

Lessons Learned for Future Advisory Support to the IMM under the Pact

1. Purpose and Publication Context

This document sets out the Croatian Independent Monitoring Mechanism's (hereinafter: IMM) lessons learned from five years of experience concerning future advisory, evaluation and oversight support to the independent monitoring mechanism to be established under the EU Pact on Migration and Asylum (hereinafter: IMM under the Pact). It is published together with the IMM-redacted 2026 [Recommendations to the IMM issued by the Advisory Board to the IMM](#) (hereinafter: AB IMM) and the [Mol Police Directorate \(hereinafter: Mol PD\) instruction of 25 February 2026](#) concerning expressions of intention to seek international protection at border crossing points, the latter serving as a practical example evidencing the IMM's core arguments.

The Croatian IMM uses the AB IMM 2026 Recommendations as a case in point for a more general issue and in a forward-looking manner: how advisory functions to the future IMM under the Pact should be designed, mandated, timed, documented, evaluated and held to the same standards of methodological discipline and evidentiary integrity that they expect from monitoring mechanisms, and which monitoring mechanisms in turn expect from the monitored entities. The IMM's Lessons Learned are therefore addressed primarily to the Croatian context, specifically the Government Office for Human Rights and Rights of National Minorities and the Mol, notwithstanding their potential usefulness to future IMM's, Member State authorities, EU institutions and agencies, international organisations, national human rights institutions, civil society organisations and experts involved in the design and support of IMM's under the Pact.

2. The Croatian IMM Experience

The Croatian IMM has operated since 2021 as a fully CSO-led external expert monitoring mechanism overseeing police officers' actions towards migrants in the area of border protection, irregular migration and international protection. Its mandate focuses on the respect of migrants' fundamental rights, with particular emphasis on non-refoulement, the prohibition of collective expulsion and the prohibition of torture or other forms of ill-treatment. The 2025 monitoring cycle marked the most substantial consolidation of the IMM's work to date. The [IMM 2025 Annual Report](#) documents a strengthened monitoring methodology, increased field presence, risk-based sampling, green-border monitoring, migrant interviews, improved evidentiary handling, monthly recommendations to the Mol, referrals of detected irregularities, notification and communication channels via its webpage and electronic mailbox, follow-up practice and the successful piloting of IMM's Letter of Rights and Complaints Procedure, to name but a few key features.

3. The 2025 Advisory Board Recommendations as Benchmarks

The [AB IMM 2025 recommendations](#) identified a series of benchmarks relevant to the improvement of the IMM's independence and functioning throughout 2025. These included timelier reporting, more regular monitoring missions, continued unannounced and event-triggered monitoring,



monitoring based on fundamental rights risk assessment, increased attention to green-border monitoring, interviews with migrants without police presence, disaggregation of interview data where possible, publication of methodological information, greater transparency on monitoring visits, use of third-party information as sampling input, more structured communication of recommendations and referrals, and reflection on the future monitoring mechanism under the Pact. [The IMM committed to implementing the AB IMM 2025 Recommendations](#) and detailed how this will be accomplished.

The [IMM 2025 Annual Report](#) and its annexes show that the 2025 AB IMM benchmarks were fully implemented or substantively addressed. The AB IMM 2026 Recommendations do not reiterate any of the major 2025 recommendations, nor do they indicate that any of the 2025 benchmarks had not been met. The IMM reads this as confirmation that the relevant 2025 AB IMM benchmarks have been met, although a dedicated section in the 2026 AB IMM Recommendations would have made that even clearer. This is an important first major point for future advisory support: advisory bodies should not only identify new benchmarks or potential areas for further improvement, but also track and acknowledge the implementation of previous recommendations with the same enthusiasm with which they formulate new ones.

4. The 2026 Advisory Board Recommendations as Forward-Looking New Benchmarks

The IMM welcomes the 2026 AB IMM Recommendations as forward-looking guidance that may assist the design of the future IMM to be established under the Pact by the Government Office for Human Rights and Rights of National Minorities. Many of the AB IMM 2026 points echo recommendations already published by the IMM in its 2025 Annual Report. This applies to the need for structured follow-up on findings, sustainable and flexible funding, continuity of monitoring, transparent transition to the new mechanism, involvement of competent statutory actors under the Pact, and clearer arrangements for feedback, referrals, action plans and implementation tracking. The IMM supports these points as forward-looking benchmarks for the future monitoring architecture and refers to the relevant sections of its 2025 Report (esp. chapters 4.5. and 4.6.).

