him on a different day that same month.[110]

It is also common for Croatian police to burn backpacks and everything they contain, we heard. “They take your documents and everything you have and put it in the fire. They burn all your stuff,” Kamran S., an Iranian man, said.[111] “The last time, they burned all of our stuff,” Laila R. told Human Rights Watch in November 2021.[112]

Among the many other accounts we heard of Croatian police destroying or taking and not returning property during pushbacks:

- Farhad K. said Croatian border police smashed his phone before forcing him and his family to wade across the river into Bosnia and Herzegovina in October 2021. Croatian police had taken their phones during earlier pushbacks between October 2020 and October 2021, he told Human Rights Watch.[113]
- Mahdi F., a 38-year-old man from Iran, said that when Croatian police apprehended him near the border with Bosnia and Herzegovina, “they took my phone charger from me, and they took my documents and burned them in front of me before beating me.”[114]
- Ciran H., an Iraqi man travelling with his wife and 9-year-old son, said that Croatian police destroyed his SIM card when they entered Croatia in May 2022.[115]
- Ahmad H., a 20-year-old man from Pakistan, said that before Croatian police pushed back his group—eight people in all—in May 2022, they confiscated phones and battery chargers.[116]
- Imran S., 28, also from Pakistan, told us that Croatian police pushed him and 14 others, including children, back in May 2022, saying, “The police took everything we had first: mobiles, money, backpacks, clothes, even shoes.”[117]
- “They took my phone and power bank,” said Rashid L., a 31-year-old man from Pakistan, describing a pushback he faced in May 2022.[118]
- “They took our phones when they took us back to the border. I don’t know what they did with our phones,” said Dawar F., a 20-year-old Afghan man.[119]
- Seventeen-year-old Amir G. said that Croatian police confiscated phones and other property from him and others during each of 23 pushbacks he faced, most recently the week before he spoke to Human Rights Watch in November 2021.[120]
- Describing a pushback in late May 2022, Emmanuel J., a 25-year-old Ghanaian man, said, “The Croatian police took €200 and my phone from me. In our whole group [of more than twenty], only one person was able to keep his phone.”[121]
- Pierre M., a 30-year-old from Burundi travelling with his 16- and 17-year-old brothers, said Croatian police took his phone and €500 when they pushed the family back to Bosnia and Herzegovina in June 2022.[122]
- Omar T., a 66-year-old man from Tunisia, and Hossam D., a 33-year-old from Morocco, each said that Croatian police had taken their phones, power banks, and chargers during separate pushbacks in February 2023.[123] Hakim F., a 35-year-old from Algeria, said Croatian police did the same when they pushed him back in January 2023.[124]
- Rozad N., 17, told us, “They always take my phone and power bank. Now I leave my phone in the middle of the jungle somewhere close to the place where we cross.”[125]

It is particularly pernicious for Croatian police to confiscate or destroy physical documents and digital information. As Urša Regvar, a legal adviser with the Legal Center for the Protection of Human Rights and the Environment (PIC) in Ljubljana, observed, “People can change their phones and

find new clothes. But the most disturbing part is that Croatian police will destroy documents on the phone that people could use to prove their country of origin. They also destroy originals of documents.”[\[126\]](#)

Dumped at the Border

We heard many accounts of Croatian authorities carrying out pushbacks far from urban centers, often in the middle of the night and in locations unfamiliar to the people who are pushed back. Describing what happened the first time she and her family tried to enter Croatia, in March 2021, Laila R. said:

After 30 minutes, a vehicle came. They called it a deportation car. It was a van, and when they opened the door it was like a jail inside, with bars on the glass. They drove us somewhere. It was at night, so we didn't know where we were. They stopped and said, "Go straight ahead, that's Bosnia." We spent the night in the forest and found our way to a town the next day.[\[127\]](#)

In a similar account, Stephanie M., from Cameroon, told us, “When they deport us, they take us somewhere far, far away. When we cross into Bosnia, we are confused. We don't know where we are or what we can do. We are stranded in the middle of nowhere.” She said she and her family had been pushed back from Croatia five times in this manner in 2022.[\[128\]](#)

Croatian police do not transfer people to the custody of authorities of Bosnia and Herzegovina during pushbacks. “When the Croatian police deport us, they don't hand us over to Bosnian police. They just tell us to walk into Bosnia. Sometimes they make us cross rivers,” Farhad K. said.[\[129\]](#)

Urša Regvar, the PIC legal adviser, explained:

Pushbacks are completely unofficial procedures. They do not go through Bosnian authorities. They just physically take people to the border; there is no procedure. They order people to cross. There are no Bosnian police on the other side to meet people. These procedures are not based on any legal ground.[\[130\]](#)

Consequently, people may find themselves stranded in an unpopulated area with no idea of where they are, and in some instances without water or adequate clothing, when they arrive in Bosnia and Herzegovina after being pushed back from Croatia. Seventeen-year-old Rozad N. described what he and his family faced:

The police took us in a van and drove for two-and-a-half hours. Then they stopped and made us get out. They said we had to go back from here. We were in a very bad situation. We had no food or water. No phones, no power bank, no money. We were completely empty-handed.[\[131\]](#)

Not only do Croatian police frequently make people cross at unfamiliar points along the border, but they often also do so at places that are far from towns or main roads. Laila R. told us, “They put everyone in a car and drive so fast. When the car stops, they make you walk into Bosnia. They take us someplace really far away. You have to walk back to Velika Kladuša. It takes a really long time.”[\[132\]](#) Farhad K., a 21-year-old Iranian man, said Croatian police pushed him and his family back to Bosnia and Herzegovina about 30 kilometers from Velika Kladuša, the town in Bosnia and Herzegovina from which they had entered Croatia.[\[133\]](#) Soroush B., a 38-year-old man from Iran, gave a similar account.[\[134\]](#)

Croatian authorities also carry out pushbacks at any time of the day or night. “The last time the police pushed us back, it was at midnight. We pleaded with them to let us at least cross the border in the daylight. They just said, ‘Go,’” said Marie D., a 30-year-old woman from Cameroon, in one of many such accounts we heard.[\[135\]](#)

Multiple Pushbacks

Most of the people interviewed for this report said they had experienced multiple pushbacks, sometimes dozens. For instance, Rozad N. told us he and his family, including his 7-year-old brother and 9-year-old sister, had been pushed back between 45 and 50 times over the previous two years.[\[136\]](#) Darius M., an 18-year-old Iranian man, said he was pushed back 33 times in 2020 and 2021, including when he was 17.[\[137\]](#) Farhad K., 21, from Iran, told us Croatian police had pushed him, his parents, and his 14-year-old sister back more than two dozen times.[\[138\]](#) Amir G., a 17-year-old from Pakistan, said he had been pushed back from Croatia 23 times.[\[139\]](#) Kamran S. said he had been pushed back 15 times.[\[140\]](#)

Some people had been pushed back so many times they had lost count. “I have tried to cross into Croatia so many times I can't remember how many,” Marjan B., a 24-year-old man from Afghanistan, told Human Rights Watch.[\[141\]](#) We heard the same from Tariq A., a 22-year-old Pakistani man.[\[142\]](#)

Harm to Mental Well-Being

Many of the people we spoke with, particularly those who experienced repeated pushbacks, said that the ill-treatment they faced from Croatian police took a significant toll. “These pushbacks have been so traumatizing. I find I cannot sleep. I am always thinking of the things that have happened, replaying them in my head. There are days I cry, when I ask myself why I am even living. I find myself thinking, ‘Let everything just end. Let the world just end,’” Stephanie M., the 35-year-old Cameroonian woman, told Human Rights Watch.[\[143\]](#)

“Why do they treat us this way? It is not right. Don't send us back. Don't frustrate us like this. Now I have no money. I have no food. How do I survive?” Emmanuel J. asked. He added, “Yesterday night one man wanted to kill himself” after Croatian police pushed the group back to Bosnia and Herzegovina.[\[144\]](#)

Edward C. said he was dealing with trauma months after he reached Slovenia. He explained:

I do not sleep at night. I have nightmares. When I see a police officer, I need to stop and get a hold of myself. Every day I go through this. My way of looking at life is totally different now. Now I don't have anyone I trust. I don't see people as friends, I see them as people who might be enemies. I feel like I always have to be careful, I always have to be on guard. Unexpected sounds affect me. I'm always alert. I'll be sleeping but not really sleeping. I startle quickly. I know I'm not the only one going through this. I'm depressed more than I was before the pushbacks. I feel unsafe.[\[145\]](#)

Lorena Fornasir, a retired doctor who is one of the founders of Linea d'Ombra, a humanitarian group in Trieste, observed that being turned back from the European Union and the often-brutal manner in which pushbacks are carried out has left many people with post-traumatic stress disorder (PTSD). “The young people have a lot of resilience, but they have gone through a lot of stress and a long journey,” she said.[\[146\]](#) Her observations match the

findings of a 2023 study of refugees in Serbia, which concluded that those who had faced pushbacks from Croatia “showed overall higher levels of depression, anxiety, and PTSD.”^[147]

A Pattern of Abuse

The accounts Human Rights Watch heard in 2021, 2022, and 2023 are strikingly similar to the practices we identified in earlier years and are consistent with reporting by journalists, nongovernmental organizations, and EU and UN experts.

For example, in a particularly well-publicized case, Lighthouse Reports, an investigative journalism group, published videos in October 2021 of masked men forcing a group of men from Croatia into Bosnia and Herzegovina.^[148] Interviewed in Bosnia and Herzegovina, the men said police had taken their shoes, jackets, money, and mobile phones before beating them, and they pulled up their shirts to show reporters their backs, covered in bruises.^[149] Immediately after other pushback operations, the Lighthouse Reports investigative team observed photos, SIM cards, backpacks, medication, and other items set on fire and left to burn in metal barrels.^[150]

The Lighthouse Reports investigation concluded that this violent pushback was carried out by Croatia’s Intervention Police (Interventna Policija) as part of an initiative known as “Operation Corridor.” A detailed analysis of the video included the following observations:

The masked men wear dark blue uniforms during the pushbacks. Their quilted underjacket is clearly visible in the video. It’s the same as the Intervention Police model: diamond-shaped quilting, sealed vertical zippers on the sides. The men’s batons, called tonfa, have a distinctive cross-handle. It is part of the official equipment of the Intervention Police.^[151]

Later in the video, “[t]he pictures show a police officer in action, this time without a mask. On his back is clearly written ‘Interventna Policija,’ Intervention Police.”^[152]

In addition, six Croatian police officers concluded that the videos showed members of the intervention police, and Lighthouse Reports interviewed a member of the Intervention Police who said that he took part in Operation Corridor and described substantially similar treatment toward other people who had entered Croatia irregularly.^[153]

Faced with this evidence, Croatia’s Ministry of the Interior confirmed that those responsible for the pushbacks were members of the police force.^[154] Three police officers received suspended sentences—not for physical violence or denial of access to asylum, but for wearing their uniforms inside-out.^[155]

The methods used during the pushback analyzed by Lighthouse Reports are strikingly similar—and in many respects identical—to reports of pushbacks documented by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), other official entities, numerous human rights and humanitarian groups, and journalists over the past half-decade.

When the Committee for the Prevention of Torture visited Croatia in 2020, for example, it heard numerous accounts that Croatian police had inflicted “slaps, kicks, blows with truncheons and other hard objects” on people who had entered Croatia irregularly from Bosnia and Herzegovina.^[156] The committee reported that it continued to receive reports of abuses that matched the accounts it heard in its August 2020 visit:

[I]n the period since the visit, the CPT has continued to receive credible allegations of severe ill-treatment of exactly the same nature as that established by its delegation during the visit. By way of example, on 16 October 2020, the Committee received very detailed allegations, supported by new photographic material, concerning the recent ill-treatment by Croatian police officers of a number of migrants who credibly claim to have been subjected, inter alia, to multiple baton blows. They also stated that they had been subject to verbal abuse and degrading treatment such as being forced to walk across the border into BiH [Bosnia and Herzegovina] in only their underwear.^[157]

The children’s ombudsperson of Croatia has received similar reports from unaccompanied children.^[158] The Zagreb-based Centre for Peace Studies (Centar za Mirovne Studije, CMS) has documented pushbacks against pregnant women and other people with reduced mobility.^[159]

The reports of these and other groups include “consistent and substantiated”^[160] details of the following abusive practices by Croatian authorities:

- Slapping, punching, kicking, or striking people with batons, guns, branches, and other objects,^[161] including while being forced to run a gauntlet,^[162] surrounded,^[163] or forced to lie face down on the ground.^[164] Some of the men and boys interviewed by these groups showed investigators injuries consistent with their accounts of being struck by fists,^[165] truncheons,^[166] branches,^[167] whips,^[168] the butts of guns,^[169] or other objects.^[170] Some people reported that asking for directions or for the return of possessions prompted beatings^[171] and that attempting to protect themselves during beatings,^[172] stating that they are under the age of 18,^[173] or being the person who communicated requests for their group^[174] provoked increased violence. In some instances, people reported that one or more Croatian police officer beat them while another officer restrained them.^[175]
- Beating parents in front of their children.^[176] “The most common patterns of abuse witnessed by children were beatings with police batons,” the Border Violence Monitoring Network observed in a comprehensive report of pushback practices issued in December 2022.^[177]
- Using electroshock devices on people.^[178]
- Setting dogs on people^[179] or threatening to do so.^[180]
- Discharging firearms close to people while they lay on the ground^[181] or while tied to trees,^[182] or firing in the air.^[183]
- Threatening or appearing to threaten to shoot people,^[184] including unaccompanied children,^[185] or otherwise pointing weapons at people.^[186]
- Tying people to trees.^[187]
- Throwing or pushing people into the river with their hands ziplocked.^[188]
- Making boys and adults remove shoes and other clothing—in some cases, all clothing—and then ordering them to walk through the forest and cross the river into Bosnia and Herzegovina.^[189]
- Dragging people along the ground when they were unable to return to Bosnia and Herzegovina without assistance.^[190]
- Destroying documents such as passports, birth certificates, and identification cards.^[191] In other cases, Croatian police did not return identity documents or camp registration documents before pushing people back.^[192]

- Destroying[193] or confiscating and not returning[194] mobile phones, SIM cards, and power banks. In some cases, Croatian police submerged phones in water or damaged their charging ports.[195] And in one case, a group reported that Croatian police said the group's phones could not be returned and instead gave them 20 Croatian kuna (about €2.60) for each phone, falsely telling them that amount could be exchanged for €100.[196]
- Confiscating or destroying medication.[197]
- Burning or taking backpacks, clothing, and other possessions.[198]
- Taking food, sometimes scattering it over the ground or trampling it,[199] and taking and not returning water.[200]
- Stealing money.[201]
- Cursing and using other denigrating language, including insults against family members.[202] In some instances, Croatian police referred to people as “terrorists,”[203] “Taliban,”[204] or in explicitly racist terms.
- Filming people while subjecting them to humiliating treatment.[205]
- Refusing to call for medical assistance[206] or to provide food or water.[207]
- Pushing people back multiple times.[208]
- Separating families during pushbacks.[209]
- Pushing people back at night,[210] far from regular border crossings,[211] to border police stations without public transport,[212] or far from the place of entry into Croatia.[213] In some instances, people have reported being pushed back to Bosnia and Herzegovina even though they had entered Croatia from Serbia.[214]

These reports establish that Croatian police consistently target adult men for physical violence during pushbacks. Adult women have also faced beatings and other physical violence.[215] And children, particularly but not exclusively teenage boys, have been beaten and otherwise subjected to physical violence by Croatian police during pushbacks. For instance, two unaccompanied boys told the Committee for the Prevention of Torture that Croatian police hit them and took their shoes and other clothing before pushing them back to Bosnia and Herzegovina.[216] In one of these cases, the boy reported that police had him remove all of his clothes, including his underwear, before driving him to the border.[217]

In another such case, an Afghan woman told the Danish Refugee Council that when Croatian police pushed her family back to Bosnia and Herzegovina in February 2021, “they started slapping and punching the children, then they ordered them to walk down into the forest.” When she next saw the children, they were lying on the ground. “The officer told them to get up and strip naked. They were hitting them with police batons while they were stripping naked,” she said. The police then ordered the group to walk into Bosnia and Herzegovina. The woman told the Danish Refugee Council, “The whole time we were walking they were hitting us with police batons over our back and legs. The children got it the worst.”[218]

In October 2020, a Pakistani man told the Danish Refugee Council that a boy who had also been apprehended by Croatian police “tried to say that he is a minor. He was beaten a lot, and when it was his turn to take off his clothes, he was beaten even more.”[219]

Other groups have also reported police violence against children.[220] Croatian police have on occasion shoved or hit very young children during pushbacks: in 2018, Human Rights Watch spoke to the parents of a 6-year-old boy who was hit with a rubber baton and, in a separate case, the parents of a 5-year-old boy whom Croatian police shoved to the ground.[221]

Croatian police have also falsely registered unaccompanied children as adults.[222] As the children's ombudsperson of Croatia reported in 2020, “unaccompanied minors taken to police stations are often forced to sign a statement stating their claim that they are of legal age.”[223] In one such case, an account taken by No Name Kitchen in November 2021 explained:

When they were supposed to fill in their ages, and the 17-year-old minor of the group had filled in that he was 17, an officer reportedly came up to him beating him on the chest as well as hips; also lifting him up and throwing him down on the ground, then kicking him into his genitals, asking why he had written that, and then erased the numbers to write that the boy was 20.[224]

The reports of the Centre for Peace Studies, the Danish Refugee Council, the members of the Border Violence Monitoring Network, and other groups also include some accounts of sexual abuse. In one case, a man told the Centre for Peace Studies in 2020 that an armed man used a branch “to forcefully penetrate his anus” while other armed men laughed.[225] The Danish Refugee Council and the Border Violence Monitoring Network documented other cases of sexual violence by Croatian police in 2019 and 2020—in one instance, of a man in front of his children.[226]

In another case documented by the Border Violence Monitoring Network, a 13-year-old girl “described in detail how she was harassed by male police officers while they were searching her and how they dismissed her when she asked for a female officer instead.”[227] And in another case documented by the Centre for Peace Studies, uniformed Croatian police handed a group of migrants to armed men in black uniforms who beat the migrants and forced them to undress and lie on top of each other.[228]

These reports also include particularly notable instances in which Croatian police inflicted other forms of deeply humiliating and degrading treatment on people before pushing them back to Bosnia and Herzegovina.

In one case in 2020, a group of 33 men arrived in Bosnia and Herzegovina with crosses spray-painted on their heads.[229] “One group of victims reported that the police ordered them to take off their clothes and get on their knees before they took out the spray to mark their heads,” the Centre for Peace Studies noted,[230] and one of the men said a police officer spray-painted his head “while swearing profanities against his religion.”[231] During its August 2020 visit to Bosnia and Herzegovina along with Croatia, the Committee for the Prevention of Torture saw photos showing that one man had arrived at a migrant camp in Bosnia and Herzegovina “with a spray-painted orange cross on his head”[232] and spoke to another man who described identical treatment by Croatian police.[233] As of February 2023, the Centre for Peace Studies had not heard from the State Attorney's Office about any steps it had taken to investigate this complaint or others it has submitted.[234]

In another case, people told the Committee for the Prevention of Torture that police covered their heads and faces with sugar, mayonnaise, and ketchup before pushing them back.[235]

III. The Failure to Screen for Individual Protection Needs

We walked for six days. We were thinking we were very close to Zagreb when the Croatian border police caught us. They started harassing us, saying “Go back, we don’t want you.” They searched us. We tried to tell them why we had come to Croatia so we could ask for asylum. We used those words, we said very clearly we wanted asylum in Croatia. The police said, “No, we don’t give asylum here.” It was very clear we could not do anything that challenged the police in any way, even by saying we had a right to apply for asylum. We thought if we continued to ask for asylum, the police would see that as a challenge and would start to hit us. Everyone was very afraid.

