



THE PROPOSED INDEPENDENT MONITORING MECHANISM IN THE NEW PACT ON MIGRATION AND ASYLUM: INTERRELATIONS WITH OTHER MONITORING MECHANISMS

The New Pact on Migration and Asylum, in Article 7 of the Proposal for a Screening Regulation, defines the requirements for an independent monitoring mechanism, which includes the obligation to monitor (paragraph 2) and to investigate allegations of non-respect for fundamental rights (paragraph 1) concerning the screening. The Proposal is not prescriptive about the exact composition of the monitoring mechanism, leaving it in the hands of EU Member States with the possibility of seeking support from the EU Fundamental Rights Agency (FRA). According to the Proposal, “Member States may invite relevant national, international and non-governmental organizations and bodies to participate in the monitoring”. The paper will explore two interconnected research lines. It will first investigate how the mechanism could enjoy the participation of other national bodies already involved in border monitoring. For this purpose, it will outline the functioning and roles of National Human Rights Institutions (NHRIs), Ombudspersons, and National Preventive Mechanisms (NPMs), to understand how the new mechanism could benefit from their expertise and models. The paper will then investigate how the European monitoring mechanisms operating at the border could enjoy the new mechanism’s existence. It will therefore provide an overview of the role and functioning of the Schengen Evaluation and Monitoring Mechanism (SEMM) and the monitoring and complaints mechanism of the European Border Coast Guard (Frontex) and the European Union Agency for Asylum (EUAA). The paper will explore possible interactions between those mechanisms and the new independent monitoring mechanism. The last part of the contribution will present the Croatian independent monitoring mechanism as a case study. It will underline the need for a genuine independent mechanism and the importance of strengthening access to the national and European courts to ensure effective remedies for human rights violations in screening procedures.