At the same time, the IMM stresses that forward-looking usefulness of recommendations must be clearly distinguished from retrospective accuracy pertaining to new benchmarks set after the fact. A document may contain recommendations useful for the future while still failing to provide a professionally grounded assessment of past monitoring and reporting cycles. This distinction is central to how the IMM understands and supports the 2026 AB IMM Recommendations.

5. Clarifying the Retrospective Assessment of the IMM 2025 Annual Report

The IMM cannot regard the AB IMM 2026 Recommendations as a professionally grounded assessment of the IMM 2025 Annual Report insofar as they assess the Report by reference to later documents, apply expectations not available or operationalised at the time of the Report's adoption, or contain factual inaccuracies.

First, the IMM 2025 Annual Report was adopted in March 2026 and therefore could not have engaged with the Croatian Ombudswoman's 2025 Annual Report, which was published only in April 2026, as correctly noted in the AB IMM's own references. The IMM 2025 Annual Report did, however, consider the latest available Ombudswoman Annual Report, namely the one for 2024. Similarly, a FRA draft monitoring methodology was shared with the IMM only in June 2026 as a

“work in progress” tool, announced to be finalised only in late 2026 or early 2027, whereas the AB IMM 2026 Recommendations refer to the overdue FRA monitoring methodology as already “developed”.

Second, the AB IMM 2026 recommendation that the IMM 2025 Report should quote individual national, European, and international provisions and case law misunderstands the function of the IMM 2025 Annual Report. The Report is not a legal textbook or doctrinal commentary. It is an annual monitoring report that publicly documents border police officers’ actions towards migrants in the monitored instances, aimed at upgrading the Mol’s respect for migrants’ fundamental rights through public accountability and forward-looking recommendations. The IMM is not a legal academic exercise or piece of desk research on applicable fundamental rights provisions. Its function is to disclose the methodology, evidence base, findings, detected irregularities and recommendations to the Mol arising from monitored instances. Annex 6 already provides a non-exhaustive listing of relevant standards and guidance. Expert readers are expected to understand the applicable legal framework; lay readers are referred to the Report’s explanations and Annex 6.

Third, the quota-related finding at certain border crossing points illustrates the practical function of monitoring. The IMM detected a limited qualitative pattern concerning daily quota- or capacity-based delays in access to the procedure for expressing an intention to seek international protection. The matter was referred as an IMM detected irregularity to the Mol. The Mol PD issued a written [instruction to the competent police administrations on 25 February 2026](#), clarifying that such practice had not been ordered, was not in line with standards of treatment, and that persons expressing an intention to seek international protection must be received without undue delay, whereas any unavoidable waiting must be communicated appropriately where other procedures are already ongoing. This operational correction did not require the IMM’s or Mol’s reproduction or referencing of the full applicable normative framework or specific legal provisions, least of all any mention of relevant case law, as it concerns basic fundamental rights standards and procedures on international protection. It required independent, authoritative and traceable monitoring, timely referral and good faith practical institutional cooperation and follow-up.

Fourth, statements concerning national human rights institutions require context. The Croatian Ombudswoman’s Office was part of the advisory framework since 2021 and only later in early 2025 excluded itself from the IMM’s formal setup due to self-identified conflict-of-interest considerations on its side, while bilateral contact continued in 2025 through designated liaison arrangements. The future statutory participation of national human rights institutions under the Pact is an important forward-looking design question, but it should not be presented as a retrospective deficiency of the IMM 2025 Annual Report without this context and against the specific background of the Ombudswoman’s Office prioritising legitimate future institutional positioning over sharing its expertise and advice with the IMM through the AB IMM or bilateral cooperation with the IMM.

Fifth, the AB IMM remarks on monitor training fail to take note of the expertise and training history of the IMM monitor team, both individually as well as a transdisciplinary team operating under the guidance of the CB IMM and its collective expertise. IMM monitors are recognised experts and practitioners in relevant fields, including medicine, forensic medicine, psychiatry, law, asylum, international and human rights law, intercultural communication, criminology, victimology, criminalistics, security studies and humanitarian work. The vast majority of monitors have been

conducting field monitoring since 2021 and against the backdrop of a methodological vacuum, still awaiting input from FRA and its final monitoring methodology. They have worked under standardised monitoring tools, internal methodological procedures, monthly reporting and quality-control arrangements, and repeated methodological and fundamental-rights peer-training arrangements and CB IMM instructions and guidance. All monitored instances have been substantially assessed by IMM's monitors, as of 2025 including an explicit determination of any irregularity, with each monitor's report being reviewed together with the full evidence package by the entire monitor team and all CB IMM members, before being adopted by the CB IMM. Therefore the IMM only insofar echoes said AB IMM recommendation on monitors' training as it pertains to a forward-looking recommendation and stresses that IMM's under the Pact and future monitors conducting field work should indeed not engage in any monitoring tasks prior to completing extensive training and collecting minimal supervised field experience, which should also incl. a certification of minimal skills and competences as demonstrated by those being monitored, i.e. (border) police officers, to ensure basic comprehension of relevant normative, operational and tactical standards and practical realities of border police work among monitors.