—Emmanuel J., a 25-year-old man from Ghana, interviewed in Velika Kladuša, Bosnia and Herzegovina, May 25, 2022

When Ciran H., his wife, and their 9-year-old son entered Croatia in mid-May 2022, they walked for about six hours before Croatian police apprehended them. He said, “We thought maybe they would send us to the camp in Zagreb. Instead they deported us to Bosnia. We had said we needed protection, and we had asked how we could apply.”[236]

Human Rights Watch heard many such accounts of Croatian police ignoring people’s requests for asylum. For instance, 12-year-old Zarin G. told us he and his extended family, including four other children between the ages of 3 and 8, had been pushed back from Croatia early that morning even though they tried to explain that they were from Afghanistan and wanted to seek asylum.[237] Similarly, describing his second pushback in a week in early April 2023, 15-year-old Hasan F., also from Afghanistan, said, “I asked for asylum. I told the police I’m underage. I repeated this: ‘I am fifteen. I am a child.’ They ignored me. They just took me to the border and told me to go.”[238]

The people interviewed for this report repeatedly expressed dismay at the unwillingness of the Croatian border police to consider the specific circumstances that led them to leave their countries. As Joseph C., a 40-year-old man from Cameroon, said, “We didn’t choose to migrate. It’s that the situation we were in changed beyond our control. Myself, I never thought I would leave my country. The world recognizes the need to offer refugees protection because this kind of necessity could happen at any time to anyone.”[239]

Sometimes Croatian police falsely claim that access to asylum is restricted in some way. For instance, Rozad N., 17, said he and his family have asked for asylum in Croatia more than 45 times:

We always ask for asylum. Usually they’re just like, “Okay, bye.” They always have some lie. Sometimes they say the camp is full. Or there’s no car to take us there. The buses aren’t working, so they can’t accept us. It’s always some lie like that.[240]

He described his interaction with the Croatian police the previous week. “I said I want asylum. They said, ‘Not today.’”[241] His mother added, “Every day they have a different answer. ‘The camp is full,’ or ‘we can’t transfer you.’ Every single time they find an excuse.”[242]

Others told Human Rights Watch that Croatian police responded to their requests for asylum with insults, including racial slurs. As one example, when Pierre M., a 30-year-old from Burundi travelling with his 16- and 17-year-old brothers, told Croatian border police that he and his family wanted to seek asylum, “The police said, ‘Fuck you,’ ‘shut up,’ and even called us ‘stupid Africans.’”[243]

Many of the people interviewed for this report said they made their asylum requests clearly and repeatedly to leave no doubt as to their objective. Describing a pushback in April 2022, Mustafa Q., a 33-year-old man from Pakistan, told us, “We had walked for seven days. We were almost to the Slovenian border when the Croatian police caught us. We asked for asylum many, many times. They just told us, ‘No asylum,’ and pushed us back to Bosnia.”[244] In another case, Yasser D., a 26-year-old Pakistani man, said Croatian police apprehended and pushed back the five members of his group in early 2021. “Everybody asked for asylum. That’s why we had crossed the border, so we kept asking for asylum when the police caught us. They didn’t acknowledge our request. Instead, they beat us and had us enter their vehicle. They hit us with their sticks, kicked us, punched us. To them, it was like we were just animals.”[245]

We also heard numerous accounts from people who said they consistently requested asylum from Croatian police even though they had been pushed back many times. For example:

- “Every time we enter Croatia we tell the police we want asylum,” 16-year-old Laila R., from Afghanistan, told Human Rights Watch, saying that she and her family were pushed back to Bosnia and Herzegovina each time.[246]

- Farhad K., 21, from Iran, said that he and his family had attempted to cross into Croatia more than two dozen times between October 2020 and November 2021, when we interviewed him in Bosnia and Herzegovina. “We are always forced back to Bosnia,” he said, adding, “We ask for asylum every time. I tell every police agent we meet that we want asylum.”[247]

- “I always ask for asylum,” Daryab A., a 24-year-old Afghan man, said. “I have tried to cross more than 13 times, and I asked for asylum each time.”[248]

- “We always ask for asylum. Each time, they refuse. They say, ‘Just go, just go,’” said Ibrahim F., a 19-year-old man from Cameroon.[249]

- “Each time we have entered Croatia, we have asked the police for asylum. They don’t give us the opportunity. They just say, ‘Go back,’” Stephanie M., a 35-year-old Cameroonian woman, told us. Later in our discussion, she added, “We are ready to seek asylum in Croatia,” explaining that she and her family would rebuild their lives in Croatia if they had the opportunity to do so.[250]

As in the cases described by Ciran H., Zarin G., and Rozad N., Croatian police deny access to asylum to families with children of any age. In another such case, Abdul F., a 24-year-old man from Pakistan, told us he had been pushed back from Croatia three days earlier as part of a group that included families with very young children. “We asked the Croatian police to give us asylum, but they didn’t even take us to the police station to hear our story and record our details. They just deported us. The police knew we needed help, but they didn’t help us.”[251]

Jawed M., a 23-year-old from Pakistan, gave a similar account of being pushed back two days before we spoke in late May 2022. “There were many children in our group—one 10-year-old, two minors who were 15 and 17, also a baby who was 6 months old. When the police found us, I was the one who spoke with them. I said, ‘We want *asile*. They said, ‘No, go back.’ I repeated, “We want asylum, *asile*. ” One of the police officers then fired his gun in the air, Jawed said.[252]

Other groups have documented the practice of Croatian police reacting to asylum requests by claiming that there was “no asylum in Croatia”[253] or “no more space in Croatia” for asylum seekers,[254] ignoring asylum requests,[255] responding with curses such as “Just go away, motherfucker!”[256] or otherwise denying access to asylum.[257]

In fact, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment concluded in 2021 that routine denial of asylum was part of the “*modus operandi*” of Croatian authorities:

[M]igrants intercepted within the area of responsibility of a border police station (i.e. up to 30 km from the border with BiH [Bosnia and Herzegovina]) are often directly transported by police van to the “green border” and subject to a push-back without any identification or processing of their cases (including possible asylum requests).[258]

IV. Inadequate Accountability Mechanisms

In the face of overwhelming evidence, Croatian authorities typically reject reports of pushbacks categorically or claim they are carried out by private individuals. Prosecutors have not acted on more than a dozen detailed criminal complaints submitted by human rights groups, ostensibly because the complaints lack sufficient evidence. Nor have prosecutors or other authorities responded to the Croatian ombudsperson's request for an investigation into reports of police mistreatment of migrants. In one of the few instances in which officials have publicly acknowledged that members of the police force took part in pushbacks, just three officers received suspended sentences—and then only for improperly wearing their uniforms.^[259]

A border monitoring mechanism, established in 2021 with European Union funding after considerable delay, has not been independent or effective. Among other significant limitations, it is not authorized to conduct unannounced inspections to official border crossing stations and cannot investigate areas between border crossing stations, the zone known as “green border.”

As the European Committee for the Prevention of Torture concluded in a 2021 report, “no arrangements are currently in place to prevent police officers acting violently against migrants, [leaving them] safe in the knowledge that they will not be held to account.”^[260]

Refusal to Acknowledge Responsibility for Pushbacks

The Ministry of the Interior, which is responsible for the Croatian border police, has denied nearly all individual complaints relating to pushbacks, as well as reports documenting systematic human rights violations at the border.^[261]

For example, in response to a complaint submitted to the Croatian ombudsperson's office in which, as discussed in the previous chapter, a group reported that “eight police officers in black uniforms and black balaclavas first fired in the air, then for five hours beat them with batons and pistol grips, tied them to trees, and then smeared ketchup, mayonnaise and sugar onto their bloodied heads,” the Ministry of the Interior stated that “after sustaining injuries by accident or in physical clashes between themselves, migrants always declare that they were beaten by the police of the country they want to enter” and that “NGO [nongovernmental organization] activists, who are not independent and objective journalists duly record their statements and forward them to the media as a final fact, and the media publish them accompanied by bombastic headlines.”^[262]

In a submission to the UN special rapporteur on the human rights of migrants, the Croatian government claimed that “false information on illegal actions of the Croatian border police towards migrants are constantly presented in media reports.”^[263]

After *Der Spiegel* published videos in 2020 showing violent pushbacks from Croatia to Bosnia and Herzegovina, the minister of the interior “dismissed the report as a campaign waged by opponents of Croatia” and “claimed that the images, all taken by asylum-seekers themselves, were produced somewhere outside of Croatia.”^[264]

In response to Amnesty International's 2019 report, the Croatian minister of the interior said that “migrants hoped that false accusations against Croatian police would assist them in their next attempt to enter Croatia.”^[265] Also in 2019, Interior Ministry officials told Human Rights Watch the people we had interviewed for a 2018 report on pushbacks had fabricated their accounts. The officials also accused activists of impersonating Croatian police officers to make them look bad.^[266]

Instead of admitting that its police engage in pushbacks, or at the very least agreeing to conduct independent investigations into reports of pushbacks, the Croatian government frequently describes its practices as “dissuasion methods” in which the placement of a large number of police officers at the border means that “migrants reportedly do not enter Croatian territory, but, having noticed the discouragement measures, return of their own volition deeper into the neighbouring country's territory.”^[267]

In a rare departure from the usual script, in 2019 then-President Kolinda Grabar Kitarović acknowledged in an interview with the Swiss television outlet SRF that Croatian police carry out pushbacks.^[268] In remarks she later claimed were taken out of context, she said, “I have spoken with the interior minister, the chief of police and officers on the ground, and they assured me they have not been using excessive force. Of course, a little bit of force is needed when pushing people back.”^[269]

In the only other notable exception to Croatia's standard practice of blanket denials, after the 2021 publication of the Lighthouse Reports videos showing masked men beating people at the border between Bosnia and Herzegovina and Croatia, the Ministry of the Interior confirmed that those responsible were members of the police force.^[270] Three police officers received suspended sentences as a result, but only for wearing their uniforms inside-out.^[271]

Lack of Investigation, Prosecution, and Appropriate Punishment for Crimes

In March 2019, the Croatian ombudswoman asked the State Attorney's Office and the Croatian parliament to investigate an anonymous complaint from a police officer that senior officers had ordered border police to forcibly push back refugees to Bosnia and Herzegovina “without paperwork” and after “tak[ing] their money” and “smash[ing]” or taking mobile phones. She received no reply to her request.^[272] The ombudswoman reported in 2020 that the State Attorney's Office had not conducted investigations into any of the complaints she forwarded during the year.^[273]

Maddalena Avon, then a staff member of the Centre for Peace Studies in Zagreb, told Human Rights Watch that between 2017 and the end of 2021, “we've filed 12 criminal complaints with the State Attorney's Office, 10 of these about pushbacks. They respond that there is a lack of evidence, that the reports are not specific. We always have evidence. Medical reports from doctors. Pictures. Personal testimony. Videos. We don't know what they mean by more evidence.”^[274]

Police internal investigation mechanisms are equally ineffective. The Committee for the Prevention of Torture observed that of the 12 cases the Internal Control Service (ICS) of the Ministry of the Interior investigated based on letters from the Croatian ombudsperson's office, requests from prosecutors, or publication of allegations in the media, only 2 had been investigated. The remainder “fail[ed] to demonstrate any fact-finding investigative acts worthy of the name,” the committee found. Moreover, the two cases in which the Committee for the Prevention of Torture found some elements of investigation were handled by a team that included border police, “undermin[ing] the notion that the ICS is independent when carrying out investigations of this nature.”^[275]

The Committee for the Prevention of Torture concluded that “there are currently no accountability mechanisms in place which would allow for the prompt identification and review of the behaviour of those police officers involved in diversion and interception operations of migrants.”^[276]

In light of the committee’s observations, it is not surprising that the European Court of Human Rights found that Croatian authorities “failed to conduct an effective investigation” into the death of Madina Hussiny, the 6-year-old girl struck by a train as she and her family walked along the tracks into Serbia at the order of Croatian police.^[277]

Moreover, Croatian authorities have impeded the independent investigations undertaken by the Croatian ombudswoman, who has the authority under Croatian law to investigate reports of human rights violations, including by conducting unannounced visits to places of detention and other institutions.^[278] During her inspections of border police stations in 2018, 2019, and 2020, for example, border police denied her team access to physical and digital case files on various pretexts, including that “all the cases are locked in the cabinet,” that cases had to be requested by name and surname along with specific dates, that passwords for databases could not be provided, and that data could only be requested in writing.^[279] The ombudswoman’s 2022 report noted ongoing problems with access to border police records relating to apprehensions for irregular entry.^[280]

A Deficient Border Monitoring Mechanism

The European Commission called for the creation of a border monitoring mechanism in 2018 when it allocated €6.8 million to Croatia “to help reinforce border management at the EU’s external borders, in full respect of EU rules.”^[281] Croatia did not establish the mechanism until 2021.^[282]

Members of the mechanism were chosen by the Ministry of the Interior, which did not make a public call for nominations and did not disclose its selection criteria. The result, as the Centre for Peace Studies and other groups have noted, is that the ministry is purporting to monitor itself through a mechanism it appoints and controls.

Members of the mechanism can only visit formal places of detention, such as police stations, official border crossing points, and other detention centers. The mechanism cannot conduct field investigations along the unmonitored stretches of the border where most pushbacks take place. It lacks the ability to conduct unannounced inspections and does not have access to the Croatian Ministry of the Interior’s databases.^[283] As the Croatian ombudsperson has observed, “without the possibility of unannounced visits to institutions, inspections of premises and free access to all data . . . monitoring of police treatment of irregular migrants cannot be considered effective.”^[284]

Despite these significant limitations, the initial version of the monitoring mechanism’s first report, published in December 2021, noted that “the police are conducting illicit deterrence (pushbacks),” among other “irregularities in police conduct.”^[285] This version disappeared from the government website the following day and was replaced a week later with a new version describing pushbacks as “isolated cases.”^[286]

Assessing Croatia’s border monitoring mechanism and the European Commission’s oversight of the EU funding used to establish it, the EU ombudsperson found “significant shortcomings . . . as regards how fundamental rights compliance was monitored” and called on the European Commission to “take an active role in overseeing the monitoring mechanism and demand concrete and verifiable information from the Croatian authorities on the steps taken to investigate reports of collective expulsions and mistreatment of migrants and asylum seekers.”^[287] Similarly, a delegation of the European Parliament Committee on Civil Liberties, Justice and Home Affairs found “little evidence as to the effectiveness of the mechanism” up to the time of its visit to Bosnia and Herzegovina in May 2022.^[288]

An effective border monitoring mechanism in Croatia could be a template for other EU member states at the European Union’s external borders. In a sign that EU institutions recognize that pushbacks at the external borders violate regional and international obligations, a 2020 proposal by the European Commission would require EU member states to establish independent border monitoring mechanisms.^[289]

In response to mounting calls for the establishment of an independent border monitoring mechanism to investigate allegations of pushbacks, Greece tasked the National Transparency Authority to do the job, even though the Greek ombudsman is the official national mechanism for the investigation of arbitrary behavior by law enforcement agencies, including the police and the Hellenic Coast Guard. Nongovernmental groups have raised concerns about the independence and impartiality of the National Transparency Agency.^[290]

Commenting on the EU monitoring mechanism proposal, a group of eight nongovernmental organizations, including Human Rights Watch, have called for an expanded scope of the mechanisms, guarantees for their independence, strengthened accountability for violations, and explicit consequences for member states that obstruct or disregard the mechanisms.^[291]

Similarly, the Committee for the Prevention of Torture has called for any new monitoring mechanism to meet specific criteria of effectiveness and independence, including unfettered access to border areas without notice, to relevant documentation, and to alleged victims of violations and the authority to engage directly with prosecutors’ offices as well as others with information relevant to its investigations.^[292]

V. Chain Pushbacks from Slovenia and Other Countries

When Farhad K. and his family reached Slovenia in October 2020, his mother was very sick. His 14-year-old sister asked a woman to call for help. He told Human Rights Watch:

When the police arrived, I said my mother cannot walk. She needs help, and we want asylum in Slovenia. The officer said, “Oh, you want asylum, do you? Afterwards, you will just want to go to Germany or England.” I said, “If we get asylum, we will stay here.” The police took my mother and sister to the hospital. They took my father and me to the police station. . . . When my mother was out of the hospital, the Slovenian police deported us to Croatia, and then the Croatian police took our phones and money and made us cross the river into Bosnia.
^[293]

As Farhad and his family experienced, even if people reach Slovenia or another EU country, they may find themselves returned to Bosnia and Herzegovina or another country they passed through on their journey through Europe. In such cases, bilateral “readmission agreements”—arrangements under which states return people to the neighbouring countries through which they have transited, with few, if any procedural safeguards^[294]—effectively result in “chain pushbacks.”

For instance, under Slovenia’s readmission agreement with Croatia, Slovenian police have summarily transferred irregular migrants to Croatia if they have entered Slovenia from Croatia, regardless of whether they request asylum in Slovenia. In turn, Croatian authorities have generally pushed them on to Bosnia and Herzegovina or Serbia.^[295]

Slovenian police returned more than 2,100 people to Croatia in 2022 under the readmission agreement, as compared with more than 3,800 returns to Croatia in 2021 and nearly 10,000 such returns in 2020. Afghanistan, Bangladesh, Turkey, Pakistan, India, and Nepal were the principal countries of origin of people returned under the readmission agreement in 2022.^[296]

In late 2022 and early 2023, as Croatian authorities increasingly refused to accept returns, Slovenian authorities’ use of the readmission agreement dropped sharply. The 44 returns to Croatia under the readmission agreement in January and February 2023 were less than one-quarter of the 189

returns to Croatia during the first two months of 2022.[297]

At the same time that Slovenian authorities made less use of the readmission agreement, the number of people apprehended by Slovenian police for irregular entry increased significantly: in 2022, Slovenian police recorded more than 32,000 “unauthorised crossings of the national border,” as compared with just over 10,000 in 2021 and 14,600 in 2020.[298] This trend has continued in the first two months of 2023: the Slovenian police recorded more than 5,100 irregular entries in those two months, nearly four times as many as in the same period in 2022, when police recorded just under 1,300 irregular entries.[299]

The Slovenian police recorded nearly 31,500 applications for international protection in 2022, as compared with some 5,650 in 2021, just over 4,000 in 2020, and just under 5,000 in 2019.[300]

Similarly, until an Italian court ordered the suspension of readmissions from Italy to Slovenia in January 2021, irregular migrants transferred to Slovenia—in 2020, more than 1,200 people[301]—were often immediately sent to Croatia and then pushed back to Bosnia and Herzegovina or Serbia.[302] The same was true under Austria’s readmission agreement with Slovenia, also currently suspended.[303] In December 2022, Italy’s minister of the interior, Matteo Piantedosi, reportedly directed Italian border police to resume returns under the Italy-Slovenia readmission agreement,[304] although it was not clear how the government could do so before the conclusion of appeals of the court’s decision. Even so, Italian authorities appeared to have returned few, if any, people under the agreement as of mid-April 2023.

We heard numerous accounts of people who had experienced chain pushbacks from Slovenia to Croatia to Bosnia and Herzegovina while these readmission agreements were enforced. Amir G., a 17-year-old boy from Pakistan, said he had reached Slovenia eight times, asking for asylum each time. Slovenian authorities handed him over to Croatian authorities, who in turn pushed him back to Bosnia and Herzegovina.[305] Darius M., 18, from Iran, said Slovenian authorities had returned him to Croatia four times, including when he was 17; Croatian authorities then immediately pushed him back to Bosnia and Herzegovina.[306]

These accounts included returns from Slovenia to Croatia in 2022. Among other accounts, Marwand P., a 24-year-old Afghan man, said in the course of two months, Slovenian police had returned him to Croatia twice, where he was immediately pushed back to Bosnia and Herzegovina.[307] After Slovenian police apprehended Sayel K., a 20-year-old Afghan man, near the Italian border and returned him to Croatia in March 2022, Croatian authorities immediately pushed him back to Bosnia and Herzegovina, he said, adding that he had experienced chain pushbacks from Slovenia more than once.[308] And Jawed M. told us, “The Slovenian police caught me three times,” adding that he was pushed back to Bosnia and Herzegovina immediately after Slovenian police handed him over to Croatian police.[309]

We also heard instances of people who experienced chain pushbacks from Italy to Slovenia to Croatia to Bosnia and Herzegovina before the suspension of the Italy-Slovenia readmission agreement. In one such case, 22-year-old Ali S., from Pakistan, said that although he was able to cross Croatia and Slovenia on his first attempt, he was apprehended shortly after he entered Italy in August 2020. Italian authorities returned him to Slovenia, where he was readmitted to Croatia and then immediately pushed back to Bosnia and Herzegovina.[310]

No Name Kitchen and other groups have documented many instances of pushbacks by Croatian authorities to Bosnia and Herzegovina of people immediately after their readmission from Slovenia,[311] including cases in which people said Slovenian authorities ignored their explicit requests for asylum in Slovenia.[312] In other readmission cases, people indicated an intention to seek international protection even if they did not specifically use the term “asylum” in making their request. For instance, a 16-year-old girl told No Name Kitchen that she and her family told Slovenian police “that they fled the war in their home country Afghanistan, to find peace and education in another country.”[313]

These groups have also recorded similar cases of chain pushbacks from Croatia to Serbia after readmission from Slovenia,[314] including instances in which people had initially entered Croatia from Bosnia and Herzegovina rather than Serbia.[315]

Returns from Slovenia to Croatia under the readmission agreement between the two countries involve formal transfers from one country’s border police to the other’s. In that respect, these returns are distinct from Croatia’s pushbacks to Bosnia and Herzegovina, Montenegro, or Serbia, which involve no formal process.[316] Croatia does in fact have a readmission agreement with Bosnia and Herzegovina, but Croatian police made only five returns under the agreement in September, October, and November 2021; prior to that time, it made no returns under the agreement at all, an analysis by the Protecting Rights at Borders initiative found.[317]

Several people commented that Slovenian police treated them better than Croatian police did. For example, Darius M., the 18-year-old from Iran, said, “The Slovenian police give you water. They don’t beat; they don’t take phones or money.”[318]

But accounts collected by the Border Violence Monitoring Network indicate that Slovenian police have used some of the same techniques that Croatian police employ. In one case:

At the police station, the officers took the group’s phones from them and unlocked them. They looked at the maps-applications which they had installed on their phones to navigate their journey. The officers looked at the pins that they had saved and explained to the group that they did not believe their will to claim asylum because the maps on their phones showed saved locations in Trieste.[319]

Unaccompanied children are among those whom Slovenia has returned to Croatia and whom Croatian police have subsequently pushed back to Bosnia and Herzegovina[320] or Serbia.[321] In some instances, unaccompanied children have said Slovenian authorities improperly recorded their age to suggest that they were adults.[322] In one such case, a 16-year-old boy told No Name Kitchen volunteers that a Slovenian police officer slapped him in the face after reading that the boy had given his age as 16. The officer then asked the boy three times how old he was, slapping him every time he answered that he was 16.[323] No Name Kitchen volunteers have heard other accounts of Slovenian police slapping children in response to answers the officers appeared not to believe.[324]

Similarly, Slovenian authorities have returned families with children to Croatia without appearing to consider whether the returns were in the children’s best interests.[325]

In other cases, Slovenian authorities have subjected people to readmission after they sought medical care for urgent health needs. For instance, No Name Kitchen volunteers recorded an instance in which Slovenian authorities returned to Croatia a man who was hospitalized briefly after he suffered an epileptic seizure.[326]

And in some instances, people reported that Slovenian authorities had them remove their clothes at the police station and then transported them to the Croatian border without allowing them to dress.[327]

Human Rights Watch heard that Slovenia’s misuse of its readmission agreement to deny access to asylum has led people to take longer and riskier routes to reach other EU countries where they feel they have a better chance of access to asylum. One activist commented, “To avoid pushbacks, people have started avoiding entry to the legal processes. They are avoiding the city to avoid pushbacks. They are crossing the whole of Slovenia, its whole length, through the forest.”[328]

The UN special rapporteur on the human rights of migrants has cautioned that readmission arrangements and other bilateral and multilateral agreements “cannot . . . be used as a strategy to bypass human rights obligations or to rubber-stamp migrant removals without individual safeguards.”[329] In the view of UNHCR, “a reliable assessment of the risk of ‘chain refoulement’ must be undertaken in each individual case, prior to removal to a third country, including pursuant to a readmission agreement.”[330]

VI. The European Union’s Blind Eye to Abuses

Longstanding, consistent reports of pushbacks by Croatian police did not prevent the European Council from admitting Croatia to the Schengen area in December 2022.[331] The Schengen area is the 27-country area that has generally removed “internal” border controls, meaning that people can travel freely between countries in the area.[332]

This decision was not surprising. The European Parliament had recommended[333] Croatia’s admission in November 2022 following assessments from the European Commission[334] and the European Council[335] that Croatia had fulfilled the technical conditions to join the Schengen area. But it is difficult to square the decision with the explicit requirement in the Schengen Borders Code that member states comply with international and EU law, “in particular the principle of *non-refoulement*.”[336]

As part of the process of entry into the Schengen area, Croatia committed to “improvement[s] of [its] land border surveillance capacity . . . at the external land border with Bosnia and Herzegovina and Montenegro.”[337] In fact, Croatia has received substantial EU funding for border management, as do Bulgaria and Greece[338]—two other EU countries with track records of abusive pushbacks.[339]

While the European Commission, which oversees these EU funds, by no means calls for or otherwise encourages pushbacks, its failure to address these abuses sufficiently (despite its border monitoring initiatives, discussed above) or make its funding contingent on human rights compliance means that pushbacks remain largely unchecked.

