On 30 January 2026, the first thematic session of the Council of Europe's Network of Focal Points on Migration on the development of independent monitoring mechanisms at borders was held (see minutes here). The session brought together representatives from the Committee for the Prevention of Torture (CPT), the European Commission's Directorate-General for Migration and Home Affairs (DG HOME), the EU Fundamental Rights Agency (FRA), the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the European Network of National Human Rights Institutions (ENNHRI), alongside authorities from member states and from the Croatian Independent Monitoring Mechanism.

During the meeting, the CPT recalled its 2020 ad hoc visit to Croatia and its 30th General Report, in which it called for an end to police ill-treatment and pushbacks, and also outlined the criteria that independent monitoring mechanisms (IMMs) should meet. According to the CPT, such mechanisms must be able to conduct unannounced inspections; enjoy unrestricted access to all relevant places, persons, and information; and operate with full structural independence and operational autonomy, supported by adequate human and financial resources. They should also be empowered to report publicly and to communicate directly with prosecutorial authorities.

DG HOME emphasised that monitoring mechanisms established under Article 10 of the Screening Regulation are intended to ensure compliance with fundamental rights during screening phase. This includes adherence to EU and international obligations relating to access to asylum, the principle of non-refoulement, the best interests of the child, and detention standards, although such mechanisms do not necessarily cover border surveillance activities. For its part, the FRA recalled its guidelines on independent border monitoring mechanisms developed on the basis of Article 10 of the Screening Regulation, building on existing standards, particularly those of the CPT, the Paris Principles, and OHCHR.

Lastly, the Croatian Independent Monitoring Mechanism referred to its mandate, which currently extends beyond the scope envisaged under the Screening Regulation, as it includes monitoring of green and blue borders, airports through unannounced visits, as well as police operations. It was noted that proposed legislative changes to incorporate the Pact on Migration and Asylum into Croatian law would narrow the future IMM's mandate to formal screening locations, potentially limiting its capacity to identify and investigate violations. The Croatian IMM also highlighted challenges in initiating referrals and investigations due to constraints related to data confidentiality, security clearances, and personal data protection, as well as concerns regarding independence where funding is

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channeled through state authorities.

Source(s)

- Independent Monitoring Mechanism | Nezavisni mehanizam nadzora (5 March, 2026), Rad NMN-a predstavljen na tematskoj sjednici Mreže kontaktnih točaka za migracije Vijeća Europe [NMN's work presented at the thematic session of the Council of Europe's Network of Contact Points on Migration], https://www.nmn.hr/istaknuto/rad-nmn-a-predstavljen-na-tematskoj-sjednici-mreze-kontaktnih-tocaka-za-migracije-vijeca-europe/79

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