

Strasbourg, 23 January 2026

**Thematic session of the
Council of Europe Network of Focal Points on Migration on the
Development of Independent Monitoring Mechanisms at Borders**

Concept note and Draft Agenda

Strasbourg, 30 January 2026

Online

CONCEPT NOTE

States have a right to exercise control over their borders in compliance with international (and EU) law, including the European Convention on Human Rights. Primary state obligations arising out of the Convention are the following: an obligation to protect people against loss of life and inhuman or degrading treatment or punishment. This includes disproportionate use of force violence which may result in violations of Article 2 (right to life) and Article 3 (prohibition of torture, inhuman or degrading treatment or punishment) of the ECHR. Whenever Articles 2 and 3 of the ECHR are violated, states must carry out an effective official investigation. In addition, Articles 2 and 3 ECHR prohibit any return of an individual who would face a real risk of treatment contrary to those provisions (non-refoulement). The principle of *non-refoulement* is also applicable in the context of non-admission and rejection at the borders. Furthermore, collective expulsion is prohibited under Article 4 of Protocol No.4 to the ECHR. Such prohibition applies also in the context of non-admission and rejection at the borders. Lastly it is notable that under Article 5 (right to liberty and security) of the ECHR detention of migrants and asylum applicants must be based on law, non-arbitrary and comply with appropriate safeguards. Notably, it must be provided for by national law; carried out in good faith; and be closely connected to the legitimate aim pursued.¹

In view of this and other Council of Europe standards, CPT has underlined that professional independent oversight and monitoring is essential when border control activities take place in remote or out-of-sight locations. Such mechanisms can gather the information and evidence required to assess allegations or other relevant information indicative of ill-treatment in the context of alleged pushbacks, allow for accountability and the prevention of further human rights violations, and enable effective investigations to be carried out.²

The establishment of Independent Monitoring Mechanisms (IMMs) at borders has been provided for by Article 10 of the EU [“Screening Regulation”](#) 2024/1356 (to which reference is also made by the EU [“Asylum Procedure Regulation”](#) 2024/1348 in the context of border procedures) which reads:

“...
2. Each Member State shall provide for an independent monitoring mechanism in accordance with the requirements set out in this Article, which shall:

(a) monitor compliance with Union and international law, including the Charter, in particular as regards access to the asylum procedure, the principle of non-refoulement, the best interest of the child and the relevant rules on detention, including relevant provisions on detention in national law, during the screening; and

(b) ensure that substantiated allegations of failure to respect fundamental rights in all relevant activities in relation to the screening are dealt with effectively and without undue delay, trigger, where necessary, investigations into such allegations and monitor the progress of such investigations.

...
The independent monitoring mechanism shall have the power to issue annual recommendations to Member States.

Member States shall put in place adequate safeguards to guarantee the independence of the independent monitoring mechanism. National Ombudspersons and national human rights institutions,

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¹ See also European Court of Human Rights, [Guide on case-law of the Convention – Immigration](#), August 2025, [Guide on Article 4 of Protocol No. 4 - Prohibition of collective expulsions of aliens](#), August 2025; FRA and Council of Europe [Note on Fundamental Rights or Refugees, Asylum Applicants and Migrants at European Borders](#), 2020, FRA and Council of Europe, [Note on European standards on legal remedies, complaints mechanisms and effective investigations at borders](#), 2021, FRA and Council of Europe, [Note on Children in migration: Fundamental rights at European borders](#), 2023.

² CPT [32nd General Annual Report](#), 2022, §101

including national preventive mechanisms established under the OPCAT, shall participate in the operation of the independent monitoring mechanism and may be appointed to carry out all or part of the tasks of the independent monitoring mechanism. The independent monitoring mechanism may also involve relevant international and non-governmental organisations and public bodies independent from the authorities carrying out the screening. Insofar as one or more of those institutions, organisations or bodies are not directly involved in the independent monitoring mechanism, the independent monitoring mechanism shall establish and maintain close links with them. The independent monitoring mechanism shall establish and maintain close links with the national data protection authorities and the European Data Protection Supervisor.

The independent monitoring mechanism shall carry out its tasks on the basis of on-the-spot checks and random and unannounced checks.

Member States shall provide the independent monitoring mechanism with access to all relevant locations, including reception and detention facilities, individuals and documents, insofar as such access is necessary to allow the independent monitoring mechanism to fulfil the obligations set out in this Article. Access to relevant locations or classified information shall be granted only to persons acting on behalf of the independent monitoring mechanism and having received the appropriate security clearance issued by a competent authority in accordance with national law...

...

4. Member States shall equip the independent monitoring mechanism referred to in paragraph 2 with appropriate financial means.”³

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The present first thematic session of the Council of Europe Network of Focal Points on Migration (under Article 4 of its working methods) aims to serve as a forum for brainstorming, discussing and exchanging (preliminary) information on the legislative and other developments under way in member states concerning the establishment of IMMs, especially their institutional set up and methodological tools.

It is a follow up on the exchanges DMR had during the [mission to Croatia](#) in September 2025 with representatives of the Croatian Independent Monitoring Mechanism, as well as on discussions during the NFPs meeting in Strasbourg in November 2025 when it was indicated that in a number of member states draft legislation has been under preparation and there appeared to be a need for a peer to peer network that would make possible the systematic exchange among member states of relevant information in order to draw on each other's expertise and experience in this field.

DRAFT AGENDA

Agora meeting room G05 (for Council of Europe staff)

[Link on Zoom](#)

ID of meeting: 677 1207 2947 Code: 423222

<https://coe-int.zoom.us/j/67712072947?pwd=286UaCcLTBenJHtiWiAuZs7yd038kz.1>

09:15 – 09:20	OPENING SESSION
	Clare Ovey , Director of Human Rights

³ See also FRA, [Monitoring fundamental rights during screening and the asylum border procedure – A guide on national independent mechanisms](#), September 2024.

09:20 – 10:20	SESSION I. AN OVERVIEW OF COUNCIL OF EUROPE EU AND UN STANDARDS RELATING TO INDEPENDENT MONITORING MECHANISMS AT BORDERS Sebastian Rietz , CPT Secretariat Jaana Temmler , EC DG HOME Aydan Iyiguengoer , EU FRA Tamas Molnar , EU FRA Carolina Hernandez , UN OHCHR Edyta Tuta-Lorenz , ENNHRI
10:20-10:30	Q&A
10:30 – 10:45	Coffee break
10:45 – 12:00	SESSION II. EXCHANGE AMONG MEMBER STATES WHICH HAVE OR ARE DEVELOPING IMMS FOCUSING ON THEIR INSTITUTIONAL SET UP AND METHODOLOGICAL TOOLS Anna-Maria Getoš Kalac , Head of Coordination Board, IMM, Croatia Kristýna Andrlová , Office of National Ombudsperson, Czech Republic Sandra Fernandez , Immigration Directorate, Ministry of Interior, France Other member states representatives
12:00 – 12:15	Q&A
12:15-14:00	Lunch break
14:00 – 14:30	SESSION III. CONTINUATION OF EXCHANGES AND DISCUSSION AMONG NATIONAL FOCAL POINTS ON MIGRATION IDENTIFYING MAJOR CHALLENGES GOOD PRACTICES AND NEEDS FOR FURTHER COOPERATION
14:30 - 14:45	WRAP UP OF DISCUSSIONS – CONCLUSIONS AND FOLLOW UP Nikos Sitaropoulos , Division on Migration and Refugees Tigran Karapetyan , Legal Cooperation Department, DGI