In Croatia, the European Border and Coast Guard Agency, Frontex, maintains a presence despite credible and consistent reports by Human Rights Watch and others of pushbacks into Bosnia and Herzegovina as well as Serbia since 2016.

As an EU agency, Frontex is bound to carry out all its operations consistent with the EU Charter of Fundamental Rights (including the right to asylum), the European Convention on Human Rights, and other norms of international law. Human rights law obliges Frontex not to expose anyone to human rights abuse either directly or indirectly and to take necessary measures to protect people from prohibited ill-treatment. Frontex’s own mandate, deriving from the Frontex Regulation, requires all personnel deployed in its operations to respect fundamental rights.[340]

In May 2019, the Frontex executive director confirmed in a letter to Human Rights Watch that Frontex had an aerial surveillance system since July 2018 on the border between Bosnia and Herzegovina and Croatia but said that Frontex had not detected any events indicating human rights violations, including pushback operations in the area.[341]

Frontex’s Consultative Forum on Fundamental Rights, which brings together European institutions and international and civil society organizations to advise Frontex on fundamental rights, expressed concerns in 2020 about the agency’s continued operations in Croatia “given the consistent reports of police violence and pushbacks by Croatian authorities as documented by media and various organisations, including those represented in the Consultative Forum.”[342]

Despite the persistent reports of violations of fundamental rights, and a duty under article 46 of Frontex’s regulation to suspend or terminate operations when those violations are of a serious nature or are likely to persist,[343] Frontex continues to operate in Croatia.

Not only do other EU member states push back asylum seekers, they often also do so using tactics that are virtually indistinguishable from those employed by Croatian border police. The prevalence of pushback practices is such that the Council of Europe’s Commissioner for Human Rights has commented that “pushbacks and the serious violations of human rights that they entail now risk becoming a permanent and systemic feature of the way that refugees, asylum seekers and migrants are treated across Europe.”[344] An assessment by the Protecting Rights at Borders initiative concluded that reporting “in 2022 reconfirmed the pattern of a systematic use of pushbacks” by EU member states.[345] As Maddalena Avon, then a staff member with the Centre for Peace Studies in Zagreb, put it: “This is not a rogue policy. It is an EU policy applied at different points along the EU border.”[346]

Elsewhere in the European Union, Human Rights Watch has documented pushbacks—including of unaccompanied children and families travelling with children—from Bulgaria, Greece, Hungary, and Poland, among other countries.[347] In 2021, the EU Agency for Fundamental Rights noted reports of pushbacks from Austria, Cyprus, France, Latvia, Lithuania, Malta, Romania, Slovenia, and Spain, as well as from the non-EU countries of North Macedonia and Serbia.[348]

Pushbacks are often one component of a larger strategy that targets irregular migration without regard for protection needs. Selectively or in combination, states have employed additional measures, including externalized migration controls, “safe third country designations,” accelerated asylum procedures, overly restrictive interpretations of refugee law, and destitution or similar measures, to restrict access to protection, including for children.[349]

The EU Action Plan on the Western Balkans, announced in December 2022, appears to reinforce such restrictive measures. The action plan “aims to strengthen the cooperation on migration and border management with partners in Western Balkans in light of their unique status with EU accession perspective and their continued efforts to align with EU rules,” including through “the full implementation of readmission agreements.”[350]

The action plan briefly mentions the need to increase the asylum capacity of countries in the western Balkans, including Bosnia and Herzegovina. But in line with the overall emphasis of the action plan, this section includes a clear focus on returns and other transfers of people, with the risk that these measures will deprive them of needed protection. For instance, the EU actions envisaged in this section include “pilot projects in interested Member States for fast asylum procedures in line with the existing *acquis*, notably by applying the border procedure, the Safe Third Country and Safe Country of Origin concepts”[351] and “better implementation of Dublin transfers.”[352]

And as Gianfranco Schiavone, president of the Italian Consortium of Solidarity -Refugee Office Onlus in Trieste, has observed, “the half-page devoted to” asylum does not address the support measures that would be necessary to manage “the acceptance of new migration, often in contexts still marked by conflicts on an ethnic-national basis.” He adds, “Nor is there any provision for a resettlement program to the European Union even though such a need is evident, given the increase in arrivals and the long time required to build adequate asylum systems from scratch.”[353]

In short, as Schiavone concludes, “The primary objective of the Plan, then, is not how to protect refugees but how to prevent them from entering the Balkans, and thus Europe.”[354]

In positive, though limited, developments, some courts have suspended transfers to Croatia under the Dublin III Regulation,[355] which generally establishes that the country where a person is first registered is responsible for deciding that person’s asylum claim.[356] In one of these decisions,

Switzerland’s Federal Administrative Court suspended a Dublin transfer to Croatia in July 2019, noting reports from Are You Syrious and quoting the Council of Europe Parliamentary Assembly’s Committee on Migration, Refugees and Displaced Persons rapporteur’s observation that “[a]n element that appeared to be structural, especially in those informal procedures, was the brutal way pushbacks were carried out. Goods, in particular mobile phones, were destroyed, people were intimidated, and many people reported that violence was used against them.”[357]

In another, decided in April 2022, the Administrative Jurisdiction Division of the Council of State (Raad van State) of the Netherlands cited the reporting of Amnesty International, the Centre for Peace Studies, No Name Kitchen, and other groups in its ruling that the Netherlands State Secretary for Justice and Security could not assume without further investigation that Croatia is complying with EU and international law, and must investigate whether Croatian authorities afford effective access to asylum before proceeding with a Dublin transfer.[358]

VII. International Standards

Croatia’s pushback practices violate several international legal norms, including the prohibitions of torture and other ill-treatment, collective expulsion, and refoulement. Slovenia’s use of its readmission agreement to return people to Croatia has frequently led to indirect refoulement. Moreover, pushbacks of children are inconsistent with specific international standards that call on states to take particular care to ensure that returns of children are in their best interests. Pushback operations may also subject children and adults to excessive force, family separation, and other human rights violations.

More generally, they are inconsistent with the principle of human dignity, “the fundamental value and indeed the core of positive European human rights law,” in the words of the European Committee of Social Rights.[359]

For these reasons, the UN Committee on the Rights of the Child, the UN Committee against Torture, the European Committee on the Prevention of Torture, and other authorities have called on Croatia, along with countries such as Bulgaria and Greece, to end pushbacks.[360]

The Prohibition of Collective Expulsions

Under the jurisprudence of the European Court of Human Rights, the prohibition of collective expulsions[361] is violated when states remove people “without examining their personal circumstances and, consequently, without enabling them to put forward their arguments against the measure taken by the relevant authority.”[362] Pushbacks, which prevent people from reaching, entering, or remaining in a particular territory and usually afford summary or no screening for protection needs, readily meet this standard.

In a troubling development, recent European Court of Human Rights caselaw risks undermining this robust standard. In a context in which hundreds of people crossed or attempted to scale the fence at the border between Morocco and the Spanish city of Melilla, on the north African coast, the court’s Grand Chamber found that their forcible return to Morocco, in handcuffs and against their will, was not a collective expulsion because they had “cross[ed] a land border in an unauthorised manner, deliberately take[n] advantage of their large numbers and use[d] force . . . creat[ing] a clearly disruptive situation which is difficult to control and endangers public safety.”[363] The court has appeared to broaden this “culpable conduct”[364] exception to the prohibition of collective expulsion, suggesting in a subsequent case that it applies presumptively to other situations in which “by crossing the border irregularly, the applicants circumvented an effective procedure for legal entry.”[365]

In another case, the court relied on perfunctory procedures—10-minute interviews, some conducted concurrently with a single interpreter; documents whose content and language those expelled did not understand[366]—to find that there was no reason to doubt that authorities had examined their individual situation before expelling them.[367]

But the court has held states to an appropriately higher standard for individualized consideration in other pushback cases. For example, finding that Poland had violated the prohibition of collective expulsion in refusing entry to several Russian families, the court observed that independent reports identified “a consistent practice” of:

holding very brief interviews, during which the foreigners’ statements concerning the justification for their seeking international protection were disregarded; emphasis being placed on the arguments that allowed them to be categorised as economic migrants; and misrepresenting the statements made by the foreigners in very brief official notes, which constituted the sole basis for issuing refusal-of-entry decisions and returning them to Belarus.[368]

Three of the court’s judges have called for the “own culpable conduct” exception to be “confined to its proper context in order to avoid depriving the right [to protection from collective expulsion] of its very essence,”[369] and in fact, this exception has not prevented the court from recently finding that pushback practices by Croatia, Hungary, and Poland violated the prohibition of collective expulsion.[370]

The Prohibition of Torture

The prohibition of torture and other cruel, inhuman, and degrading treatment or punishment is one of the core absolute prohibitions under international law. The prohibition is contained in multiple treaties[371] and international standards[372] and is the subject matter of specialist treaties.[373] There are no exceptions nor justifications permitted for resort to prohibited ill-treatment,[374] as the UN Human Rights Committee,[375] the European Court of Human Rights,[376] and other authorities[377] have reaffirmed. In fact, the prohibition of torture is a peremptory norm of international law.[378]

Reiterating the absolute nature of the prohibition of torture and other forms of ill-treatment, the European Committee on the Prevention of Torture has repeatedly noted that state agents frequently resort to ill-treatment and other forms of inhuman or degrading treatment during pushbacks.[379] Based on the accounts Human Rights Watch documented from victims of pushbacks, the manner in which Croatian police conducted pushbacks to Bosnia and Herzegovina leaves little room for doubt that these pushbacks are not only an extralegal response to irregular migration, but also are intentionally accompanied by cruel, gratuitous, vindictive, and humiliating treatment intended to harm and degrade those who are pushed back. Accordingly, Croatian police frequently violate the prohibition of torture and other ill-treatment when they carry out pushbacks.

The prohibition of torture also extends to the principle of nonrefoulement, discussed below, meaning that states may not transfer people to face a risk of torture.

The Principle of Nonrefoulement

The principle of nonrefoulement prohibits states from transferring anyone, directly or indirectly, to a place where they would have a well-founded fear of persecution or would face a risk of torture or other cruel, inhuman, or degrading treatment or punishment. Croatia is obligated to respect the principle of nonrefoulement through its obligations under the Refugee Convention and Protocol,[380] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[381] the International Covenant on Civil and Political Rights (ICCPR),[382] the Convention on the Rights of the Child,[383] the European Convention on Human Rights,[384] and the Charter of Fundamental Rights of the European Union.[385] The prohibition of refoulement is also a norm of customary international law[386] and, in the case of returns to risk of torture, a peremptory norm of international law.[387]

Under the Refugee Convention and Protocol, states may not carry out expulsions or returns to territories where a person's life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group, or political opinion.[388] In addition, the Convention against Torture, the ICCPR, and the European Convention on Human Rights prohibit expulsions or returns in circumstances where people would face a substantial risk of torture or exposure to other ill-treatment.[389] No reservations are possible to the nonrefoulement provision of the Refugee Convention, and the prohibition of nonrefoulement under the convention and its protocol is nonderogable.[390] There are no exceptions to the prohibition of expulsions or returns that expose people to risk of torture.[391]

More generally, under the International Covenant on Civil and Political Rights (ICCPR), states are obligated not to extradite, deport, expel, or otherwise remove a person from their territory where there are substantial grounds for believing that there is a real risk of irreparable harm.[392] The UN Committee on the Rights of the Child has identified a similar obligation under the Convention on the Rights of the Child,[393] as discussed more fully in the next section.

The non-refoulement principle applies to actions at the border such as rejection or non-admission. The Executive Committee of the High Commissioner's Programme has reaffirmed "the fundamental importance of the observance of the principle of *non-refoulement*—both at the border and within the territory of a State." [394] More generally, as Elihu Lauterpacht and Daniel Bethlehem concluded in a comprehensive analysis, "the principle of *non-refoulement* will apply to the conduct of State officials or those acting on behalf of the State *wherever this occurs*, whether beyond the national territory of the State in question, at border posts or other points of entry, in international zones, at transit points, etc." [395]

In line with this interpretation, the UN Human Rights Committee has called on states to ensure the right to make asylum applications at border crossing points to "[f]ully respect the principle of non-refoulement." [396] The Committee against Torture has called on states to "[e]nsure access to the territory and sufficient and effective protection from refoulement at borders." [397] Similarly, the Committee on the Rights of the Child has called on states to guarantee children "access to the territory, regardless of the documentation they have or lack, and to be referred to authorities in charge of evaluating their needs in terms of protection of their rights, ensuring their procedural safeguards." [398]

The prohibition of refoulement is not limited to direct forcible returns; it applies to expulsions or returns effected "in any manner whatsoever," [399] meaning that it covers indirect measures. These include transferring a person to a state that does not effectively protect against onward transfer to harm—that is, indirect, chain, or secondary refoulement.[400] The creation of circumstances that leave a person with no real alternative other than returning to a place of danger is also a form of refoulement.[401]

As the Committee against Torture has concluded, compliance with the nonrefoulement obligation requires individual, impartial, and independent examination of "[e]ach case" in a way that provides "essential procedural safeguards." [402] In particular, "[c]ollective deportation, without an objective examination of the individual cases with regard to personal risk, should be considered as a violation of the principle of nonrefoulement." [403]

Children's Right to Specific Protections

Children as well as adults benefit from the prohibition on collective expulsion and the principle of nonrefoulement, discussed above. In addition, they have the right to additional specific protections by virtue of their status as children, as provided by the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.[404] These include broad protection against expulsion or return to harm, an obligation on the part of the state to assess the child's best interests prior to expulsion, and the right of unaccompanied children to special protection and assistance.

The Prohibition on Return of Children to Irreparable Harm

The Committee on the Rights of the Child has interpreted the Convention on the Rights of the Child to prohibit expulsions or returns "to a country where there are substantial grounds for believing that there is a real risk of irreparable harm to the child." [405]

Ill-treatment, arbitrary deprivation of liberty, capital punishment, and life without possibility of release are all examples of irreparable harm to which expulsions or returns are prohibited.[406] Recruitment into armed forces or armed groups as well as "direct or indirect participation in hostilities" are also forms of irreparable harm to which children should not be expelled or returned.[407]

In addition, the committee has specified that risks to life, survival, and development, including "the particularly serious consequences for children of the insufficient provision of food or health services," can also amount to irreparable harm.[408]

"Return to the country of origin is not an option if it would lead to a 'reasonable risk' that such return would result in the violation of fundamental human rights of the child," the committee has stated.[409]

The prohibition on returns to irreparable harm applies to "the country to which removal is to be effected or in any country to which the child may subsequently be removed." [410] More generally, it applies "irrespective of whether serious violations of those rights guaranteed under the Convention originate from non-State actors or whether such violations are directly intended or are the indirect consequence of States parties' action or inaction." [411]

In line with these standards, states should assess the risk of irreparable harm prior to expulsion and should not carry out returns where there is a reasonable risk that a child will face violations of fundamental rights in the country of return or any other country where they may subsequently be sent.[412]

The State's Obligation to Act in the Best Interests of the Child

States are obligated to treat the best interests of the child as a primary consideration "[i]n all actions concerning children." [413] The right of children to have their best interests assessed and taken as a primary consideration is a substantive right as well as an interpretive legal principle and a rule of procedure.[414] The obligation to ensure children's best interests applies to "every action taken by a public institution." [415]

These actions include judicial, administrative, and other acts that affect individual children,[416] which should be assessed “on an individual basis, according to the specific situation of the child or children concerned, taking into consideration their personal context, situation and needs.”[417]

The committee explicitly notes that asylum and immigration decisions are among the administrative decisions that “must be assessed and guided by the best interests of the child.”[418] In a joint general comment with the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee on the Rights of the Child offers additional guidance, stating:

States parties shall ensure that the best interests of the child are taken fully into consideration in . . . decision-making on individual cases, including in granting or refusing applications on entry to or residence in a country . . .

In particular, the best interests of the child should be ensured explicitly through individual procedures as an integral part of any administrative or judicial decision concerning the entry, residence or return of a child, placement or care of a child, or the detention or expulsion of a parent associated with his or her own migration status.[419]

In the context of entry decisions, “allowing the child access to the territory is a

prerequisite to this initial assessment process.”[420]

Assessments should afford “high priority”[421] to children’s best interests, meaning that they are not just one of several considerations: “[A] larger weight must be attached to what serves the child best.”[422] Moreover, as Philip Alston has observed, “Such considerations must be genuine rather than token or merely formal and must ensure that all aspects of the child’s best interests are factored into the equation.”[423]

States’ concerns about immigration control should not override best interests considerations.[424] Together with the Committee on Migrant Workers, the Committee on the Rights of the Child has determined that states have an obligation to “ensure that any decision to return a child to his or her country of origin is . . . pursuant to a procedure with appropriate due process safeguards, including a robust individual assessment and determination of the best interests of the child.”[425] The committee has also cautioned that best interests assessments should be carried out by independent, neutral authorities, not by those responsible for carrying out returns.[426]

States should not carry out an expulsion or return that is not in the child’s best interests:

States parties are obliged, in line with article 3 of the Convention on the Rights of the Child, to ensure that any decision to return a child to his or her country of origin is based on evidentiary considerations on a case-by-case basis and pursuant to a procedure with appropriate due process safeguards, including a robust individual assessment and determination of the best-interests of the child. This procedure should ensure, inter alia, that the child, upon return, will be safe and provided with proper care and enjoyment of rights.[427]

Applying these standards, the Committee on the Rights of the Child has criticized countries for failing to include best interests assessments in asylum procedures.[428] observed that best interests are inconsistently or inadequately assessed in some countries,[429] or more generally reminded countries to carry out best interests assessments in adjudications of asylum claims and in decisions to transfer or return children who are seeking asylum.[430] The committee has also called on states to make best interests assessments part of other migration decisions, including in Dublin determinations[431] and in decisions involving the children of people facing deportation.[432] The Human Rights Committee has also found that the failure to take a child’s best interests into consideration prior to return to the country of origin violated the right of children to special measures of protection under the ICCPR.[433]

Local integration is “the primary option if return to the country of origin is impossible on either legal or factual grounds,” the Committee on the Rights of the Child has observed.[434] Resettlement to a third country should also be considered in such cases.[435]

The right of children to have their best interests assessed and taken as a primary consideration also extends to legislation and policies,[436] which should be assessed prior to enactment or implementation to ensure that they are consistent with the best interests of children in general.[437]

Unaccompanied Children’s Right to Special Protection and Assistance

Children who have been “temporarily or permanently deprived of [their] family environment,” including unaccompanied children, have the right to special protection and assistance.[438] As with all state obligations under the Convention on the Rights of the Child, the obligation to afford special protection and assistance applies “within the borders of a State, including with respect to those children who come under the State’s jurisdiction while attempting to enter the country’s territory.”[439]

Acknowledgments

This report was written by Michael Garcia Bochenek based on research he undertook in Bosnia and Herzegovina, Croatia, France, Italy, and Slovenia in November 2021, May and July 2022, and February, March, and April 2023, supplemented by remote interviews with staff and volunteers with human rights and humanitarian groups.

Zama Neff, executive director of the Children’s Rights Division; Eva Cossé, European Union senior researcher; Maria McFarland Sánchez-Moreno, acting deputy program director; and Aisling Reidy, senior legal advisor, edited the report. Emina Čerimović, senior disability rights researcher; Philippe Dam, Europe and Central Asia advocacy director; Nadia Hardman, refugee and migrant rights researcher; Kyle Knight, senior researcher on health; and Elida Vikic, Europe and Central Asia coordinator, also reviewed and commented on the report. Joya Fadel, Children’s Rights Division associate; Travis Carr, publications coordinator; Fitzroy Hepkins, senior administrative manager, and José Martínez, administrative officer, produced the report. Nikolina Herceg translated the summary and recommendations into Croatian. Lejla Efendic translated the summary and recommendations into Bosnian. Lucrezia De Carolis translated the summary and recommendations into Italian. Elida Vikic reviewed the Bosnian and Croatian translations. Chiara Cera, communications associate, reviewed the Italian translation.

Human Rights Watch is particularly grateful to the many groups that generously assisted us in the course of this research, including Ambasciata Rog (Ljubljana), Amnesty International, the Associazione per gli Studi Giuridici sull’Immigrazione, the Border Violence Monitoring Network, Caritas (Rijeka), the Centre for Peace Studies (Zagreb), the Consorzio Italiano di Solidarietà (Trieste), the Danish Refugee Council (Bihać and Brussels), Infokolpa (Ljubljana), IPSIA BiH (Bihać), the Jesuit Refugee Service (Bihać and Rijeka), Linea d’Ombra (Trieste), No Name Kitchen, Rahma (Velika Kladuša), Refuges Solidaires (Briançon), Strada SiCura (Trieste), and PIC (Ljubljana).

Finally, we would like to thank the many children and adults who were willing to share their firsthand experiences with us.

