

(English version)

**Question for written answer E-002123/24
to the Commission**

Erik Marquardt (Verts/ALE), Alexandra Geese (Verts/ALE), Benedetta Scuderi (Verts/ALE), Sebastian Everding (The Left), Rima Hassan (The Left), Thomas Waitz (Verts/ALE), Jan-Christoph Oetjen (Renew), Pernando Barrena Arza (The Left), Tineke Strik (Verts/ALE), Lena Schilling (Verts/ALE), Damien Carême (The Left), Hannah Neumann (Verts/ALE), Marco Tarquinio (S&D), Leoluca Orlando (Verts/ALE), Nela Riehl (Verts/ALE), Rasmus Andresen (Verts/ALE), Matjaž Nemec (S&D), Per Clausen (The Left), Vicent Marzà Ibáñez (Verts/ALE), Irena Joveva (Renew), Saskia Bricmont (Verts/ALE), Katrin Langensiepen (Verts/ALE)
(16 October 2024)

Subject: Brutality of Croatian border police

In an article published on 10 October 2024 ⁽¹⁾, *The Guardian* again reported on the brutality of the Croatian border police: strip-searching and threatening asylum seekers, and burning their phones, passports and other belongings after pushing them back to Bosnia. Illegal pushbacks accompanied by violence, including sexualised violence as also described in this article, have been reported multiple times by the United Nations as well as non-governmental organisations. However, the burning of documents and phones, both needed to seek asylum and to record the presence of asylum seekers on EU territory, is a new, terrifying ‘practice’ of deterrence.

Croatia has been a member of the Schengen area since 1 January 2023, following the Commission’s positive evaluation of Croatia’s application of the Schengen *acquis*, including its fundamental rights obligations.

1. Has the Commission-supported and often criticised ‘independent human rights monitoring mechanism’ reported on this practice of burning phones and documents, and have steps been taken to investigate and remedy this illegal behaviour?
2. What does the Commission plan to do in the context of the reformed Schengen Evaluation and Monitoring Mechanism and Schengen Borders Code, as well as the Schengen Council and Forum, to ensure the rule of law and effective access to asylum at the Croatian-Bosnian border?
3. What steps are being taken with the Croatian authorities to roll out the new fundamental rights monitoring mechanisms set out in the Screening Regulation?

Submitted: 16.10.2024

Answer given by Mr Brunner on behalf of the European Commission
(24 January 2025)

The competence to carry out investigations into individual allegations against the national authorities, and to ensure remedial actions where allegations of wrongdoing are corroborated, is the responsibility of Member States.

The Commission has been supporting the Croatian authorities in the establishment of the independent monitoring mechanism (IMM). The Coordination Board of the IMM issues reports on their activities, available on the IMM website ⁽¹⁾.

Following its Schengen accession on 1 January 2023, the first periodic Schengen evaluation of Croatia took place in December 2023 — March 2024 under the current Schengen evaluation and Monitoring Mechanism ⁽²⁾.

Particular attention was paid to the respect of fundamental rights in the treatment of migrants and access to asylum procedure at Croatia’s borders.

Observers from the Fundamental Right Agency (FRA) participated in the evaluation team. The evaluation report, adopted on 31 October 2024, concluded that, overall, the Croatian authorities duly consider fundamental rights when implementing the Schengen *acquis*.

Looking ahead, Article 10 of the Screening Regulation ⁽³⁾ provides an obligation on Member States to set up independent mechanisms to monitor compliance with EU and international law during the screening.

¹ <https://www.theguardian.com/global-development/2024/oct/10/photos-croatia-police-phones-passports-asylum-seekers>.

⁽¹⁾ <https://www.nmn.hr>

⁽²⁾ Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*, and repealing Regulation (EU) No 1053/2013.

⁽³⁾ Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the 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.

All Member States, including Croatia, should ensure that they fulfil this obligation, put in place adequate safeguards for these bodies' independence, and equip them with appropriate financial means, taking also into account the FRA Guidance of 19 September 2024 ⁽⁴⁾.

⁽⁴⁾ Monitoring fundamental rights during screening and the asylum border procedure — A guide on national independent mechanisms (europa.eu) https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-independent-border-monitoring-mechanisms_en.pdf