

DIMITRIS AVRAMOPOULOS

MEMBER OF THE EUROPEAN COMMISSION
MIGRATION, HOME AFFAIRS AND CITIZENSHIP

CHRISTOS STYLIANIDES

MEMBER OF THE EUROPEAN COMMISSION
HUMANITARIAN AID & CRISIS MANAGEMENT

Brussels, **05. 06. 2019**

Honorable Members,

Thank you for your letter of 2 April 2019 in which you share your concerns with regard to the situation at the border of Croatia with Bosnia and Herzegovina and Serbia. The Commission is aware of the reports and documentation prepared by the NGOs working on the ground to which you refer in your letter.

We would like to assure you that we are concerned about reports of mistreatment of migrants and refugees and take such allegations seriously. Any form of violence against or abuse of migrants and refugees is unacceptable. Measures taken by Member States, to comply with their legal obligation to control their borders and to deal with migratory flows, must be fully in line with the EU Charter of Fundamental Rights (in particular Articles 4, 18 and 19), EU legislation and international obligations, including the principle of non-refoulement and effective access to the asylum procedure.

The Commission is in contact with the Croatian authorities concerning the implementation of the relevant EU legislation, including as regards allegations of mistreatment of non-EU nationals being denied the possibility to apply for asylum. We expect Croatia to follow up promptly on the specific allegations and will continue to closely monitor the situation.

In Bosnia and Herzegovina, the Commission is in close contact with its humanitarian partners to ensure that the EU-funded humanitarian response is aligned with international standards. Particular attention is given to mainstreaming protection and adapting assistance to the needs of the most vulnerable refugees and migrants. EU-funded assistance is also provided to victims of violence. This takes the form of individualised assistance, protective shelter, psychosocial support and medical assistance.

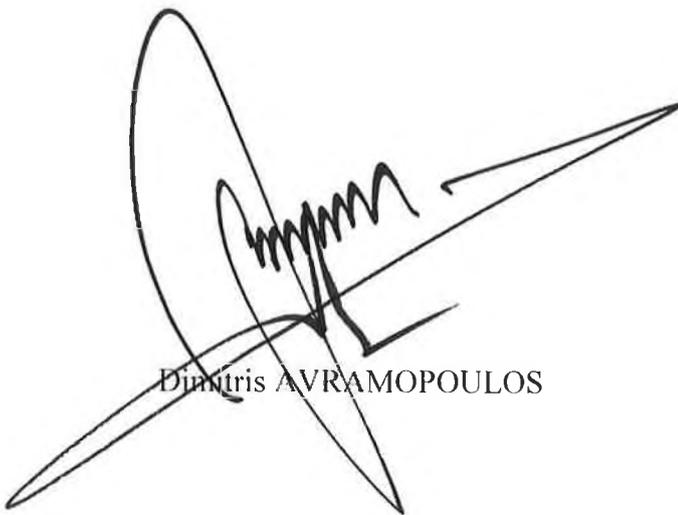
Responding to your specific points, we would like to recall the following:

1. In 2018, the Croatian Ministry of Interior concluded a Protocol with UNHCR Zagreb and the Croatian Law Centre, for the duration of one year, on monitoring the conduct of police officers in the field of border management, combatting irregular migration and asylum ensuring full respect of fundamental rights in all actions. In March this year a new Protocol between the two organisations and the Ministry of Interior came into force aiming at monitoring the state border control by police officers. This new Protocol complements a monitoring mechanism which is part of the grant agreement for emergency assistance (€6.8 million) signed in December last year with the Croatian authorities. The grant aims to strengthen border surveillance and law enforcement capacity by covering the operational costs of 10 border police stations, while its monitoring mechanism aims to ensure that measures applied at the EU external borders are proportionate and in full compliance with the EU Charter of Fundamental Rights and Union asylum law. The Commission is currently discussing with the Croatian authorities about the technical details related to its implementation. The Commission expects that this new mechanism will have a positive impact in the application of the Protocol and contribute to better cooperation between the police and the civil society organisations in monitoring activities, training and guidance for police officers.
2. In relation to return operations, the 2008/115/EC Directive requires that Member States take all necessary measures to ensure the effective return of irregular migrants but also sets out specific safeguards to guarantee the protection of returnees' rights during the whole return process. The standards and procedures set out by this Directive shall respect fundamental rights and international law, in particular refugee protection and human rights obligations.
3. Croatia benefits from €27.66 million, under its Asylum, Migration and Integration (AMIF) National Programme to support actions in the area of asylum, integration of third-country nationals and return in line with the relevant policies. Through the Internal Security Fund (ISF) Borders & Visa National Programme for Croatia, which has a budget of €58.43 million, the EU supports the management of the external borders. This includes actions identified both in the Vulnerability Assessment and Schengen Evaluation such as facilities for border patrol officers in the eastern part of the border, technical equipment for land border surveillance in remote areas (drones, mobile thermo-vision vehicles, better use of modern technology, etc.) and training.
4. The EU supports third countries in the region with funds and technical expertise. Since January 2016, all Western Balkans countries benefit from the regional programme 'Support to Protection-Sensitive Migration Management' worth more than €14 million (implementation phase 2016-2021).

5. As regards Bosnia and Herzegovina specifically, since 2007 the Commission has been providing assistance in the area of asylum, migration and border management for an amount of €24.6 million. In 2018, the Commission allocated €9.2 million in order to provide, through international humanitarian organizations, a multi-sectoral response to the emergency needs of refugees and migrants present in the country. An additional €13 million are planned for this year which cover mainly humanitarian needs, but also include measures to strengthen the capacity for border control and surveillance and measures for local social cohesion.

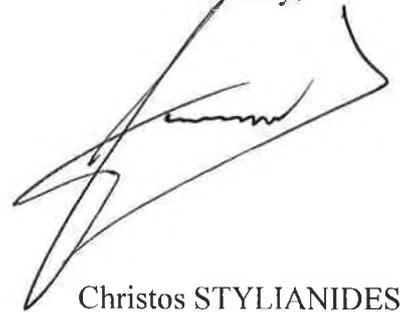
6. As regards Serbia, since September 2015, in response to the migration and refugee crisis, the EU financial support has reached almost €100 million, including through pre-accession and humanitarian assistance.

We would like to reiterate our commitment to safe and orderly migration. The migratory situation requires constant vigilance and close cooperation with all involved actors. For this reason, the Commission continues to actively raise this issue with the concerned authorities aiming to ensure that action taken is in line with international protection standards.



Dimitris AVRAMOPOULOS

Sincerely,



Christos STYLIANIDES