- [1] Giogos Christides, “Europas Schattenarmee” [Europe’s shadow army], *Der Spiegel*, October 9, 2021.
- [2] Human Rights Watch interview with Amira H., Velika Kladuša, Bosnia and Herzegovina, May 23, 2022.
- [3] Human Rights Watch interview with Hakim F., Velika Kladuša, Bosnia and Herzegovina, February 13, 2023.
- [4] Human Rights Watch interview with Stephanie M., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.
- [5] Convention on the Rights of the Child, November 20, 1989, 1577 U.N.T.S. 3 (entered into force September 2, 1990), art. 1. The Socialist Federal Republic of Yugoslavia ratified the convention on January 3, 1991, and Croatia became a party to the convention effective October 12, 1992. The government of Croatia notified the UN Secretary-General that “the Republic of Croatia has decided, based on the Constitutional Decision on Sovereignty and Independence of the Republic of Croatia of 25 June, 1991 and the Decision of the Croatian Parliament in respect of the territory of the Republic of Croatia, by virtue of succession of the Socialist Federal Republic of Yugoslavia of 8 October, 1991, to be considered a party to the conventions that Socialist Federal Republic of Yugoslavia and its predecessor states (the Kingdom of Yugoslavia, Federal People’s Republic of Yugoslavia) were parties.” See Historical Information, Multilateral Treaties Deposited with the Secretary-General, United Nations Treaty Collection, note 1 under “Croatia,” https://treaties.un.org/pages/HistoricalInfo.aspx?clang=_en#Croatia (accessed April 17, 2023).
- [6] United Nations Committee on the Rights of the Child, General Comment No. 6: Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, U.N. Doc. CRC/GC/2005/6 (September 1, 2005), para. 7; United Nations High Commissioner for Refugees (UNHCR), United Nations Children’s Fund (UNICEF), et al., *Inter-Agency Guiding Principles on Unaccompanied and Separated Children* (Geneva: ICRC, 2004), p. 13, <https://www.refworld.org/docid/4113abc14.html> (accessed April 24, 2023).
- [7] Committee on the Rights of the Child, General Comment No. 6, para. 8; *Inter-Agency Guiding Principles on Unaccompanied and Separated Children*, p. 13. See also *Separated Children in Europe Programme, Statement of Good Practice* (Copenhagen: Save the Children, UNHCR, and UNICEF, 4th rev. ed. 2009), <https://resourcecentre.savethechildren.net/pdf/5034.pdf/> (accessed April 24, 2023).
- [8] Convention relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 150 (entered into force April 22, 1954); Protocol relating to the Status of Refugees, January 31, 1967, 606 U.N.T.S. 267 (entered into force October 4, 1967). The Socialist Federal Republic of Yugoslavia ratified the Refugee Convention on December 15, 1959, and acceded to the Refugee Protocol on January 15, 1968. Croatia became a party to each of the convention and the protocol effective October 12, 1992.
- [9] UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*, U.N. Doc. HCR/IP/4/Eng/REV.3 (2011), para. 28, <https://www.refworld.org/docid/4f33c8d92.html> (accessed April 24, 2023).
- [10] International Organization for Migration, *Glossary on Migration* (Geneva: IOM, 2019), p. 132, https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf (accessed April 17, 2023).
- [11] See *International Commission of Jurists (ICJ) and European Council for Refugees and Exiles (ECRE) v. Greece*, Merits, paras. 70-71, Complaint No. 173/2018 (Eur. Comm. Soc. Rts. January 26, 2021).
- [12] See UN Human Rights Council, Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, U.N. Doc. A/HRC/37/50 (November 23, 2018), para. 49; Human Rights Council, Report on Means to Address the Human Rights Impact of Pushbacks of Migrants on Land and at Sea: Report of the Special Rapporteur on the Human Rights of Migrants, U.N. Doc. A/HRC/47/30 (May 12, 2021), paras. 34-38; Council of Europe, Commissioner for Human Rights, *Pushed Beyond the Limits: Four Areas for Urgent Action to End Human Rights Violations at Europe’s Borders* (2022), pp. 7, 16.
- [13] For example, Committee on the Rights of the Child, Concluding Observations: Greece, U.N. Doc. CRC/C/GRC/CO/4-6 (June 28, 2022), paras. 39(a), 40(a); Committee on the Rights of the Child, Concluding Observations: Cyprus, U.N. Doc. CRC/C/CYP/CO/5-6 (June 24, 2002), paras. 37(a), 38(a); Committee on the Rights of the Child, Concluding Observations: Croatia, U.N. Doc. CRC/C/HRV/CO/5-6 (June 22, 2022), para. 41; Committee on the Rights of the Child, Concluding Observations: Chile, U.N. Doc. CRC/C/CHL/CO/6-7 (June 22, 2022), para. 35(h).
- [14] Danish Refugee Council (DRC), *Border Monitoring Factsheets*, March 2021-December 2022; DRC, *Bosnia and Herzegovina Border Monitoring Bimonthly Snapshot*, January/February 2021; DRC, *Border Monitoring Monthly Snapshots*, January-December 2020.
- [15] DRC, *Border Monitoring Factsheets*, January-December 2022.
- [16] See, for example, Border Violence Monitoring Network (BVMN), “Croatia Carries Out Mass Deportations of People on the Move to Bosnia and Herzegovina,” March 31, 2023, <https://borderviolence.eu/reports/press-release-croatia-carries-out-mass-deportations-of-people-on-the-move-to-bosnia-and-herzegovina/> (accessed April 24, 2023).
- [17] See, for example, Human Rights Watch, “*No One Asked Me Why I Left Afghanistan*”: *Pushbacks and Deportations of Afghans from Turkey* (New York: Human Rights Watch, 2022); European Union Agency for Asylum, *Iran—Situation of Afghan Refugees* (Luxembourg: Publications Office of the European Union, 2022).
- [18] See, for example, Refugees International, *The Fallacy of Control: Tightened Asylum and Reception Policies Undermine Protection in Greece* (Washington: Refugees International, 2022); Human Rights Watch, “*Their Faces Were Covered*”: *Greece’s Use of Migrants as Police Auxiliaries in Pushbacks* (New York: Human Rights Watch, 2022), <https://www.hrw.org/report/2022/04/07/their-faces-were-covered/greeces-use-migrants-police-auxiliaries-pushbacks>.
- [19] UNHCR, *Bosnia and Herzegovina: Operational Update*, September 2022, p. 2, <https://reliefweb.int/report/bosnia-and-herzegovina/bosnia-and-herzegovina-operational-update-september-2022> (accessed February 16, 2023). See also Rivolti ai Balcani, *Bosnia ed Erzegovina, la mancata accoglienza: Dall’emergenza artificiale ai campi di confinamento finanziati dall’Unione europea* (Milan: Altreconomia, 2021), pp. 11-12.
- [20] Amnesty International, “Bosnia and Herzegovina,” *Amnesty International Report 2021*, <https://www.amnesty.org/en/location/europe-and-central-asia/bosnia-and-herzegovina/report-bosnia-and-herzegovina/> (accessed February 16, 2023). See also Elida Vikic (Human Rights Watch), “Bosnia Should Immediately Close Inhumane Migrant Camp,” October 19, 2019, <https://www.hrw.org/news/2019/10/19/bosnia-should-immediately-close-inhumane-migrant-camp>.
- [21] See Human Rights Watch, “Bosnia and Herzegovina,” *World Report 2020* (New York: Human Rights Watch, 2021), <https://www.hrw.org/world-report/2020/country-chapters/bosnia-and-herzegovina>. See also Internal Displacement Monitoring Centre, *Bosnia and Herzegovina: Ethno-Political Agendas Still Prolonging Displacement* (Geneva: IDMC, 2014), p. 1.

- [22] International Crisis Group, “Bosnia and Herzegovina’s Hot Summer,” September 26, 2022, <https://www.crisisgroup.org/europe-central-asia/balkans/bosnia-and-herzegovina/b95-bosnia-and-herzegovinas-hot-summer> (accessed March 17, 2023).
- [23] See, for example, Médecins Sans Frontières, “Thousands Stranded as New Arbitrary Border Restrictions Expose Refugees to Violence,” February 23, 2016, <https://www.msf.org/greecebalkans-thousands-stranded-new-arbitrary-border-restrictions-expose-refugees-violence> (accessed January 5, 2023); Welcome Initiative and Are You Syrious, “Report on Illegal and Forced Push Backs of Refugees from the Republic of Croatia,” January 24, 2017, <https://areyousyrious.medium.com/report-on-illegal-and-forced-push-backs-of-refugees-from-the-republic-of-croatia-3f8c50ca10c1> (accessed January 5, 2023). See also European Center for Constitutional and Human Rights, “Report for the Special Rapporteur on Pushback Practices and Their Impact on the Human Rights of Migrants at European Land Borders,” para. 11, https://www.ecchr.eu/fileadmin/Juristische_Dokumente/ECCHR_REPORT_UN_SR_PUSHBACKS.pdf (accessed January 5, 2023).
- [24] Republic of Croatia, Ombudsperson, *Annual Report of the Ombudswoman for 2017* (Zagreb: Office of the Ombudswoman, March 2018), p. 240, <https://perma.cc/99AE-7U2Z> (accessed January 5, 2023); Amnesty International, *Pushed to the Edge: Violence and Abuse Against Refugees and Migrants Along the Balkans Route* (London: Amnesty International, 2019), p. 5.
- [25] See Amnesty International, *Fenced Out: Hungary’s Violations of the Rights of Refugees and Migrants* (London: Amnesty International, 2015), pp. 5-6.
- [26] Republic of Croatia, Ombudsperson, *Annual Report of the Ombudswoman for 2017*, p. 241.
- [27] Save the Children, “Refugee and Migrant Children Injured in Illegal Border Push-Backs Across Balkans,” January 24, 2017, <https://www.savethechildren.ca/article/refugee-and-migrant-children-injured-in-illegal-border-push-backs-across-balkans/> (accessed April 24, 2023). For other reporting on pushbacks from Croatia to Serbia in 2016, 2017, and 2018, see Moving Europe, *Report on Systematic Violence and Push-Backs Against Non-SIA [Syrian, Iraqi, and Afghani] People Conducted by Croatian Authorities* (Belgrade: Moving Europe, January 2016), <https://perma.cc/5U9G-95CN> (accessed January 5, 2023); Human Rights Watch, “Croatia: Asylum Seekers Forced Back to Serbia,” January 20, 2017, <https://www.hrw.org/news/2017/01/20/croatia-asylum-seekers-forced-back-serbia>; Belgrade Center for Human Rights, Macedonian Young Lawyers Association, and Oxfam, *A Dangerous “Game”: The Pushback of Migrants, Including Refugees, at Europe’s Borders* (Oxford: Oxfam GB, April 2017), <https://perma.cc/M8UF-6WUC> (accessed January 5, 2023).
- [28] Are You Syrious, Centre for Peace Studies (Centar za Mirovne Studije, CMS), Welcome Initiative, and No Name Kitchen, *Fourth Report on Illegal Pushbacks of Refugees from the Republic of Croatia in the Period from June 2017 to February 2018* (Zagreb: CMS, February 2018), p. 5, https://www.cms.hr/system/article_document/doc/504/Fourth_Report_on_Illegal_Pushbacks.pdf (accessed January 5, 2023); Are You Syrious, Centre for Peace Studies, and Welcome Initiative, *Fifth Report on Pushbacks and Violence from the Republic of Croatia: Illegal Practices and Systematic Human Rights Violations at EU Borders* (Zagreb: CMS, April 2019), p. 4, https://www.cms.hr/system/article_document/doc/597/5_5TH_REPORT_ON_PUSHBACKS_AND_VIOLENCE_20052019.pdf (accessed January 5, 2023).
- [29] Save the Children, “Hundreds of Children Report Police Violence at EU Borders,” December 24, 2018, <https://perma.cc/BJX8-7DJ9> (accessed January 5, 2023).
- [30] *M.H. v. Croatia*, App. Nos. 15670/18 and 43115/18 (Eur. Ct. H.R. November 18, 2021), paras. 103-115, 270, 274, 304.
- [31] Hanaa Hakiki and Delphine Rodrik, “*M.H. v. Croatia*: Shedding Light on the Pushback Blind Spot,” *Verfassungsblog*, November 29, 2021, <https://verfassungsblog.de/m-h-v-croatia-shedding-light-on-the-pushback-blind-spot/> (accessed January 5, 2023).
- [32] 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 24-27 July and 26-30 November 2018, SG/Inf(2019)10 (April 23, 2019), pp. 3, 5, <https://rm.coe.int/report-of-the-fact-finding-mission-by-ambassador-tomas-bocek-special-r/1680940259> (accessed January 5, 2023); UNHCR, *Desperate Journeys: Refugees and Migrants Arriving in Europe and at Europe’s Borders* (Geneva: UNHCR, January 2019), p. 10, <https://perma.cc/M8ZW-ZJ9G> (accessed January 5, 2023); Organization for Security and Co-operation in Europe (OSCE) Mission to Bosnia and Herzegovina, Assessment: Migrant and Refugee Situation in Bosnia and Herzegovina (September 25, 2018), p. 13, <https://perma.cc/UHH8-AKC3> (accessed January 5, 2023).
- [33] 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*, CommDH(2020)33 (December 22, 2020), para. 6, <https://rm.coe.int/third-party-intervention-before-the-european-court-of-human-rights-in-1680a0ee5e> (accessed January 5, 2023).
- [34] Border Violence Monitoring Network (BVMN), *Torture and Cruel, Inhumane, or Degrading Treatment of Refugees and Migrants in Croatia* (n.p.: BVMN, 2019), p. 2, <https://www.borderviolence.eu/wp-content/uploads/CORRECTEDTortureReport.pdf> (accessed January 5, 2023).
- [35] DRC, Border Monitoring Factsheets, March 2021-December 2022; DRC, Bosnia and Herzegovina Border Monitoring Bimonthly Snapshot, January/February 2021; DRC, Border Monitoring Monthly Snapshots, January-December 2020. These statistics measure pushback instances rather than individuals; a single individual may report several pushbacks.
- [36] See, for example, *Between Closed Borders: Joint Agency Paper on Refugees and Migrants in Serbia 2020 and 2021* (Novi Sad: Humanitarian Centre for Integration and Tolerance, 2021), pp. 35-37; *Between Closed Borders 2019: Joint Agency Paper on Refugees and Migrants in Serbia 2019* (Belgrade: Crisis Response and Policy Centre, 2020), pp. 26-29.
- [37] DRC, Border Monitoring Factsheets, January 2022-December 2022, <https://pro.drc.ngo/resources/documents/border-monitoring-factsheet/> (accessed April 17, 2023).
- [38] DRC, Border Monitoring Factsheets, March-December 2021 (on file with Human Rights Watch). See also Protecting Rights at Borders Initiative, *Human Dignity Lost at the EU’s Borders* (Brussels: DRC, December 2021), p. 6. Afghanistan and Pakistan are the most common countries of origin for pushbacks reported by organizations operating in Greece, Italy, Hungary, Lithuania, North Macedonia, Poland, and Serbia, as well as in Bosnia and Herzegovina. Protecting Rights at Borders Initiative, *Where There’s a Will, There’s a Way to Protection* (Brussels: DRC, March 2022), p. 6, https://pro.drc.ngo/media/aifcps1m/prab-report-january-to-march-2022_final.pdf (accessed January 6, 2023); Protecting Rights at Borders Initiative, *Human Dignity Lost*, pp. 2, 6.
- [39] DRC, Border Monitoring Factsheets, March-December 2021.
- [40] DRC, Border Monitoring Factsheets, January 2022-December 2022.
- [41] Reported pushbacks for these countries of origin: Nepal (57), Turkey (53), Gambia (55), Guinea (49), Jordan (28), Somalia (19), Eritrea (17), Burkina Faso (13), Senegal (13), Morocco (12). *Ibid.*

- [42] DRC, Border Monitoring Factsheets, March 2021–December 2022; DRC, Bosnia and Herzegovina Border Monitoring Bimonthly Snapshot, January/February 2021.
- [43] In all, 1,696 Afghans reported experiencing pushbacks during this period, of whom 163 were children travelling with their families and 65 were unaccompanied children. Protecting Rights at Borders Initiative, *Human Dignity Lost*, p. 12.
- [44] See, for example, Protecting Rights at Borders, *Beaten, Punished and Pushed Back: A Pattern of Institutionalised Human Rights Violations at EU Borders Reconfirmed: How Pushbacks Remained the Standard Practice and a De Facto Tool for Border Management in 2022* (Brussels, Danish Refugee Council, January 2023), p. 3.
- [45] Border Violence Monitoring Network, *Black Book of Pushbacks: Expanded and Updated Edition*, vol. I (Brussels: The Left in the European Parliament, December 2022), p. 239.
- [46] Human Rights Watch interviews, Bihać, Bosnia and Herzegovina, February and March 2023; Zagreb, Croatia, February and March 2023; Ljubljana, Slovenia, March 2023; Trieste, Italy, March 2023. See also Republika Hrvatska, Pučka pravobraniteljica, *Izvješće pučke pravobraniteljice: Analiza stanja ljudskih prava i jednakosti u Hrvatskoj, 2022* (Zagreb: Croatian Ombudswoman, 2023), p. 200, <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=642acb931a3cc1680526227> (accessed April 3, 2023).
- [47] See *Izvješće pučke pravobraniteljice: Analiza stanja ljudskih prava i jednakosti u Hrvatskoj, 2022*, pp. 200–201.
- [48] Human Rights Watch interviews, Trieste, Italy, February and March 2023.
- [49] Human Rights Watch remote interview with Urša Regvar, legal adviser, Legal Center for the Protection of Human Rights and the Environment (PIC), April 3, 2023.
- [50] “USK: Zasjedala Operativna grupa za upravljanje migrantskom krizom – Odmah zaustaviti dovoženje migranata iz Hrvatske” [USK: Sessions of the Operational Group for Migrant Crisis Management – Immediately stop the arrival of migrants from Croatia], *Radio Velika Kladuša*, April 6, 2023, <https://www.radiokladusa.ba/usk-zasjedala-operativna-grupa-za-upravljanje-migrantskom-krizom-odmah-zaustaviti-dovozenje-migranata-iz-hrvatske/> (accessed April 12, 2023).
- [51] “Konaković posjetio migrantski kamp ‘Lipa,’ javio se za ‘Avaz’: Krajinu ne smijemo ostaviti na cjedilu” [Konaković visited the Lipa migrant camp, reported to Avaz: We must not leave Krajina in the lurch], *Dnevni Avaz*, April 9, 2023, <https://avaz.ba/vijesti/bih/821451/konakovic-posjetio-migrantski-kamp-lipa-javio-se-za-avaz-krajinu-ne-smijemo-ostaviti-na-cjedilu> (accessed April 12, 2023).
- [52] Human Rights Watch remote interview with Urša Regvar, April 3, 2023.
- [53] Human Rights Watch interview with Laila R., Velika Kladuša, Bosnia and Herzegovina, November 28, 2021.
- [54] Human Rights Watch interview with Rozad N., Šturlić, Bosnia and Herzegovina, November 29, 2021.
- [55] Human Rights Watch interview with Mahdi F., Šturlić, Bosnia and Herzegovina, May 28, 2022.
- [56] Human Rights Watch interview with Farhad K., Šturlić, Bosnia and Herzegovina, November 27, 2021.
- [57] Human Rights Watch interview with Mustafa Q., Velika Kladuša, Bosnia and Herzegovina, May 27, 2022.
- [58] Human Rights Watch interview with Dawar F., Trieste, Italy, May 3, 2022.
- [59] Human Rights Watch interview with Sarim H., Velika Kladuša, Bosnia and Herzegovina, April 11, 2023.
- [60] Human Rights Watch interview with Hasan F., Tržac, Bosnia and Herzegovina, April 11, 2023.
- [61] Human Rights Watch interview with Laila R., Velika Kladuša, Bosnia and Herzegovina, November 28, 2021.
- [62] Human Rights Watch interview with Dawar F., Trieste, Italy, May 3, 2022.
- [63] Human Rights Watch interview with Osman L., Trieste, Italy, May 5, 2022.
- [64] Human Rights Watch interview with Farhad K., Šturlić, Bosnia and Herzegovina, November 27, 2021.
- [65] Human Rights Watch interview with Firooz D., Bihać, Bosnia and Herzegovina, April 12, 2023.
- [66] Human Rights Watch interview with Laila R., Velika Kladuša, Bosnia and Herzegovina, November 28, 2021.
- [67] Human Rights Watch interview with Stephanie M., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.
- [68] Human Rights Watch interview with Zafran R., Trieste, Italy, May 5, 2022.
- [69] Human Rights Watch interview with Darius M., Bihać, Bosnia and Herzegovina, November 28, 2021.
- [70] Human Rights Watch interview with Imran S., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.
- [71] Human Rights Watch interviews, Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.
- [72] Human Rights Watch interview with Osman L., Trieste, Italy, May 5, 2022.
- [73] Human Rights Watch interview with Rashid L., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.
- [74] Human Rights Watch interview with Zalmay T., Trieste, Italy, May 3, 2022.
- [75] Human Rights Watch interview with Joseph C., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.
- [76] Human Rights Watch interview with Farhad K., Šturlić, Bosnia and Herzegovina, November 27, 2021.

- [77] Human Rights Watch interview with Laila R., Velika Kladuša, Bosnia and Herzegovina, November 28, 2021.
- [78] Human Rights Watch interview with Antonin G., Tržac, Bosnia and Herzegovina, July 29, 2022.
- [79] Human Rights Watch interview with Mamadou B. and Aboubacar L., Tržac, Bosnia and Herzegovina, July 29, 2022.
- [80] Human Rights Watch interviews with Firooz D., Bihać, Bosnia and Herzegovina, April 12, 2023, and Hadi A., Bihać, Bosnia and Herzegovina, April 12, 2023.
- [81] Human Rights Watch interview with Saqib I., Trieste, Italy, May 5, 2022.
- [82] Human Rights Watch interview with Ali S., Trieste, Italy, May 5, 2022.
- [83] Human Rights Watch interview with Laila R., Velika Kladuša, Bosnia and Herzegovina, November 28, 2021.
- [84] Human Rights Watch interview with medical student (name withheld), Trieste, Italy, May 3, 2022.
- [85] Human Rights Watch interview with Ibrahim F., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.
- [86] Human Rights Watch interview with Ciran H., Velika Kladuša, Bosnia and Herzegovina, May 24, 2022.
- [87] Human Rights Watch interview with Firooz D., Bihać, Bosnia and Herzegovina, April 12, 2023.
- [88] Human Rights Watch interview with Farhad K., Šturlić, Bosnia and Herzegovina, November 27, 2021.
- [89] See, for example, Katie A. McLaughlin, Margaret A. Sheridan, and Hilary K. Lambert, “Childhood Adversity and Neural Development: Deprivation and Threat as Distinct Dimensions of Early Experience,” *Neuroscience and Biobehavioral Reviews*, vol. 47 (2014), pp. 578-91; Katie A. McLaughlin et al., “Trauma Exposure and Posttraumatic Stress Disorder in a National Sample of Adolescents,” *Journal of the American Academy of Child and Adolescent Psychiatry*, vol. 52 (2013), pp. 815-30.
- [90] Human Rights Watch interview with Seywan A., Oulx, Italy, November 11, 2021.
- [91] Human Rights Watch interview with Edward C., Ljubljana, Slovenia, November 24, 2021.
- [92] Human Rights Watch interview with Emmanuel J., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.
- [93] Human Rights Watch interview with Amir G., Bihać, Bosnia and Herzegovina, November 28, 2021.
- [94] Human Rights Watch interview with Osman L., Trieste, Italy, May 5, 2022.
- [95] Human Rights Watch interview with Edward C., Ljubljana, Slovenia, November 24, 2021.
- [96] For example, Human Rights Watch interviews with Mustafa Q., Velika Kladuša, Bosnia and Herzegovina, May 27, 2022; Omar T., Bihać, Bosnia and Herzegovina, February 15, 2023; and Hossam D., Bihać, Bosnia and Herzegovina, February 15, 2023.
- [97] Human Rights Watch interview with Imran S., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.
- [98] Human Rights Watch interview with Stephanie M., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.
- [99] Human Rights Watch interview with Éric J., Tržac, Bosnia and Herzegovina, July 29, 2022.
- [100] Human Rights Watch interview with Laila R., Velika Kladuša, Bosnia and Herzegovina, November 28, 2021.
- [101] Human Rights Watch interview with Mansoor K., Velika Kladuša, Bosnia and Herzegovina, April 11, 2023.
- [102] Human Rights Watch interview with Rozad N., Šturlić, Bosnia and Herzegovina, November 29, 2021.
- [103] Ibid.
- [104] Human Rights Watch interview with Aarsal G., Briançon, France, November 13, 2021.
- [105] Human Rights Watch interview with Nasim H. and Amin B., Velika Kladuša, Bosnia and Herzegovina, April 11, 2023.
- [106] Human Rights Watch interview with Firooz D., Bihać, Bosnia and Herzegovina, April 12, 2023.
- [107] Human Rights Watch interview with Omar T., Bihać, Bosnia and Herzegovina, February 15, 2023.
- [108] Human Rights Watch interview with Ahmad H., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.
- [109] Human Rights Watch interview with Nadeem S., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.
- [110] Human Rights Watch interview with Yasser D., Velika Kladuša, Bosnia and Herzegovina, May 27, 2022.
- [111] Human Rights Watch interview with Kamran S., Šturlić, Bosnia and Herzegovina, November 27, 2021.
- [112] Human Rights Watch interview with Laila R., Velika Kladuša, Bosnia and Herzegovina, November 28, 2021.
- [113] Human Rights Watch interview with Farhad K., Šturlić, Bosnia and Herzegovina, November 27, 2021.
- [114] Human Rights Watch interview with Mahdi F., Šturlić, Bosnia and Herzegovina, November 27, 2021.
- [115] Human Rights Watch interview with Ciran H., Velika Kladuša, Bosnia and Herzegovina, May 23, 2022.
- [116] Human Rights Watch interview with Ahmad H., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.

- [117] Human Rights Watch interview with Imran S., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.
- [118] Human Rights Watch interview with Rashid L., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.
- [119] Human Rights Watch interview with Dawar F., Trieste, Italy, May 3, 2022.
- [120] Human Rights Watch interview with Amir G., Bihać, Bosnia and Herzegovina, November 28, 2021.
- [121] Human Rights Watch interview with Emmanuel J., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.
- [122] Human Rights Watch interview with Pierre M., Tržac, Bosnia and Herzegovina, July 29, 2022.
- [123] Human Rights Watch interviews with Omar T., Bihać, Bosnia and Herzegovina, February 15, 2023, and Hossam D., Bihać, Bosnia and Herzegovina, February 15, 2023.
- [124] Human Rights Watch interview with Hakim F., Velika Kladuša, Bosnia and Herzegovina, February 13, 2023.
- [125] Human Rights Watch interview with Rozad N., Šturlić, Bosnia and Herzegovina, November 29, 2021.
- [126] Human Rights Watch interview with Urša Regvar, Legal Center for the Protection of Human Rights and the Environment (PIC), Ljubljana, Slovenia, November 24, 2021.
- [127] Human Rights Watch interview with Laila R., Velika Kladuša, Bosnia and Herzegovina, November 28, 2021.
- [128] Human Rights Watch interview with Stephanie M., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.
- [129] Human Rights Watch interview with Farhad K., Šturlić, Bosnia and Herzegovina, November 27, 2021.
- [130] Human Rights Watch interview with Urša Regvar, November 24, 2021.
- [131] Human Rights Watch interview with Rozad N., Šturlić, Bosnia and Herzegovina, November 29, 2021.
- [132] Human Rights Watch interview with Laila R., Velika Kladuša, Bosnia and Herzegovina, November 28, 2021.
- [133] Human Rights Watch interview with Farhad K., Šturlić, Bosnia and Herzegovina, November 27, 2021.
- [134] Human Rights Watch interview with Soroush B., Šturlić, Bosnia and Herzegovina, November 27, 2021.
- [135] Human Rights Watch interview with Marie D., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.
- [136] Human Rights Watch interview with Rozad N., Šturlić, Bosnia and Herzegovina, November 29, 2021.
- [137] Human Rights Watch interview with Darius M., Bihać, Bosnia and Herzegovina, November 28, 2021.
- [138] Human Rights Watch interview with Farhad K., Šturlić, Bosnia and Herzegovina, November 27, 2021.
- [139] Human Rights Watch interview with Amir G., Bihać, Bosnia and Herzegovina, November 28, 2021.
- [140] Human Rights Watch interview with Kamran S., Šturlić, Bosnia and Herzegovina, November 27, 2021.
- [141] Human Rights Watch interview with Marjan B., Bihać, Bosnia and Herzegovina, May 24, 2022.
- [142] Human Rights Watch interview with Tariq A., Trieste, Italy, May 3, 2022.
- [143] Human Rights Watch interview with Stephanie M., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.
- [144] Human Rights Watch interview with Emmanuel J., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.
- [145] Human Rights Watch interview with Edward C., Ljubljana, Slovenia, November 24, 2021.
- [146] Human Rights Watch interview with Lorena Fornasir, Linea d'Ombra, Trieste, Italy, November 22, 2021.
- [147] Maša Vukčević Marković, Aleksandra Bobić, and Marko Živanović, "The Effects of Traumatic Experiences During Transit and Pushback on the Mental Health of Refugees, Asylum Seekers, and Migrants," *European Journal of Psychotraumatology*, vol. 14 (2023), p. 2163064, doi: 10.1080/2008066.2022.2163064.
- [148] Bashar Deeb et al., "Unmasking Europe's Shadow Armies," *Lighthouse Reports*, October 6, 2021, <https://www.lighthousereports.nl/investigation/unmasking-europes-shadow-armies/> (accessed April 17, 2023). See also "Tagesthemen," *Tagesschau*, October 6, 2021, <https://www.tagesschau.de/multimedia/sendung/tt-8569.html> (accessed April 17, 2023).
- [149] Nicole Vögele and Sarah Serafini, "Video-Beweis: Kroatische Polizisten prügeln Migranten aus der EU," *SRF*, October 6, 2021, <https://www.srf.ch/news/international/pushbacks-an-eu-grenze-video-beweis-kroatische-polizisten-pruegeln-migranten-aus-der-eu> (accessed April 17, 2023).
- [150] Tomas Stadius et al., "'Pushback' de migrants : la police cogne aux frontières de l'Union européenne," *Libération*, October 6, 2021, https://www.liberation.fr/international/europe/pushback-de-migrants-la-police-cogne-aux-frontieres-de-lunion-europeenne-20211006_ARC5Q6IJ7RHVJGHKN7C6XFFJ5A (accessed April 17, 2023).
- [151] Giogos Christides, "Europas Schattenarmee," *Der Spiegel*, October 9, 2021.
- [152] Ibid.
- [153] Ibid. In fact, in April 2023, Lighthouse Reports published evidence that high-ranking Croatian officials communicated about pushbacks under Operation Corridor. Jack Sapoch et al., "Inside Croatia's Secret WhatsApp Group: How High Ranking Croatian Officials Presided over Clandestine

Communications About Border Operations,” *Lighthouse Reports*, April 6, 2023, <https://www.lighthousereports.com/investigation/inside-croatias-secret-whatsapp-group/> (accessed April 24, 2023).

[154] See, for example, Republika Hrvatska, Pučka pravobraniteljica, “Police Violence Video: Efficient Investigation into Use of Force by Police Necessary for the Protection of Human Rights and the Rule of Law,” October 10, 2021 (noting “the confirmation from the Croatian Ministry of the Interior that the persons visible in the video footage broadcasted by RTL TV network beating migrants at the Croatia-Bosnia border indeed were members of the Croatian police force”), <https://www.ombudsman.hr/en/efficient-investigation-into-use-of-force-by-police-necessary-for-the-protection-of-human-rights-and-the-rule-of-law/> (accessed April 17, 2023).

[155] Centre for Peace Studies (Centar za Mirovne Studije, CMS) and Welcome Initiative, *Report on Illegal Expulsions from Croatia in the Context of the Covid-19 Pandemic* (Zagreb: CMS, 2022), p. 7.

[156] Council of Europe, 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 [CPT Croatia Report], Doc. CPT/Inf (2021) 29 (December 3, 2021), para. 15, <https://rm.coe.int/1680a4c199> (accessed January 5, 2023).

[157] *Ibid.*, para. 63.

[158] Republika Hrvatska, Pravobranitelj za djecu (Children’s Ombudsman), *Izveštje o radu pravobraniteljice za djecu 2021* [Report on the Work of the Ombudsman for Children in 2021] (Zagreb: Children’s Ombudsman, 2022), p. 167.

[159] Centre for Peace Studies and Welcome Initiative, *Report on Illegal Expulsions from Croatia in the Context of the Covid-19 Pandemic*, p. 6.

[160] Council of Europe, Parliamentary Assembly, Committee on Migration, Refugees and Displaced Persons, Pushback Policies and Practice in Council of Europe Member States, Explanatory Memorandum by Ms Tineke Strik, Rapporteur, Doc. 14909 (June 8, 2019), para. 70, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=27728&lang=en> (accessed January 6, 2023).

[161] See, for example, CPT Croatia Report, para. 15.

[162] Protecting Rights at Borders, *Beaten, Punished and Pushed Back: A Pattern of Institutionalised Human Rights Violations at EU Borders Reconfirmed: How Pushbacks Remained the Standard Practice and a De Facto Tool for Border Management in 2022* (Brussels, Danish Refugee Council, January 2023), p. 6 (July 2022 account that Croatian police “ordered us to stand in a line. As we were passing through a row of police, they hit us with their batons”); Save the Children and Center for Interdisciplinary Studies, University of Sarajevo, “Wherever We Go, Someone Does Us Harm”: Violence Against Refugee and Migrant Children Arriving in Europe Through the Balkans (Belgrade: Save the Children, 2022), pp. 11, 37; Border Violence Monitoring Network (BVMN), *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II (Brussels: The Left in the European Parliament, December 2022), pp. 770 (January 5, 2020), 772 (January 9, 2020), 774 (January 14, 2020), 792 (October 22, 2020), 794 (November 14, 2020), 829 (account taken August 28, 2021), 834 (account taken September 7, 2021), 851 (account taken October 13, 2021), 853 (account taken October 14, 2021); Human Rights Watch, “Croatia: Migrants Pushed Back to Bosnia and Herzegovina,” December 11, 2018, <https://www.hrw.org/news/2018/12/11/croatia-migrants-pushed-back-bosnia-and-herzegovina>.

[163] Amnesty International, *Slovenia: Push-Backs and Denial of Access to Asylum: Findings of the Research Mission in Velika Kladuša and Bihać, June 2018* (London: Amnesty International, 2018), p. 17 (eight men from Pakistan “showed bruising on their bodies and heads and said that Croatian police officers had surrounded them and then then hit and kicked them in a circle”).

[164] Protecting Rights at Borders Initiative, *Destruction of Property or Evidence of People’s Presence on EU Member States’ Territory: A Tactic that Might Erase Some Traces But Fails to Eradicate the Marks on Pushback Victims* (Brussels: DRC, December 2021), p. 3; *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, p. 823 (account taken July 23, 2021), 831 (account taken September 5, 2021), 837 (account taken September 14, 2021).

[165] CPT Croatia Report, para. 16(iv).

[166] *Ibid.*, paras. 16(i), (vi), (vii), (x), (xi).

[167] *Ibid.*, paras. 16(ii), (vii), (ix).

[168] Centre for Peace Studies and Stiftung Pro Asyl, *Systematic Human Rights Violations at Croatian Borders* (Zagreb: CMS, 2022), p. 15; Lorenzo Tondo, “Croatian Police Accused of ‘Sickening’ Assaults on Migrants on Balkans Trail,” *Guardian*, October 21, 2020, <https://www.theguardian.com/global-development/2020/oct/21/croatian-police-accused-of-sickening-assaults-on-migrants-on-balkans-trail-bosnia> (accessed April 17, 2023).

[169] CPT Croatia Report, paras. 16(viii), 26.

[170] *Ibid.*, para. 16(v) (unaccompanied boy showed investigators injuries consistent with his account that Croatian police hit him with a flashlight).

[171] *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, p. 778 (pushback on February 3, 2020).

[172] *Ibid.*, vol. II, pp. 788 (“When he tried to protect his head with his arm, the police beat his arm with additional fervor, resulting in a break.”), 831 (police cut man’s hand with pincers after he tried to protect his head).

[173] Tondo, “Croatian Police Accused of ‘Sickening’ Assaults.”

[174] *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, pp. 822-23 (account taken July 23, 2021). One man explained, “You can’t speak English with police because, if you do, they think you are the boss of these boys and they beat you as much as they can. In front of police you have to be silent.” *Ibid.*, pp. 823 (account taken July 23, 2021), 831 (account taken September 5, 2021).

[175] *Ibid.*, vol. II, p. 817 (second of two accounts taken April 4, 2021).

[176] Save the Children, “Wherever We Go,” p. 38; *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, p. 240; vol. II, p. 831 (account taken September 5, 2021); Human Rights Watch, “Croatia: Migrants Pushed Back to Bosnia and Herzegovina.”

[177] *Black Book of Pushbacks: Expanded and Updated Edition*, vol. I, p. 240.

[178] CPT Croatia Report, para. 26; CMS and Welcome Initiative, *Report on Illegal Expulsions from Croatia in the Context of the Covid-19 Pandemic*, p. 18; Save the Children and Center for Interdisciplinary Studies, “Wherever We Go,” p. 12; *Black Book of Pushbacks: Expanded and*

Updated Edition, vol. II, pp. 786 (August 4, 2020), 809 (account taken March 2, 2021).

[179] CPT Croatia Report, para. 16(iii) (medical examination found that injuries were consistent with person's account of being bitten by a dog released by Croatian police); *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, pp. 829 (account taken August 28, 2021), 834 (account taken September 7, 2021).

[180] *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, pp. 808 (account of February 25, 2021), 862 (account taken November 6, 2021).

[181] CPT Croatia Report, paras. 16(x), 17, 26.

[182] Center for Peace Studies and Welcome Initiative, *Report on Illegal Expulsions from Croatia in the Context of the Covid-19 Pandemic*, p. 18.

[183] CPT Croatia Report, para. 16(vii); Republika Hrvatska, Pučki pravobranitelj (Croatian Ombudswoman), *Izješće pučke pravobraniteljice za 2020* [Report of the Ombudswoman for 2020] (Zagreb: Croatian Ombudswoman, 2021), pp. 184-85, <https://perma.cc/SCE3-BBFQ> (accessed January 5, 2023); *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, p. 794 (account taken November 14, 2020); Letter from Lora Vidović, Croatian ombudswoman, to Milorad Pupovac, President, Committee on Human and National Minority Rights, Croatian Parliament, October 17, 2018, p. 3, <https://perma.cc/9NFC-AB3Y> (accessed January 5, 2023); Human Rights Watch, "Croatia: Migrants Pushed Back to Bosnia and Herzegovina."

[184] *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, p. 795 (account taken November 25, 2020).

[185] Report on the Work of the Ombudsman for Children in 2021, p. 167.

[186] Protecting Rights at Borders Initiative, *Doors Wide Shut: Rights Violations at Borders Re-Confirmed, While the Door for Justice and the Path to Accountability Remain Closed* (Brussels: DRC, July 2021), p. 8; *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, p. 851 (account taken October 13, 2021).

[187] Centre for Peace Studies and Welcome Initiative, *Report on Illegal Expulsions from Croatia in the Context of the Covid-19 Pandemic*, p. 5.

[188] CPT Croatia Report, paras. 16(x), 17.

[189] Protecting Rights at Borders Initiative, *Destruction of Property*, p. 3; CPT Croatia Report, paras. 17, 27; Amnesty International, *Pushed to the Edge: Violence and Abuse Against Refugees and Migrants Along the Balkans Route* (London: Amnesty International, 2019), p. 13; Centre for Peace Studies and Stiftung Pro Asyl, *Systematic Human Rights Violations at Croatian Borders*, p. 15; Centre for Peace Studies and Welcome Initiative, *Report on Illegal Expulsions in the Context of the Covid-19 Pandemic*, p. 20; Save the Children and Center for Interdisciplinary Studies, "Wherever We Go," pp. 12, 37. See also Report of the Ombudswoman for 2020, p. 184; Report on the Work of the Ombudsman for Children in 2021, p. 167; CPT Croatia Report, paras. 16(v) (vi); *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, pp. 772 (account taken January 9, 2020), 784 (account taken August 1, 2020), 788 (account taken September 8, 2020), 791 (account taken September 23, 2020), 792 (account taken October 22, 2020), 794 (account taken November 14, 2020), 802 (account taken January 13, 2021), 816 (account taken April 4, 2021), 834 (account taken September 7, 2021), 846 (account taken October 7, 2021), 868 (account taken January 14, 2022), 870 (account taken January 15, 2022); UN Human Rights Council, Visit to Bosnia and Herzegovina: Report of the Special Rapporteur on the Human Rights of Migrants, U.N. Doc. A/HRC/44/42/Add.2 (May 12, 2020), para. 64, undocs.org/A/HRC/44/42/Add.2 (accessed January 6, 2023); Pushback Policies and Practice in Council of Europe Member States, Explanatory Memorandum by Ms Tineke Strik, para. 80.

[190] CPT Croatia Report, para. 20(ii).

[191] Amnesty International, *Pushed to the Edge*, pp. 5, 11; *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, p. 779 (February 3, 2020).

[192] *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, pp. 798 (December 1, 2020), 817 (second of two accounts taken April 4, 2021).

[193] Protecting Rights at Borders Initiative, *Doors Wide Shut*, p. 8; Amnesty International, *Pushed to the Edge*, p. 14; Human Rights Watch, "Croatia: Migrants Pushed Back to Bosnia and Herzegovina"; *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, p. 821 (account taken June 27, 2021).

[194] Protecting Rights at Borders Initiative, *Beaten, Punished and Pushed Back*, p. 6 (account taken July 2022); Protecting Rights at Borders Initiative, *Destruction of Property*, p. 3; *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, pp. 783 (account taken May 1, 2020), 784 (account taken August 1, 2020), 788 (account taken September 8, 2020), 791 (account taken September 23, 2020), 802 (account taken January 13, 2021), 816 (account taken April 4, 2021), 823 (account taken July 23, 2021), 828 (account taken August 28, 2021), 837 (account taken September 14, 2021), 838 (account taken September 18, 2021), 841 (account taken September 24, 2021), 846 (account taken October 7, 2021), 847 (account taken October 12, 2021), 853 (account taken October 14, 2021), 864 (account taken November 17, 2021), 870 (account taken January 15, 2022). See also Visit to Bosnia and Herzegovina: Report of the Special Rapporteur on the Human Rights of Migrants, para. 64.

[195] Letter from Lora Vidović, Croatian ombudswoman, to Milorad Pupovac, President, Committee on Human and National Minority Rights, Croatian Parliament, October 17, 2018, p. 2, <https://perma.cc/9NFC-AB3Y> (accessed January 5, 2023). See also Amnesty International, *Slovenia: Push-Backs and Denial of Access to Asylum*, p. 16 (a Syrian boy said of the Croatian police, "With a screwdriver, they destroy the battery circuit and where the phone charges").

[196] Protecting Rights at Borders Initiative, *Destruction of Property*, p. 4. Croatia adopted the euro in January 2023.

[197] Protecting Rights at Borders Initiative, *Doors Wide Shut*, p. 8; Report on the Work of the Ombudsman for Children in 2021, p. 167; *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, p. 829 (account taken August 28, 2021).

[198] Save the Children and Center for Interdisciplinary Studies, "Wherever We Go," p. 37; Protecting Rights at Borders Initiative, *Human Dignity Lost at the EU's Borders* (Brussels: DRC, December 2021), p. 13; *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, pp. 770 (January 5, 2020), 784 (August 1, 2020), 788 (September 8, 2020), 790 (September 16, 2020), 791 (September 23, 2020), 792 (October 22, 2020), 795 (November 25, 2020), 798 (December 1, 2020), 801 (January 6, 2021), 802 (account taken January 13, 2021), 816 (account taken April 4, 2021), 817 (second of two accounts taken April 4, 2021), 823 (account taken July 23, 2021), 829 (account taken August 28, 2021), 831 (account taken September 5, 2021), 834 (account taken September 7, 2021), 837 (account taken September 14, 2021), 840 (account taken September 19, 2021), 846 (account taken October 7, 2021), 847 (account taken October 12, 2021), 870 (account taken January 15, 2022).

[199] *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, p. 846 (account taken October 7, 2021).

- [200] Protecting Rights at Borders Initiative, *Beaten, Punished and Pushed Back*, p. 6 (account taken July 2022).
- [201] Protecting Rights at Borders Initiative, *Destruction of Property*, p. 3; Human Rights Watch, “Croatia: Migrants Pushed Back to Bosnia and Herzegovina”; *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, pp. 790 (account taken September 16, 2020), 791 (account taken September 23, 2020), 802 (account taken January 13, 2021), 816 (account taken April 4, 2021), 817 (second of two accounts taken April 4, 2021), 823 (account taken July 23, 2021), 829 (account taken August 28, 2021), 838 (account taken September 18, 2021), 847 (account taken October 12, 2021), 864 (account taken November 17, 2021), 870 (account taken January 15, 2022).
- [202] Amnesty International, *Pushed to the Edge*, p. 14 (“They pushed me around, shouted at me and cursed: ‘Fuck your mother’, ‘Your mother is a whore.’”); *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, pp. 851 (account taken October 13, 2021), 860 (account taken November 6, 2021).
- [203] *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, p. 810 (account of March 2, 2021).
- [204] *Ibid.*, vol. II, p. 810 (account of March 2, 2021).
- [205] CPT Croatia Report, para. 26.
- [206] Centre for Peace Studies and Welcome Initiative, *Report on Illegal Expulsions in the Context of the Covid-19 Pandemic*, pp. 9-10 (Croatian police did not call for medical assistance for an unconscious man and instead forced others in his group to carry him across the border); CPT Croatia Report, para. 20(i) (Croatian police ignored man’s request for urgent medical care for his 7-year-old child, who subsequently required hospitalization); Protecting Rights at Borders Initiative, *Human Dignity Lost*, p. 12 (Croatian police told a woman who had injured her shoulder in a fall from an overhang that she could go to a hospital in Bosnia and Herzegovina). See also Centre for Peace Studies and Welcome Initiative, *Report on Illegal Expulsions in the Context of the Covid-19 Pandemic*, p. 11.
- [207] *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, p. 821 (account taken June 27, 2021).
- [208] Centre for Peace Studies and Welcome Initiative, *Report on Illegal Expulsions in the Context of the Covid-19 Pandemic*, p. 12 (one group reported being expelled 16 times and one family more than 30 times in 2021); BVMN, “40 Times I Tried to Cross Border. I Live in Bosnia for 2 Years,” May 5, 2021, <https://www.borderviolence.eu/violence-reports/may-5-2021-0100-croatia-close-from-road-1/> (accessed April 17, 2023); Save the Children and Center for Interdisciplinary Studies, “*Wherever We Go*,” p. 12; Protecting Rights at Borders Initiative, *Human Dignity Lost*, p. 8.
- [209] Protecting Rights at Borders Initiative, *Doors Wide Shut*, p. 10 (four children separated from their parents, placed in a separate van despite forceful objections from entire group, and pushed back at a different location).
- [210] *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, p. 840 (pushback at 2:00 a.m.).
- [211] Protecting Rights at Borders, *Beaten, Punished and Pushed Back*, p. 6 (account taken July 2022); Amnesty International, *Pushed to the Edge*, pp. 5-6, 11, 25.
- [212] Republic of Croatia, Ombudsperson, Report on the Performance of the Activities of the National Preventive Mechanism for 2020, pp. 25-26, <https://www.ombudsman.hr/en/download/report-on-the-performance-of-the-activities-of-the-national-preventive-mechanism-for-2020/?wpdmdl=14709&refresh=63beada5d4b281673440677> (accessed January 11, 2023).
- [213] Border Violence Monitoring Network, *Illegal Push-Backs and Border Violence Reports: February 2022, Balkan Region* (BVMN, 2022), p. 7 (pushbacks 50 to 60 kilometers or more from the place of entry into Croatia), <https://borderviolence.eu/reports/balkan-regional-report-february-2022/> (accessed April 21, 2023).
- [214] *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, pp. 819 (account taken June 21, 2021), 821-23 (account taken July 23, 2021), 842 (account taken September 24, 2021).
- [215] See, for example, Save the Children and Center for Interdisciplinary Studies, “*Wherever We Go*,” p. 38; Amnesty International, *Pushed to the Edge*, p. 13 n. 21.
- [216] CPT Croatia Report, paras. 16(v), (vii).
- [217] *Ibid.*, para. 16(vii).
- [218] Danish Refugee Council, Bosnia and Herzegovina Border Monitoring Bimonthly Snapshot: January/February 2021, p. 8 (on file with Human Rights Watch).
- [219] Tondo, “Croatian Police Accused of ‘Sickening’ Assaults.”
- [220] See Amnesty International, *Pushed to the Edge*, p. 13 n. 21.
- [221] Human Rights Watch, “Croatia: Migrants Pushed Back to Bosnia and Herzegovina.”
- [222] Border Violence Monitoring Network, *Illegal Pushbacks and Border Violence Reports: August 2022, Balkan Region* (BVMN, 2022), p. 6, <https://www.borderviolence.eu/balkan-regional-report-august-2022/#more-20915> (accessed January 5, 2023).
- [223] Report on the Work of the Ombudsman for Children in 2021, p. 167. See also *Black Book of Pushbacks: Expanded and Updated Edition*, vol. I, p. 240.
- [224] *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, p. 861 (account taken November 6, 2021).
- [225] Centre for Peace Studies and the Welcome Initiative, *Report on Illegal Expulsions in the Context of the Covid-19 Pandemic*, p. 20.
- [226] See Lorenzo Tondo, “Croatia Denies Migrant Border Attacks After New Reports of Brutal Pushbacks,” *Guardian*, October 23, 2020, <https://www.theguardian.com/global-development/2020/oct/23/croatia-denies-migrant-border-attacks-after-new-reports-of-brutal-pushbacks> (accessed January 9, 2023); Tondo, “Croatian Police Accused of ‘Sickening’ Assaults”; Border Violence Monitoring Network, “How Can I Apply for Asylum or Expect to Be Given Protection from a Country Whose Police Officers Force Me to Strip to My Underwear and Starts Shoving My Genitals with a Tree Branch in Front of My Wife and Children?” October 22, 2019, <https://www.borderviolence.eu/violence-reports/october-22-2019-0400-near-donji-vaganac-croatia/> (accessed January 9, 2023).

[227] *Black Book of Pushbacks: Expanded and Updated Edition*, vol. I, p. 240.

[228] Centre for Peace Studies and the Welcome Initiative, *Report on Illegal Expulsions in the Context of the Covid-19 Pandemic*, pp. 20-21.

[229] CPT Croatia Report, para. 27. See also Lorenzo Tondo, “Croatian Police Accused of Spray-Painting Heads of Asylum Seekers,” *Guardian*, May 12, 2020, <https://www.theguardian.com/global-development/2020/may/12/croatian-police-accused-of-shaving-and-spray-painting-heads-of-asylum-seekers> (accessed April 17, 2023).

[230] Centre for Peace Studies and the Welcome Initiative, *Report on Illegal Expulsions in the Context of the Covid-19 Pandemic*, p. 18.

[231] CPT Croatia Report, para. 27.

[232] *Ibid.*

[233] *Ibid.*, para. 28.

[234] Human Rights Watch interview with Antonia Pindulić, Centre for Peace Studies, Zagreb, Croatia, February 16, 2023. See also Centre for Peace Studies and the Welcome Initiative, *Report on Illegal Expulsions in the Context of the Covid-19 Pandemic*, p. 18.

[235] CPT Croatia Report, para. 26.

[236] Human Rights Watch interview with Ciran H., Velika Kladuša, Bosnia and Herzegovina, May 24, 2022.

[237] Human Rights Watch interview with Zarin G., Velika Kladuša, Bosnia and Herzegovina, May 24, 2022.

[238] Human Rights Watch interview with Hasan F., Tržac, Bosnia and Herzegovina, April 11, 2023.

[239] Human Rights Watch interview with Joseph C., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.

[240] Human Rights Watch interview with Rozad N., Šturlić, Bosnia and Herzegovina, November 29, 2021.

[241] *Ibid.*

[242] Human Rights Watch interview with Sera N., Šturlić, Bosnia and Herzegovina, November 29, 2021.

[243] Human Rights Watch interview with Pierre M., Tržac, Bosnia and Herzegovina, July 29, 2022.

[244] Human Rights Watch interview with Mustafa Q., Velika Kladuša, Bosnia and Herzegovina, May 27, 2022.

[245] Human Rights Watch interview with Yasser D., Velika Kladuša, Bosnia and Herzegovina, May 27, 2022.

[246] Human Rights Watch interview with Laila R., Velika Kladuša, Bosnia and Herzegovina, November 28, 2021.

[247] Human Rights Watch interview with Farhad K., Šturlić, Bosnia and Herzegovina, November 27, 2021.

[248] Human Rights Watch interview with Daryab A., Bihać, Bosnia and Herzegovina, May 24, 2022.

[249] Human Rights Watch interview with Ibrahim F., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.

[250] Human Rights Watch interview with Stephanie M., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.

[251] Human Rights Watch interview with Abdul F., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.

[252] Human Rights Watch interview with Jawed M., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.

[253] Amnesty International, *Pushed to the Edge: Violence and Abuse Against Refugees and Migrants Along the Balkans Route* (London: Amnesty International, 2019), p. 11.

[254] *Ibid.*, p. 10.

[255] Centre for Peace Studies (Centar za Mirovne Studije, CMS) and Welcome Initiative, *Report on Illegal Expulsions from Croatia in the Context of the Covid-19 Pandemic* (Zagreb: CMS, 2022), p. 13; Border Violence Monitoring Network (BVMN), *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II (Brussels: The Left in the European Parliament, December 2022), p. 861 (account taken November 6, 2021); Human Rights Watch, “Croatia: Migrants Pushed Back to Bosnia and Herzegovina,” December 11, 2018, <https://www.hrw.org/news/2018/12/11/croatia-migrants-pushed-back-bosnia-and-herzegovina>.

[256] *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, p. 860 (account taken November 6, 2021).

[257] *Ibid.*, vol. II, pp. 785-86 (August 4, 2020), 842 (account taken September 24, 2021); Council of Europe, Parliamentary Assembly, Committee on Migration, Refugees and Displaced Persons, Pushback Policies and Practice in Council of Europe Member States, Explanatory Memorandum by Ms Tineke Strik, Rapporteur, Doc. 14909 (June 8, 2019), para. 84, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=27728&lang=en> (accessed January 6, 2023).

[258] Council of Europe, 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, Doc. CPT/Inf (2021) 29 (December 3, 2021), para. 14, <https://rm.coe.int/1680a4c199> (accessed January 5, 2023).

[259] Centre for Peace Studies (Centar za Mirovne Studije, CMS) and Welcome Initiative, *Report on Illegal Expulsions from Croatia in the Context of the Covid-19 Pandemic* (Zagreb: CMS, 2022), p. 7.

[260] Council of Europe, 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, Doc. CPT/Inf (2021) 29 (December 3, 2021), para. 29, <https://rm.coe.int/1680a4c199> (accessed January 5, 2023).

[261] See, for example, Republic of Croatia, Ombudsperson, Report on the Performance of the Activities of the National Preventive Mechanism for 2019, pp. 27-28 (reviewing government responses), <https://www.ombudsman.hr/en/download/report-on-the-performance-of-the-activities-of-the-national-preventive-mechanism-for-2019/?wpdmdl=8876&refresh=62e54662b44ff1659192930> (accessed January 11, 2023).

[262] Republic of Croatia, Ombudsperson, Report on the Performance of the Activities of the National Preventive Mechanism for 2020, pp. 26-27 (quoting Ministry of the Interior), <https://www.ombudsman.hr/en/download/report-on-the-performance-of-the-activities-of-the-national-preventive-mechanism-for-2020/?wpdmdl=14709&refresh=63beada5d4b281673440677> (accessed January 11, 2023).

[263] Questionnaire, Special Rapporteur of the Human Rights of Migrants: Inputs by the Republic of Croatia, p. 8, [n.d.], <https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/pushback/CroatiaSubmission.pdf> (accessed January 11, 2023).

[264] Steffen Lüdke and Nicole Vögele, “Croatia Conducts Illegal Pushbacks of Vulnerable Migrants,” *Der Spiegel*, June 25, 2021, <https://www.spiegel.de/international/europe/croatia-conducts-illegal-pushbacks-of-vulnerable-migrants-a-d8e5cb0f-e425-4d7e-a1dd-f51b8c760731> (accessed April 20, 2023).

[265] Amnesty International, *Pushed to the Edge: Violence and Abuse Against Refugees and Migrants Along the Balkans Route* (London: Amnesty International, 2019), p. 6.

[266] Human Rights Watch, “Croatia: President Admits Unlawful Migrant Pushbacks,” July 15, 2019, <https://www.hrw.org/news/2019/07/15/croatia-president-admits-unlawful-migrant-pushbacks>.

[267] Republic of Croatia, Ombudsperson, Report on the Performance of the Activities of the National Preventive Mechanism for 2019, pp. 24-25 (describing the Ministry of the Interior’s statements during the EU’s Schengen evaluation process).

[268] Gordan Duhaček, “Kolinda u šokantnom intervjuu priznala da hrvatska policija krši zakone,” *IndexHR*, July 10, 2019, <https://www.index.hr/vijesti/clanak/kolinda-u-sokantnom-intervjuu-priznala-da-hrvatska-policija-krsi-zakone/2099829.aspx> (accessed July 7, 2022); “Kroatiens Präsidentin Grabar-Kitarović zur Balkanroute,” *SRF*, July 9, 2019, https://www.srf.ch/play/tv/tagesschau/video/kroatiens-praesidentin-grabar-kitarovi-zur-balkanroute?urn=urn:srf:video:68ae3d79-230b-4af6-a318-717b9aa8a514&fbclid=IwAR0thheIG9JOCfzWBYn1aRqtM1m4Z7KPA-d_k8WkPvcQnEyS8AMeVZuZdGA (accessed July 7, 2022). See also Human Rights Watch, “Croatia: President Admits Unlawful Pushbacks,” July 15, 2019; Letter from Hugh Williamson, director, Europe and Central Asia Division, Human Rights Watch, to Kolinda Grabar-Kitarović, president, Republic of Croatia, July 15, 2019, <https://www.hrw.org/news/2019/07/15/human-rights-watch-letter-croatias-president-kolinda-grabar-kitarovic>.

[269] Lovorka Šošić, Sara Kekuš, and Antonia Pindulić, “Croatia’s Violent Pushbacks of Refugees and Asylum-Seekers,” *Open Democracy*, November 5, 2019 (quoting President Kitarović’s remarks), <https://www.opendemocracy.net/en/can-europe-make-it/croatias-violent-pushbacks-of-refugees-and-asylum-seekers/> (accessed January 11, 2023).

[270] See, for example, Republika Hrvatska, Pučka pravobraniteljica, “Police Violence Video: Efficient Investigation into Use of Force by Police Necessary for the Protection of Human Rights and the Rule of Law,” October 10, 2021 (noting “the confirmation from the Croatian Ministry of the Interior that the persons visible in the video footage broadcasted by RTL TV network beating migrants at the Croatia-Bosnia border indeed were members of the Croatian police force”), <https://www.ombudsman.hr/en/efficient-investigation-into-use-of-force-by-police-necessary-for-the-protection-of-human-rights-and-the-rule-of-law/> (viewed July 11, 2022).

[271] Centre for Peace Studies and the Welcome Initiative, *Report on Illegal Expulsions*, p. 7.

[272] Letter from Discontented Policemen of the BPS to Croatian ombudswoman, n.d., quoted in Republika Hrvatska, Pučka pravobraniteljica, “No Institutional Reaction to Alleged Illegal Police Treatment of Migrants,” July 25, 2019, <https://www.ombudsman.hr/en/no-institutional-reaction-to-alleged-illegal-police-treatment-of-migrants/> (accessed January 11, 2023). See also Republic of Croatia, Ombudsperson, Report on the Performance of the Activities of the National Preventive Mechanism for 2019, pp. 26-27.

[273] Republic of Croatia, Ombudsperson, Report on the Performance of the Activities of the National Preventive Mechanism for 2020, p. 27.

[274] Human Rights Watch telephone interview with Maddalena Avon, Centre for Peace Studies, November 15, 2021.

[275] Council of Europe, 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, Doc. CPT/Inf (2021) 29 (December 3, 2021), para. 25.

[276] *Ibid.*, para. 22.

[277] *M.H. v. Croatia*, App. Nos. 15670/18 and 43115/18 (Eur. Ct. H.R. November 18, 2021), para. 163.

[278] Ombudsperson Act (Zakon o pučkom pravobranitelju), Official Gazette nr. 76/12 (Croatia); Act on the National Preventative Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, OG 18/11, 33/15 (Croatia), <https://www.zakon.hr/z/440/Zakon-o-nacionalnom-preventivnom-mehanizmu-zasprečavanje-mučenja> (accessed April 17, 2023).

[279] Republic of Croatia, Ombudsperson, Report on the Performance of the Activities of the National Preventive Mechanism for 2018, pp. 48-49, <https://www.ombudsman.hr/en/download/report-on-the-performance-of-activities-of-the-national-preventive-mechanism-for-2018/?wpdmdl=8470&refresh=63beb204230a51673441796> (accessed January 11, 2023); Republic of Croatia, Ombudsman, Report on the Performance of the Activities of the National Preventive Mechanism for 2019, pp. 30-31; Republic of Croatia, Ombudswoman, Report on the Performance of the Activities of the National Preventive Mechanism for 2020, p. 30.

[280] Republika Hrvatska, Pučka pravobraniteljica, Izvješće pučke pravobraniteljice: Analiza stanja ljudskih prava i jednakosti u Hrvatskoj, 2022 (Zagreb: Croatian Ombudswoman, 2023), p. 7, <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravoraniteljice-za-2022-godinu/?wpdmdl=15489&refresh=642acb931a3cc1680526227> (accessed April 3, 2023).

[281] European Commission, “Migration and Borders: Commission Awards Additional €305 Million to Member States Under Pressure,” December 20, 2018, https://ec.europa.eu/commission/presscorner/detail/en/IP_18_6884 (accessed January 11, 2023).

[282] European Ombudsperson, “Delay in Setting Up Monitoring Mechanism for Croatian Border Management Regrettable, Says Ombudsman,” February 24, 2022, <https://www.ombudsman.europa.eu/en/news-document/en/152823> (accessed January 11, 2023).

[283] Centre for Peace Studies, “The Annual Report of the (Independent) Monitoring Mechanism, as per the Instructions of the Ministry of the Interior,” July 4, 2022, <https://www.cms.hr/en/azil-i-integracijske-politike/novo-godisnje-izvjesce-neovisnog-mehanizma-nadzora> (accessed April 17,

2023).

[284] Republic of Croatia, Ombudsperson, Report on the Performance of the Activities of the National Preventive Mechanism for 2019, p. 28.

[285] Independent Monitoring Mechanism, First Half-Year Report of the Independent Mechanism for Monitoring the Conduct of Police Officers of the Ministry of the Interior in the Field of Irregular Migration and International Protection, June-December 2021 (December 2021) [working version published December 3, 2021], p. 14, https://www.cms.hr/system/article_document/doc/763/Working_version_of_the_1st_IBMM_report.pdf (accessed April 17, 2023).

[286] Independent Monitoring Mechanism, First Semi-Annual Report of the Independent Oversight Mechanism Monitoring the Actions of Police Officers of the Ministry of the Interior in the Field of Irregular Migration and International Protection, June-December 2021 (December 2021) [final version published December 10, 2021],

https://www.cms.hr/system/article_document/doc/764/Final_version_of_the_1st_IBMM_report.pdf (accessed April 17, 2023).

[287] European Ombudsperson, Decision Concerning How the European Commission Monitors and Ensures Respect for Fundamental Rights by the Croatian Authorities in the Context of Border Management Operations Supported by EU Funds, Case No. 1598/2020/VS (February 22, 2022), <https://www.ombudsman.europa.eu/en/decision/en/152811> (accessed March 8, 2023).

[288] European Parliament, Committee on Civil Liberties, Justice and Home Affairs, Mission Report Following the Ad-Hoc Delegation to Sarajevo, Bosnia and Herzegovina, 22-25 May 2022 (October 28, 2022), https://www.europarl.europa.eu/doceo/document/LIBE-CR-734239_EN.pdf (accessed March 8, 2023).

[289] European Commission, Proposal for a Regulation of the European Parliament and of the Council Introducing a Screening of Third Country Nationals at the External Borders and Amending Regulations (EC) No. 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, Doc. COM(2020) 612 final (September 23, 2020), art. 7 & pmb., para. 23.

[290] Greek Council for Refugees, “National Transparency Authority Should Publish the Full Investigation Regarding Pushbacks in Accordance with the Principle of Transparency,” April 7, 2022, <https://www.gcr.gr/en/news/press-releases-announcements/item/1940-national-transparency-authority-should-publish-the-full-investigation-regarding-pushbacks-in-accordance-with-the-principle-of-transparency> (accessed March 17, 2023).

[291] European Council on Refugees and Exiles (ECRE), “Turning Rhetoric into Reality: New Monitoring Mechanism at European Borders Should Ensure Fundamental Rights and Accountability,” November 10, 2020, <https://ecre.org/turning-rhetoric-into-reality-new-monitoring-mechanism-at-european-borders-should-ensure-fundamental-rights-and-accountability/> (accessed April 20, 2023).

[292] European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 30th General Report of the CPT: 1 January-31 December 2020, pp. 15-16 (2021), <https://rm.coe.int/1680aabe2b> (accessed April 17, 2023).

[293] Human Rights Watch interview with Farhad K., Šturlić, Bosnia and Herzegovina, November 27, 2021.

[294] See Protecting Rights at Borders Initiative, *When the End Seems to “Justify” the Means: Pushing Those Unwanted Out Instead of Using Existing Readmission Agreements—The Way Forward?* (Brussels: DRC, December 2021), p. 6, https://pro.drc.ngo/media/5iububwg/readmission-vs-pushbacks-_policy-note.pdf (accessed January 10, 2023); Olivia Sunderberg Diez, *Diminishing Safeguards, Increasing Returns: Non-Refoulement Gaps in the EU Return and Readmission System* (Brussels: European Policy Centre, October 2019), p. 8. For an overview of the use of readmission agreements by EU member states, see David Scott Fitzgerald, *Refuge Beyond Reach: How Rich Democracies Repel Asylum Seekers* (Oxford: Oxford University Press, 2019), pp. 174-77.

[295] See Infokolpa, *Report on Illegal Practice of Collective Expulsion on Slovene-Croatian Border* (Ljubljana: Infokolpa, 2018), pp. 35-47, <https://www.borderviolence.eu/wp-content/uploads/Report-on-illegal-practice-of-collective-expulsion-on-Slovene1.pdf> (accessed January 10, 2023); Amnesty International, *Slovenia: Push-Backs and Denial of Access to Asylum* (London: Amnesty International, 2018), pp. 9, 14-15.

[296] The publicly available statistics report the number of returns under readmission agreements to each bordering country and the numbers for each of the principal countries of origin returned under these agreements, but do not disaggregate by country of origin for returns to each bordering country. For instance, in 2022, the Slovenian police reported that of a total of 2,361 returns to bordering countries, 2,169 returns (92 percent) were to Croatia and that 406 Afghans were returned in all to bordering countries, but these statistics do not provide the number of Afghans returned specifically to Croatia. (Nonetheless, based on the total return numbers to countries other than Croatia—60 to Hungary, 58 to Italy, and 19 to Austria—it is likely that Slovenian authorities returned most people of each nationality to Croatia.) See Uprava uniformirane policije, Sektor mejne policije, Nedovoljene migracije na območju Republike Slovenije [Uniformed Police Administration, Border Police Division, Unauthorised Migration in the Territory of the Republic of Slovenia], December 2022, <https://www.policija.si/images/stories/Statistika/MejnaProblematika/IlegalneMigracije/2022/December2022.pdf> (accessed March 27, 2023); Uprava uniformirane policije, Sektor mejne policije, Ilegalne migracije na območju Republike Slovenije [Uniformed Police Administration, Border Police Division, Illegal Migration in the Territory of the Republic of Slovenia], December 2021, <https://www.policija.si/images/stories/Statistika/MejnaProblematika/IlegalneMigracije/2021/December2021.pdf> (accessed March 27, 2023).

[297] See Uprava uniformirane policije, Sektor mejne policije, Nedovoljene migracije na območju Republike Slovenije [Uniformed Police Administration, Border Police Division, Unauthorised Migration in the Territory of the Republic of Slovenia], February 2023, <https://www.policija.si/images/stories/Statistika/MejnaProblematika/IlegalneMigracije/2023/Februar2023.pdf> (accessed March 27, 2023).

[298] See Uprava uniformirane policije, Sektor mejne policije, Nedovoljene migracije na območju Republike Slovenije [Uniformed Police Administration, Border Police Division, Unauthorised Migration in the Territory of the Republic of Slovenia], December 2022; Uprava uniformirane policije, Sektor mejne policije, Ilegalne migracije na območju Republike Slovenije [Uniformed Police Administration, Border Police Division, Illegal Migration in the Territory of the Republic of Slovenia], December 2021.

[299] See Uprava uniformirane policije, Sektor mejne policije, Nedovoljene migracije na območju Republike Slovenije [Uniformed Police Administration, Border Police Division, Unauthorised Migration in the Territory of the Republic of Slovenia], February 2023, <https://www.policija.si/images/stories/Statistika/MejnaProblematika/IlegalneMigracije/2023/Februar2023.pdf> (accessed March 27, 2023).

[300] Uprava uniformirane policije, Sektor mejne policije, Nedovoljene migracije na območju Republike Slovenije [Uniformed Police Administration, Border Police Division, Unauthorised Migration in the Territory of the Republic of Slovenia], December 2022; Uprava uniformirane policije, Sektor mejne policije, Ilegalne migracije na območju Republike Slovenije [Uniformed Police Administration, Border Police Division, Illegal Migration in the Territory of the Republic of Slovenia], December 2021.

[301] “Fedriga: ‘Continua l'emergenza sugli ingressi di stranieri,’” *Rai*, November 9, 2020 (reporting 1,321 readmissions to Slovenia in the first 10 months of 2020), <https://www.rainews.it/tgr/fvg/articoli/2020/11/fvg-massimiliano-fedriga-migranti-arrivi-emergenza-98da1880-455e-4c59-9dc9->

6be229885bfb.html (accessed March 27, 2023); ANSA, “Italy Sent 1,240 Migrants Back to Slovenia in 2020,” *InfoMigrants*, November 1, 2021, <https://www.infomigrants.net/fr/post/36134/italy-sent-1240-migrants-back-to-slovenia-in-2020> (accessed March 27, 2023).

[302] See, for example, Human Rights Council, Report on Means to Address the Human Rights Impact of Pushbacks of Migrants on Land and at Sea: Report of the Special Rapporteur on the Human Rights of Migrants, U.N. Doc. A/HRC/47/30 (May 12, 2021), para. 66; Duccio Facchini and Luca Rondi, *Respinti: Le “sporche frontiere” d’Europa, dai Balcani al Mediterraneo* (Altreamonia, 2022), pp. 71-72; Ylenia Gostoli, “Europe’s Chain of Migrant Expulsion, from Italy to Bosnia,” *New Humanitarian*, November 17, 2020, <https://www.thenewhumanitarian.org/news-feature/2020/11/17/europe-italy-bosnia-slovenia-migration-pushbacks-expulsion> (accessed January 10, 2023).

[303] See asylkoordination österreich, “Schutzansuchen von verfolgtem minderjährigem Somali ignoriert,” 2022, <https://archiv2022.asyl.at/de/info/presseaussendungen/gerichtbestaetigtillegalenpush-back/index.html> (accessed March 28, 2023); asylkoordination österreich, “Systematischer Gesetzesbruch an Grenze bestätigt,” September 7, 2021, <https://archiv2022.asyl.at/de/info/presseaussendungen/rechtswidrigerpush-backnachslovenienasylantragvonminderjaehrigemsomaliignoriert/index.html> (accessed March 28, 2023).

[304] Nicolò Giraldi, “Il governo riattiva le riammissioni dei migranti, ecco la direttiva Piantedosi,” *Trieste Prima*, December 6, 2022, <https://www.triestepima.it/cronaca/riammissioni-migranti-slovenia.html> (accessed March 27, 2023). See also Fabio Tonacci, “Migranti, al confine sloveno tornano i respingimenti bocciati dal tribunale,” *La Repubblica*, December 10, 2022, https://www.repubblica.it/cronaca/2022/12/10/news/migranti_al_confine_sloveno_tornano_i_respingimenti_bocciati_dal_tribunale-378314858/ (accessed March 27, 2023); Consorzio Italiano di Solidarietà, “Le riammissioni sono illegali. Piantedosi lo sa anche se lo nega,” January 14, 2023, <https://www.icsufficiorifugiati.org/le-riammissioni-sono-illegali-piantedosi-lo-sa-anche-se-lo-nega/> (accessed March 20, 2023).

[305] Human Rights Watch interview with Amir G., Bihać, Bosnia and Herzegovina, November 28, 2021.

[306] Human Rights Watch interview with Darius M., Bihać, Bosnia and Herzegovina, November 28, 2021.

[307] Human Rights Watch interview with Marwand P., Trieste, Italy, May 5, 2022.

[308] Human Rights Watch interview with Sayel K., Bihać, Bosnia and Herzegovina, May 24, 2022.

[309] Human Rights Watch interview with Jawed M., Velika Kladuša, Bosnia and Herzegovina, May 25, 2022.

[310] Human Rights Watch interview with Ali S., Trieste, Italy, May 5, 2022.

[311] Border Violence Monitoring Network (BVMN), *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II (Brussels: The Left in the European Parliament, December 2022), pp. 771-72 (account taken January 9, 2020), 773 (January 14, 2020), 777 (February 3, 2020), 780 (February 16, 2020), 781 (May 1, 2020), 785 (August 4, 2020), 787-88 (September 8, 2020), 789 (September 16, 2020), 790 (September 23, 2020), 791-92 (October 22, 2020), 795 (November 25, 2020), 800 (account taken January 6, 2021), 803 (January 24, 2021), 806 (account taken February 6, 2021), 807 (account taken February 25, 2021), 808-9 (account taken March 2, 2021), 815 (account taken April 4, 2021), 816 (second of two accounts taken April 4, 2021), 819 (account taken June 21, 2021), 821 (account taken June 27, 2021), 824 (account taken August 11, 2021), 826 (second of two accounts taken August 11, 2021), 828 (account taken August 28, 2021), 830 (account taken September 5, 2021), 832 (account taken September 7, 2021), 835 (account taken September 10, 2021), 836 (account taken September 14, 2021), 838 (account taken September 18, 2021), 839 (account taken September 19, 2021), 841 (account taken September 24, 2021), 844 (account taken October 7, 2021), 847 (account taken October 12, 2021), 852 (account taken October 14, 2021), 859 (account taken November 6, 2021), 863 (account taken November 17, 2021), 865 (account taken January 10, 2022), 868 (account taken January 14, 2022), 869 (account taken January 15, 2022).

[312] *Ibid.*, vol. II, pp. 780 (account taken February 16, 2020), 782 (account taken May 1, 2020), 788 (account taken September 8, 2020), 802 (account taken January 13, 2021), 803 (account taken January 24, 2021), 804-5 (account taken January 27, 2021), 814 (account of March 24, 2021), 816 (second of two accounts taken April 4, 2021), 819 (account taken June 21, 2021), 824 (account taken August 11, 2021), 827 (second of two accounts taken August 11, 2021), 828 (account taken August 28, 2021), 836 (account taken September 14, 2021), 841 (account taken September 24, 2021), 845 (account taken October 7, 2021), 847 (account taken October 12, 2021), 859 (account taken November 6, 2021), 869 (account taken January 15, 2022).

[313] *Ibid.*, vol. II, p. 820 (account taken June 27, 2021).

[314] See, for example, *ibid.*, vol. II, pp. 818 (account taken April 8, 2021), 848 (second of two accounts taken October 12, 2021), 849 (account taken October 13, 2021), 858 (account taken November 2, 2021).

[315] *Ibid.*, vol. II, p. 854 (account taken October 27, 2021).

[316] Human Rights Watch interview with Urša Regvar, legal adviser, Legal Center for the Protection of Human Rights and the Environment (PIC), Ljubljana, Slovenia, November 21, 2021.

[317] Protecting Rights at Borders Initiative, *When the End Seems to “Justify” the Means*, p. 4.

[318] Human Rights Watch interview with Darius M., Bihać, Bosnia and Herzegovina, November 28, 2021.

[319] *Black Book of Pushbacks: Expanded and Updated Edition*, vol. II, p. 870 (account taken January 15, 2022).

[320] *Ibid.*, vol. II, p. 802 (account of 17-year-old Pakistani boy taken January 13, 2021).

[321] *Ibid.*, vol. II, pp. 804-5 (account of 15-year-old Afghan boy taken January 27, 2021).

[322] *Ibid.*, vol. II, pp. 784 (Slovenian police filled out forms listing a 17-year-old boy’s age as 22), 845 (Slovenian police directed two 16-year-old boys to list their ages as 18).

[323] *Ibid.*, vol. II, p. 794 (November 14, 2020).

[324] *Ibid.*, vol. II, p. 802 (reporting that Slovenian police slapped 17-year-old boy 3 or 4 times for responding that he was travelling with one other person).

[325] *Ibid.*, vol. II, p. 830 (account of immediate return of a group including children aged 7, 10, 16, and 17, taken September 5, 2021).

[326] *Ibid.*, vol. II, p. 826 (second of two accounts taken August 11, 2021).

[327] Ibid., vol. II, p. 776 (account taken January 23, 2020).

[328] Human Rights Watch interview, Ljubljana, Slovenia, November 25, 2021.

[329] UN Human Rights Council, Report on Means to Address the Human Rights Impact of Pushbacks of Migrants on Land and at Sea: Report of the Special Rapporteur on the Human Rights of Migrants, U.N. Doc. A/HRC/47/30 (May 12, 2021), para. 63.

[330] UNHCR, Written Submission by the Office of the United Nations High Commissioner for Refugees in the Case of *Sharifi and Others v. Italy and Greece* (Application No. 16643/09) (October 2009), p. 2, <https://www.refworld.org/pdfid/4afd25c32.pdf> (accessed January 10, 2023).

[331] Jasmina Kusmanovic and Andra Timu, “EU Backs Croatia Joining Visa-Free Schengen Area from January,” *Bloomberg*, December 8, 2022, <https://www.bloomberg.com/news/articles/2022-12-08/croatia-says-it-will-join-visa-free-schengen-area-as-of-jan-1> (accessed January 16, 2023).

[332] The Schengen area includes 23 of the 27 EU member states along with Iceland, Liechtenstein, Norway, and Switzerland. See European Council, “The Schengen Area Explained,” last reviewed March 9, 2023, <https://www.consilium.europa.eu/en/policies/schengen-area/> (accessed April 21, 2023).

[333] See European Parliament, “MEPs Back Croatia’s Schengen Accession,” November 10, 2022, <https://www.europarl.europa.eu/news/en/press-room/20221107IPR49610/meps-back-croatia-s-schengen-accession> (accessed January 16, 2023).

[334] European Commission, Communication from the Commission to the European Parliament and the Council on the Verification of the Full Application of the Schengen *Acquis* by Croatia, COM(2019) 497 final (October 22, 2019), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52019DC0497> (accessed January 16, 2023).

[335] European Council, Council Conclusions on the Fulfilment of the Necessary Conditions for the Full Application of the Schengen *Acquis* in Croatia, SCH-EVAL 160, SCHENGEN 97, COMIX 622, Doc. 14883/21 (December 9, 2021), <https://data.consilium.europa.eu/doc/document/ST-14883-2021-INIT/en/pdf> (accessed January 16, 2023).

[336] Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the Rules Governing the Movement of Persons Across Borders (Schengen Borders Code), OJ L 77/1 (March 23, 2016), art. 4, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0399&from=EN> (accessed January 16, 2023).

[337] European Commission, Communication from the Commission to the European Parliament and the Council on the Verification of the Full Application of the Schengen *Acquis* by Croatia, COM(2019) 497 final (October 22, 2019), p. 6, [https://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2019/0497/COM_COM\(2019\)0497_EN.pdf](https://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2019/0497/COM_COM(2019)0497_EN.pdf) (accessed January 16, 2023). See also European Council, Council Conclusions on the Fulfilment of the Necessary Conditions for the Full Application of the Schengen *Acquis* in Croatia, Doc. 14883/21 (December 9, 2021).

[338] European Commission, Managing Migration: EU Financial Support to Croatia (January 2021) (€163.13 million in EU funding for migration management between 2015 and end of 2020), https://home-affairs.ec.europa.eu/system/files/2021-01/202101_managing-migration-eu-financial-support-to-croatia_en.pdf (accessed January 16, 2023); European Commission, Managing Migration: EU Financial Support to Greece, January 2021 (€3.12 billion in EU funding for migration management between 2015 and end of 2020), https://home-affairs.ec.europa.eu/system/files/2021-01/202101_managing-migration-eu-financial-support-to-greece_en.pdf (accessed January 16, 2023); European Commission, Managing Migration: EU Financial Support to Bulgaria, February 2020 (€320.4 million in EU funding for migration management between 2015 and early 2020), https://home-affairs.ec.europa.eu/system/files/2020-02/202002_managing-migration-eu-financial-support-to-bulgaria_en.pdf (accessed January 16, 2023).

[339] See, for example, Human Rights Watch, “Bulgaria: Migrants Brutally Pushed Back at Turkish Border,” May 26, 2022, <https://www.hrw.org/news/2022/05/26/bulgaria-migrants-brutally-pushed-back-turkish-border>; Human Rights Watch, “*Their Faces Were Covered*”: Greece’s Use of Migrants as Police Auxiliaries in Pushbacks (New York: Human Rights Watch, 2022).

[340] See Frontex, “Fundamental Rights at Frontex,” [n.d.], <https://frontex.europa.eu/fundamental-rights/fundamental-rights-at-frontex/fundamental-rights-at-frontex/> (accessed March 17, 2023).

[341] See Human Rights Watch, “EU: Probe Frontex Complicity in Border Abuses,” November 9, 2020, <https://www.hrw.org/news/2020/11/09/eu-probe-frontex-complicity-border-abuses>.

[342] Frontex Consultative Forum on Fundamental Rights, *Seventh Annual Report* (Warsaw: Frontex, 2019), p. 24, https://frontex.europa.eu/assets/Partners/Consultative_Forum_files/Frontex_Consultative_Forum_annual_report_2019.pdf (accessed March 17, 2023).

[343] Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and Repealing Regulations (EU) No. 1052/2013 and (EU) 2016/1624, OJ L 295/1 (November 14, 2019), arts. 46(4), (5).

[344] Council of Europe, Commissioner for Human Rights, *Pushed Beyond the Limits: Four Areas for Urgent Action to End Human Rights Violations at Europe’s Borders* (Strasbourg: Council of Europe, April 2022), p. 7, <https://rm.coe.int/pushed-beyond-the-limits-urgent-action-needed-to-end-human-rights-viol/1680a5a14d> (accessed January 6, 2023). Similarly, the Council of Europe’s Parliamentary Assembly has observed that pushback “practices are widespread, and in some countries systematic” in Council of Europe member states. Council of Europe, Parliamentary Assembly, Pushback Policies and Practice in Council of Europe Member States, Res. 2299 (2019).

[345] Protecting Rights at Borders, *Beaten, Punished and Pushed Back: A Pattern of Institutionalised Human Rights Violations at EU Borders Reconfirmed: How Pushbacks Remained the Standard Practice and a De Facto Tool for Border Management in 2022* (Brussels, Danish Refugee Council, January 2023), p. 1.

[346] Human Rights Watch telephone interview with Maddalena Avon, Centre for Peace Studies, November 15, 2021.

[347] See, for example, Human Rights Watch, “Bulgaria: Migrants Brutally Pushed Back at Turkish Border” May 26, 2022, <https://www.hrw.org/news/2022/05/26/bulgaria-migrants-brutally-pushed-back-turkish-border>; Human Rights Watch, “*Their Faces Were Covered*”; Human Rights Watch, “Hungary: Migrants Abused at Border,” July 13, 2016, <https://www.hrw.org/news/2016/07/13/hungary-migrants-abused-border>; Human Rights Watch, “Violence and Pushbacks at Poland-Belarus Border,” June 7, 2022, <https://www.hrw.org/news/2022/06/07/violence-and-pushbacks-poland-belarus-border>; Human Rights Watch, “*Die Here or Go Back to Poland*”: Belarus’ and Poland’s Shared Responsibility for Border Abuses (New York: Human Rights Watch, 2021).

[348] EU Fundamental Rights Agency (FRA), *Migration: Key Fundamental Rights Concerns, October-December 2021* (Luxembourg: FRA, 2022), pp. 6-11, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-migration-bulletin-1_en.pdf (accessed January 6, 2022); EU Fundamental Rights Agency (FRA), *Migration: Key Fundamental Rights Concerns, July-September 2021* (Luxembourg: FRA, 2021), pp. 7-11, https://fra.europa.eu/sites/default/files/2021-12/fra-2021-migration-bulletin-3_en.pdf (accessed January 6, 2023); EU Fundamental Rights Agency (FRA), *Migration: Key Fundamental Rights Concerns, January-June 2021* (Luxembourg: FRA, 2021), pp. 7-11, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-migration-bulletin-2_en.pdf (accessed January 6, 2023).

[349] See, for example, Bill Frelick, Ian M. Kysel, and Jennifer Podkul, “The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants,” *Journal on Migration and Human Security*, vol. 4 (2016), pp. 194-96; Michael Garcia Bochenek, “The Persistent, Pernicious Use of Pushbacks Against Children and Adults in Search of Safety,” *Laws*, vol. 12, no. 34 (April 23, 2023), <https://doi.org/10.3390/laws12030034> (accessed April 24, 2023).

[350] European Commission, “Migration Routes: Commission Proposes Action Plan for Cooperation with Western Balkans to Address Common Challenges,” December 5, 2022, https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7447 (accessed April 4, 2023).

[351] EU Action Plan on the Western Balkans (December 2022), para. 8, https://home-affairs.ec.europa.eu/system/files/2022-12/Western%20Balkans_en.pdf (accessed April 4, 2023).

[352] *Ibid.*, para. 9.

[353] Gianfranco Schiavone, “Il Piano Ue per i Balcani minaccia i diritti dei migranti,” *Altreconomia*, March 1, 2023, <https://altreconomia.it/il-piano-ue-per-i-balcani-minaccia-i-diritti-dei-migranti/> (accessed April 4, 2023).

[354] *Ibid.*

[355] See Council of Europe, 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, Doc. CPT/Inf (2021) 29 (December 3, 2021), para. 21, <https://rm.coe.int/1680a4c199> (accessed January 5, 2023).

[356] See European Commission, Migration and Home Affairs, “Country Responsible for Asylum Application (Dublin Regulation),” [n.d.], https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/country-responsible-asylum-application-dublin-regulation_en (accessed January 16, 2023).

[357] Council of Europe, Parliamentary Assembly, Committee on Migration, Refugees and Displaced Persons, Pushback Policies and Practice in Council of Europe Member States, Explanatory Memorandum by Ms Tineke Strik, Rapporteur, Doc. 14909 (June 8, 2019), para. 80, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=27728&lang=en> (accessed January 6, 2023), quoted in *A. v. Staatssekretariat für Migration (SEM)*, E-3078/2019 (Bundesverwaltungsgericht [Federal Administrative Court], July 12, 2019) (Switz.), para. 5.8, <https://www.bvger.ch/bvger/en/home/judgments/referenzurteile/asylum/dublin-kroatien.html> (accessed January 16, 2023).

[358] *Staatssecretaris van Justitie en Veiligheid v. [name withheld]*, Decision 202102939/1/V3, ECLI:NL:RVS:2022:1043 (Raad van State April 13, 2022) (Neth.), https://www.refworld.org/cases,NTL_COS,629f5e404.html (accessed January 16, 2023). For a discussion of the role of the Council of State as the Netherlands’ highest general administrative court, see Raad van State, “The Council of State,” [n.d.], <https://www.raadvanstate.nl/talen/artikel/> (accessed March 4, 2023).

[359] *International Federation of Human Rights Leagues (FIDH) v. France*, Complaint No. 14/2003 (Eur. Comm. Soc. Rts. November 3, 2004), para. 31.

[360] See, for example, Committee on the Rights of the Child, Concluding Observations: Croatia, U.N. Doc. CRC/C/HRV/CO/5-6 (June 22, 2022), para. 41(a); Committee on the Rights of the Child, Concluding Observations: Greece, U.N. Doc. CRC/C/GRC/CO/4-6 (June 28, 2022), para. 40(a); Committee on the Rights of the Child, Concluding Observations: Cyprus, U.N. Doc. CRC/C/CYP/CO/5-6 (June 24, 2022), para. 38(a); Committee against Torture, Concluding Observations: Bulgaria, U.N. Doc. CAT/C/BGR/CO/6 (December 15, 2017), para. 24(f); European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), 32nd General Report of the CPT: 1 January-31 December 2022, CPT/Inf(2023)7 (Strasbourg: Council of Europe, March 2023), paras. 106-107. See also Committee on the Rights of the Child, Concluding Observations: Chile, U.N. Doc. CRC/C/CHL/CO/6-7 (June 22, 2022), para. 35(h).

[361] Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, September 16, 1963, E.T.S. No. 46, art. 4 (“Collective expulsion of aliens is prohibited.”). Collective expulsions are also prohibited under the International Covenant on Civil and Political Rights (ICCPR) and the EU Charter of Fundamental Rights, and the International Law Commission’s special rapporteur on the expulsions of aliens suggested in a 2007 report that the prohibition is a general principle of customary international law. International Covenant on Civil and Political Rights (ICCPR), December 19, 1966, 999 U.N.T.S. 171, art. 13; Human Rights Committee, General Comment No. 15: The Position of Aliens Under the Covenant (27th sess., 1986), para. 10 (concluding that “laws or decisions providing for collective or mass expulsions” violate article 13 of the ICCPR), in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.7 (May 12, 2004), pp. 141-42; Charter of Fundamental Rights of the European Union (EU Charter of Fundamental Rights), OJ C 336/391 (October 26, 2012), art. 19(1) (“Collective expulsions are prohibited.”); International Law Commission, Third Report on the Expulsion of Aliens, U.N. Doc. A/CN.4/581 (April 19, 2007), para. 115 (“it seems reasonable to suggest that there is a general principle of international law on this matter that is ‘recognized by civilized nations’ and prohibits collective expulsion”).

[362] *Hirsi Jamaa and Others v. Italy* [GC], 2012-II ECHR 97, para. 177. See also *Sharifi et autres c. Italie et Grèce* [GC], Requête No. 16643/09 (Eur. Ct. H.R. Oct. 21, 2014), paras. 214-15 (automatic returns to Greece deprived migrants of any effective possibility of receiving asylum).

[363] *N.D. and N.T. v. Spain* [GC], App. Nos. 8675/15 and 8697/15 (Eur. Ct. H.R. February 13, 2020), para. 201.

[364] *Ibid.*, para. 208. See also *ibid.*, para. 231 (concluding that “the lack of individual removal decisions can be attributed to the fact that the applicants, if they indeed wished to assert rights under the Convention, did not make use of the official entry procedures existing for that purpose, and was thus a consequence of their own conduct”).

[365] *A.A. and Others v. North Macedonia*, App. No. 55798/16 (Eur. Ct. H.R. April 5, 2022), para. 114.

[366] *Asady and Others v. Slovakia*, App. No. 24917/15 (Eur. Ct. H.R. March 24, 2020), paras. 9, 14, 49, 64.

[367] *Ibid.*, para. 71. The court has previously held that article 4 of Protocol No. 4 “does not guarantee the right to an individual interview in all circumstances; the requirements of this provision may be satisfied where each alien has a genuine and effective possibility of submitting arguments against his or her expulsion, and where those arguments are examined in an appropriate manner by the authorities of the respondent State.” *Khlaifia and Others v. Italy* [GC], App. No. 16483/12 (Eur. Ct. H.R. December 15, 2016), para. 248.

[368] *M.K. and Others v. Poland*, App. Nos. 40503/17, 42902/17, and 43643/17 (Eur. Ct. H.R. July 23, 2020), para. 208.

[369] Joint Dissenting Opinion of Judges Lemmens, Keller, and Schembri Orland, *Asady*, App. No. 24917/15, para. 7.

[370] *M.H. and Others v. Croatia*, App. Nos. 15670/18 and 43115/18 (Eur. Ct. H.R. November 18, 2021); *Shahzad v. Hungary*, App. No. 12625/17 (Eur. Ct. H.R. July 8, 2021); *D.A. and Others v. Poland*, App. No. 51246/17 (Eur. Ct. H.R. July 8, 2021).

[371] For example, ICCPR art. 7; Convention on the Rights of the Child, November 20, 1989, 1577 U.N.T.S. 3, art. 37(a); Convention on the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), November 4, 1950, E.T.S. No. 5, art. 3.

[372] For example, UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), G.A. Res. A/RES/70/175 (January 8, 2016), annex, Rule 1 (“no circumstances whatsoever may be invoked as a justification” for torture or other ill-treatment).

[373] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, December 10, 1984, 1465 U.N.T.S. 85; European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, November 26, 1987, E.T.S. No. 126.

[374] “[N]o exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.” Convention against Torture, art. 2(2).

[375] Human Rights Committee, General Comment No. 20: Article 7 (Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment), para. 3, in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.7 (May 12, 2004), p. 151.

[376] *Selmouni v. France*, 1999-V ECHR 149, para. 95. See similarly, among others, *Ireland v. the United Kingdom*, January 18, 1978, Series A no. 25 (Eur. Ct. H.R.), para. 163; *Tomasi v. France*, August 27, 1992, Series A no. 241-A (Eur. Ct. H.R.), para. 115; *Chahal v. the UK*, (1996) 23 EHRR 413, para. 79; *Aksoy v. Turkey*, (1997) 23 EHRR 552, para. 62; *Labita v. Italy*, 2000-IV ECHR 99, para. 119; *Kmetty v. Hungary*, App. No. 57967/00 (Eur. Ct. H.R. December 16, 2003), para. 32.

[377] See, for example, Sub-Commission on the Promotion and Protection of Human Rights, Res. 2005/1 (Absolute Prohibition of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) (August 8, 2005), in UN Commission on Human Rights, Report of the Sub-Commission on the Promotion and Protection of Human Rights on Its Fifty-Seventh Session, U.N. Doc. E/CN.4/2006/2 (October 17, 2005), pp. 12-13.

[378] For example, *Questions Relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)*, Judgment, I.C.J. Reports 2012, pp. 422, 457 (concluding that “the prohibition of torture is part of customary international law and it has become a peremptory norm (*jus cogens*)”); *Prosecutor v. Delalić et al.*, Case No. IT-96-21-T, Judgment of 16 November 1998 (Trial Chamber, International Criminal Tribunal for the Former Yugoslavia), para. 454; *Prosecutor v. Furundžija*, Case No. IT-95-17/1-T, Judgment of 10 December 1998 (Trial Chamber, International Criminal Tribunal for the Former Yugoslavia), paras. 153-55; Commission on Human Rights, Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Report by the Special Rapporteur, Mr. P. Kooijmans, U.N. Doc. E/CN.4/1985/15 (February 19, 1985), para. 3 (“[T]he prohibition of torture can be considered to belong to the rules of *jus cogens*. If ever a phenomenon was outlawed unreservedly and unequivocally it is torture.”). See also Nigel S. Rodley, “The Prohibition of Torture: Absolute Means Absolute,” *Denver Journal of International Law and Policy*, vol. 34 (2005), pp. 157-58.

[379] See, for example, European Committee for the Prevention of Torture, 32nd General Report of the CPT, paras. 80-83.

[380] Convention relating to the Status of Refugees (Refugee Convention), July 28, 1961, 189 U.N.T.S. 137, art. 33(1); Protocol relating to the Status of Refugees (Refugee Protocol), January 31, 1967, 606 U.N.T.S. 267, art. I (applying articles 2 to 34 of the Refugee Convention “without any geographic limitation”).

[381] Convention against Torture, art. 3(1).

[382] ICCPR, art. 7; Human Rights Committee, General Comment No. 20, para. 9 (“States parties must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement.”).

[383] The state’s nonrefoulement obligations under the Convention on the Rights of the Child are derived from the right to life, survival, and development, the right to freedom from torture and other ill-treatment, and the principle that the best interests of the child shall be a primary consideration in all actions concerning children. Convention on the Rights of the Child, arts. 3(1) (best interests of the child), 6 (right to life, survival, and development), and 37 (rights to liberty and freedom from torture and other ill-treatment). See Committee on the Rights of the Child, General Comment No. 6: Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, U.N. Doc. CRC/GC/2005/6 (September 1, 2005), para. 27.

[384] European Convention on Human Rights, art. 3. The European Court of Human Rights has interpreted article 3 of the European Convention to include a prohibition on non-refoulement. See, for example, *Soering v. United Kingdom*, (1989) 11 EHRR 439, para. 88.

[385] EU Charter of Fundamental Rights, art. 19(2).

[386] See, for example, UNHCR, Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (January 26, 2007), para. 15 (stating UNHCR’s view that the prohibition of refoulement is a rule of customary international law), <https://www.refworld.org/docid/45f17a1a4.html> (accessed April 17, 2023); Elihu Lauterpacht and Daniel Bethlehem, “The Scope and Content of the Principle of *Non-Refoulement*: Opinion,” in Erika Feller, Volker Türk, and Frances Nicholson, eds., *Refugee Protection in International Law: UNHCR’s Global Consultations on International Protection* (Cambridge: Cambridge University Press, 2003), pp. 139-49; Executive Committee of the High Commissioner’s Programme, Note on International Protection, U.N. Doc. A/AC.96/951 (September 13, 2001), para. 16 (obligation of nonrefoulement “has come to be considered a rule of customary international law binding on all States”).

[387] Executive Committee of the High Commissioner’s Programme, Conclusion No. 25 (XXXIII) 1982, para. (b) (noting that the principle was “progressively acquiring the character of a peremptory rule of international law”), in General Assembly, Addendum to the Report of the United Nations High Commissioner for Refugees, GAOR 37th sess., Suppl. No. 12A (A/37/12/Add.1) (1982), p. 17; Jean Allain, “The *Jus Cogens* Nature of *Non-refoulement*,” *International Journal of Refugee Law*, vol. 13 (2001), pp. 533-58.

[388] Refugee Convention, art. 33(1).

[389] Convention against Torture, art. 3; ICCPR, art. 7; European Convention on Human Rights, art. 3; Human Rights Committee, General Comment No. 20, para. 9; *Soering v. United Kingdom*, para. 88.

[390] See Refugee Convention, art. 42(1); Refugee Protocol, art. VII(1); Executive Committee of the High Commissioner's Programme, Conclusion No. 79 (XLVII) (1996), para (i) ("the principle of non-refoulement is not subject to derogation"), in UN General Assembly, Report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the Work of Its Forty-Seventh Session, U.N. Doc. A/51/12/Add.1 (October 16, 1996), para. 21; UN General Assembly, Res. 51/75, U.N. Doc. A/RES/51/75 (February 12, 1997), para. 3 ("the fundamental principle of non-refoulement . . . is not subject to derogation").

[391] See, for example, Committee against Torture, General Comment No. 4 on the Implementation of Article 3 of the Convention in the Context of Article 22, U.N. Doc. CAT/C/GC/4 (September 4, 2018), para. 9 ("The principle of 'non-refoulement' of persons to another State where there are substantial grounds for believing that they would be in danger of being subjected to torture is . . . absolute."); Human Rights Committee, General Comment No. 20, para. 3 ("The text of article 7 allows of no limitation."); *Soering v. United Kingdom*, para. 88 (the right to freedom from torture and other ill-treatment makes "no provision for exceptions and no derogation from it is permissible"); *Chahal v. United Kingdom*, (1996) 23 EHRR 413, paras. 79-81.

[392] Human Rights Committee, General Comment No. 20, para. 9; Human Rights Committee, General Comment No. 31 on the Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (May 26, 2004), para. 12.

[393] Convention on the Rights of the Child, General Comment No. 6, para. 27.

[394] Executive Committee of the High Commissioner's Programme, Conclusion No. 6 (XXVIII) 1977, para. (c). Similarly, the Executive Committee has concluded that "[i]t is the humanitarian obligation of all coastal States to allow vessels in distress to seek haven in their waters and to grant asylum, or at least temporary refuge, to persons on board wishing to seek asylum." Executive Committee of the High Commissioner's Programme, Conclusion No. 15 (XXX) 1979, para. (c).

[395] Lauterpacht and Bethlehem, "The Scope and Content of the Principle of *Non-Refoulement*," p. 111. See also *ibid.*, pp. 159-60.

[396] Human Rights Committee, Concluding Observations: Estonia, U.N. Doc. CCPR/C/EST/CO/4 (April 18, 2019), para. 28(a). See also Human Rights Committee, Concluding Observations: Lithuania, U.N. Doc. CCPR/C/LTU/CO/4 (August 29, 2018), para. 20(c) (calling on state to "[e]nsure that all applications for international protection at the border and in reception and detention facilities are promptly received, registered and referred to the asylum authority"); Human Rights Committee, Concluding Observations: Bulgaria, U.N. Doc. CCPR/C/BGR/CO/4 (November 15, 2018), para. 29 (expressing concern "about reliable reports from multiple sources indicating that persons who may be in need of international protection have been prevented from entering Bulgarian territory or expelled, at times with force, without an opportunity to apply for asylum or an individualized assessment").

[397] Committee against Torture, Concluding Observations: Montenegro, U.N. Doc. CAT/C/MNE/CO/3 (June 2, 2022), para. 21(c). See also Committee against Torture, Concluding Observations: Serbia, U.N. Doc. CAT/C/SRB/CO/3 (December 20, 2021), para. 33; Committee against Torture, Concluding Observations: Latvia, U.N. Doc. CAT/C/LVA/CO/6 (December 24, 2019), para. 31(b) (calling for procedural safeguards at border crossings); Committee against Torture, Concluding Observations: Poland, U.N. Doc. CAT/C/POL/CO/7 (August 29, 2019), para. 26(e) (calling for "accessible and protection-sensitive entry systems at border crossing points"); Committee against Torture, Concluding Observations: Bulgaria, para. 24(f) (same).

[398] UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and Committee on the Rights of the Child, Joint General Comment No. 4 (Committee on Migrant Workers) and No. 23 (Committee on the Rights of the Child) on State Obligations Regarding the Human Rights of Children in the Context of International Migration in Countries of Origin, Transit, Destination, and Return, U.N. Doc. CMW/C/GC/4-CRC/C/GC/23 (November 16, 2017), para. 17(a). See also *D.D. v. Spain*, U.N. Doc. CRC/C/80/D/4/2016 (May 15, 2019), para. 14.4; Committee on Migrant Workers and Committee on the Rights of the Child, Joint General Comment No. 3 (Committee on Migrant Workers) and No. 22 (Committee on the Rights of the Child) on the General Principles Regarding the Human Rights of Children in the Context of Irregular Migration, U.N. Doc. CMW/C/GC/3-CRC/C/GC/22 (November 16, 2017), para. 12 (noting that children's rights obligations apply "including with respect to those children who come under its jurisdiction while attempting to enter its territory").

[399] Refugee Convention, art. 33(1).

[400] See, for example, Executive Committee of the High Commissioner's Programme, Note on International Protection, U.N. Doc. A/AC.96/951 (September 13, 2001), para. 16 (prohibition "encompasses any measure attributable to a State which could have the effect of returning an asylum-seeker or refugee to the frontiers of territories where his or her life or freedom would be threatened, or where he or she would risk persecution," including "rejection at the frontier, interception and indirect refoulement"). Similarly, the Committee on the Rights of the Child and the Committee on Migrant Workers have observed that "non-refoulement obligations apply irrespective of whether serious violations . . . are directly intended or are the indirect consequence of States parties' action or inaction." Joint General Comment No. 3 (Committee on Migrant Workers) and No. 22 (Committee on the Rights of the Child), para. 46.

[401] For example, the Committee against Torture observes, "States parties should not adopt dissuasive measures or policies, such as detention in poor conditions for indefinite periods, refusing to process claims for asylum or prolonging them unduly, or cutting funds for assistance programmes for asylum seekers, which would compel persons in need of protection under article 3 of the Convention to return to their country of origin in spite of their personal risk of being subjected to torture or other cruel, inhuman or degrading treatment or punishment there." Committee against Torture, General Comment No. 4, para. 14. See also *M.S.S. v. Belgium and Greece* [GC], App. No. 30696/09 (Eur. Ct. H.R. January 21, 2011), para. 263.

[402] Committee against Torture, General Comment No. 4, para. 13.

[403] *Ibid.* See also Committee against Torture, Concluding Observations: Greece, U.N. Doc. CAT/C/GRC/CO/7 (September 3, 2019), para. 17(c) (calling for all asylum seekers to be protected from refoulement and collective return).

[404] ICCPR, art. 24(1) ("Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State."); Convention on the Rights of the Child, arts. 3(1), 6, 37.

[405] Committee on the Rights of the Child, General Comment No. 6, para. 27. See also Joint General Comment No. 3 (Committee on Migrant Workers) and No. 22 (Committee on the Rights of the Child), paras. 45-46.

[406] Committee on the Rights of the Child, General Comment No. 6, para. 27.

[407] *Ibid.*, para. 28.

[408] *Ibid.*, para. 27.

[409] *Ibid.*, para. 84.

[410] Ibid., para. 27.

[411] Joint General Comment No. 3 (Committee on Migrant Workers) and No. 22 (Committee on the Rights of the Child), para. 46.

[412] See *D.D. v. Spain*, para. 14.6.

[413] Convention on the Rights of the Child, art. 3(1).

[414] Committee on the Rights of the Child, General Comment No. 14 on the Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration, U.N. Doc. CRC/C/GC/14 (May 29, 2013), para. 6; Joint General Comment No. 3 (Committee on Migrant Workers) and No. 22 (Committee on the Rights of the Child), para. 27.

[415] Committee on the Rights of the Child, General Comment No. 14, para. 14(a).

[416] Ibid., paras. 12(b), 14(a), 24.

[417] Ibid., para. 32.

[418] Ibid., para. 30. This obligation includes “describing how the best interests have been examined and assessed, and what weight has been ascribed to them in the decision” Ibid., para. 14(b).

[419] Joint General Comment No. 3 (Committee on Migrant Workers) and No. 22 (Committee on the Rights of the Child), paras. 29-30. See also *ibid.*, paras. 32(d), (e), (g).

[420] Committee on the Rights of the Child, General Comment No. 6, para. 20. See also *D.D. v. Spain*, para. 14.4.

[421] Committee on the Rights of the Child, General Comment No. 14, para. 39; Joint General Comment No. 3 (Committee on Migrant Workers) and No. 22 (Committee on the Rights of the Child), para. 32(a).

[422] Joint General Comment No. 3 (Committee on Migrant Workers) and No. 22 (Committee on the Rights of the Child), para. 28.

[423] Philip Alston, “The Best Interests Principle: Towards a Reconciliation of Culture and Human Rights,” in Philip Alston, ed., *The Best Interests of the Child: Reconciling Culture and Human Rights* (Oxford: Clarendon Press, 1994), p. 13.

[424] Committee on the Rights of the Child, General Comment No. 6, para. 86; Joint General Comment No. 3 (Committee on Migrant Workers) and No. 22 (Committee on the Rights of the Child), para. 33.

[425] Joint General Comment No. 3 (Committee on Migrant Workers) and No. 22 (Committee on the Rights of the Child), para. 33.

[426] Committee on the Rights of the Child, Concluding Observations: Luxembourg, U.N. Doc. CRC/C/LUX/CO/5-6 (June 21, 2021), para. 28(e) (“The advisory commission responsible for determining the best interests of the child in the context of the return of unaccompanied children is not independent or neutral and is composed of actors who are responsible for carrying out returns.”).

[427] Joint General Comment No. 3 (Committee on Migrant Workers) and No. 22 (Committee on the Rights of the Child), para. 33.

[428] Committee on the Rights of the Child, Concluding Observations: Switzerland, U.N. Doc. CRC/C/CHE/CO/5-6 (October 22, 2021), para. 42(a) (“no separate procedure for assessing the best interests of the child and integrating them into asylum procedures”); Committee on the Rights of the Child, Concluding Observations: Czech Republic, U.N. Doc. CRC/C/CZE/CO/5-6 (October 22, 2021), para. 43(a) (“insufficient regard for children’s rights and best interests in immigration procedures, in the absence of a best interests determination procedure”); Committee on the Rights of the Child, Concluding Observations: Australia, U.N. Doc. CRC/C/AUS/CO/5-6 (November 1, 2019), para. 44 (e) (“The best interests of the child are not a primary consideration in asylum, refugee and migration processes, leading to children going through lengthy assessment and determination procedures”).

[429] Committee on the Rights of the Child, Concluding Observations: Portugal, U.N. Doc. CRC/C/PRT/CO/5-6 (December 9, 2019), para. 41(b); Committee on the Rights of the Child, Concluding Observations: Denmark, U.N. Doc. CRC/C/DNK/CO/5 (October 26, 2017), para. 39(d).

[430] Committee on the Rights of the Child, Concluding Observations: Costa Rica, U.N. Doc. CRC/C/CRI/CO/5-6 (March 4, 2020), para. 43(a); Committee on the Rights of the Child, Concluding Observations: Mozambique, U.N. Doc. CRC/C/MOZ/CO/3-4 (November 27, 2019), para. 43(a); Committee on the Rights of the Child, Concluding Observations: Malta, U.N. Doc. CRC/C/MLT/CO/3-6 (June 26, 2019), para. 42(c); Committee on the Rights of the Child, Concluding Observations: Niger, U.N. Doc. CRC/C/NER/CO/3-5 (November 21, 2018), para. 40(a); Committee on the Rights of the Child, Concluding Observations: Argentina, U.N. Doc. CRC/C/ARG/CO/5-6 (October 1, 2018), para. 38(a); Committee on the Rights of the Child, Concluding Observations: Spain, U.N. Doc. CRC/C/ESP/CO/5-6 (March 5, 2018), para. 45(a); Committee on the Rights of the Child, Concluding Observations: Seychelles, U.N. Doc. CRC/C/SYC/CO/5-6 (March 5, 2018), para. 35(b); Committee on the Rights of the Child, Concluding Observations: Guatemala, U.N. Doc. CRC/C/GTM/CO/5-6 (February 28, 2018), para. 40(a); Committee on the Rights of the Child, Concluding Observations: Cameroon, U.N. Doc. CRC/C/CMR/CO/3-5 (July 6, 2017), para. 40(b). See also Committee on the Rights of the Child, Concluding Observations: Bhutan, U.N. Doc. CRC/C/BTN/CO/3-5 (July 5, 2017), para. 42(b) (calling on Bhutan to include “due consideration to the best interests of the child” in determinations of the nationality of child refugees).

[431] Committee on the Rights of the Child, Concluding Observations: Luxembourg, para. 29(d).

[432] See, for example, Committee on the Rights of the Child, Concluding Observations: Argentina, para. 39; Committee on the Rights of the Child, Concluding Observations: Lebanon, U.N. Doc. CRC/C/LBN/CO/4-5 (June 22, 2017), para. 37(a) (calling on state to “[e]nsure that the best interests of the child are a primary consideration in all administrative and judicial proceedings involving children of migrant workers, including expulsion proceedings”). See also Joint General Comment No. 3 (Committee on Migrant Workers) and No. 22 (Committee on the Rights of the Child), para. 32(g) (calling for best-interests determinations “in cases that could lead to the expulsion of migrant families due to their migration status, in order to evaluate the impact of deportation on children’s rights and development, including their mental health”).

[433] *X.H.L. v. Netherlands*, Communication No. 1564/2007, U.N. Doc. CCPR/C/102/D/1564/2007 (Human Rights Committee, September 15, 2011), para. 10.3.

[434] Committee on the Rights of the Child, General Comment No. 6, para. 89.

[435] Ibid., para. 92; Joint General Comment No. 3 (Committee on Migrant Workers) and No. 22 (Committee on the Rights of the Child), para. 33.

[436] Committee on the Rights of the Child, General Comment No. 6, para. 14; Joint General Comment No. 3 (Committee on Migrant Workers) and No. 22 (Committee on the Rights of the Child), paras. 27, 29, 32(a).

[437] Committee on the Rights of the Child, General Comment No. 6, paras. 6, 23, 31-32; Joint General Comment No. 3 (Committee on Migrant Workers) and No. 22 (Committee on the Rights of the Child), para. 29.

[438] Convention on the Rights of the Child, art. 20; Committee on the Rights of the Child, General Comment No. 6, para. 13.

[439] Committee on the Rights of the Child, General Comment No. 6, para. 12; Joint General Comment No. 3 (Committee on Migrant Workers) and No. 22 (Committee on the Rights of the Child), para. 12 (using identical wording).