6. Missed Opportunities and Best Practices

The 2026 AB IMM Recommendations also illustrate a broader advisory-support lesson: advisory assessment should identify and support best practices, not only list issues in need of further improvement or future expectations and new benchmarks.

The clearest example is IMM's Letter of Rights and Complaints Procedure. The IMM 2025 Annual Report treats this procedure as a central methodological and practical innovation. The procedure provides rights information to migrants in a standardised format and at the earliest possible moment in time, creates a documented channel for complaints concerning police conduct, and generates complaint-related information capable of enabling real-time or near-real-time external monitoring, as well as live oversight of ongoing investigations into reported fundamental rights violations. The Mol voluntarily piloted the instrument in 2025 and the IMM recommended its nationwide implementation, to which the Mol self-committed in writing.

The AB IMM 2026 Recommendations did not highlight this as a Croatian best practice of broader relevance for future IMM's under the Pact. This was a missed opportunity. A well-designed advisory body should identify operational innovations capable of being transferred, adapted or tested elsewhere. A similar point applies to the IMM's monthly recommendation procedure, notification channels, referral practice, fundamental rights risk assessment approach, traceable mission listing, systematically collected evidence packages, standardised monitoring forms, multilayer verification and quality-control process, and the publication of a detailed methodological architecture. These developments are not merely internal technical improvements. They are concrete examples of how a monitoring mechanism can translate a vaguely defined mandate into operationally useful fundamental-rights monitoring in a methodologically unstandardised current setting.

7. The Core Lesson: Those Setting the Standards Must Lead by Example

Those who advise, evaluate or set standards for IMM's under the Pact should lead by example. Advisory and standard-setting actors should apply to their own operations, assessments and recommendations the same principles of evidentiary discipline, independence and objectivity,

methodological transparency, operational relevance and accountability that IMMs are expected to apply in their monitoring work, and that IMMs in turn apply when assessing police conduct.

This is not a formal or secondary concern. **The credibility of independent monitoring depends not only on the conduct of the authorities being monitored, but also on the quality, integrity and practical usefulness of the expert advisory framework that shapes the interpretation and operationalisation of fundamental rights standards, sets monitoring benchmarks and influences future institutional arrangements and funding conditions.**

Where advisory actors expect IMMs to triangulate findings, ensure factual accuracy, maintain independence, distinguish allegations from assessments and findings, state their methodology, identify sources, respect mandate limits, avoid overclaiming, and issue operationally workable recommendations, those same standards must apply to advisory assessments of and benchmarks for IMMs. A credible advisory body should be able to set applicable benchmarks clearly and in advance, respect confidentiality agreements, demonstrate what it reviewed, reference the applicable methodological and normative framework, specify the standard it applied, explain how it interpreted the available evidence, and show how its recommendation can be implemented in practice and evaluated against measurable indicators.

8. Lessons Learned for Future Advisory Support to the IMM under the Pact

8.1. Advisory mandates should be written, clear and public

Future advisory bodies should operate on the basis of written terms of reference defining their role, outputs, evidentiary standards, working methods, publication rules, confidentiality arrangements, (potential) individual and institutional conflicts of interest, consultation steps and relationship to the monitoring mechanism as well as external actors. Advisory, evaluation and standard-setting functions should not be blurred without safeguards and a basic level of transparency and public scrutiny.

8.2. Advisory support should be timely

Advice and expert guidance that arrives too late to shape monitoring and reporting practice has limited practical value. Advisory bodies should provide written input and clear benchmarks early enough for the IMM to use it during the ongoing monitoring and reporting cycle. Retrospective recommendations should be clearly framed as forward-looking new benchmarks and strictly distinguished from timely operational guidance and expert advice issued during ongoing monitoring and reporting cycles.

8.3. Advisory recommendations should be specific and operationally useful

Recommendations should identify the concrete issue, evidentiary basis, applicable standard, practical corrective model and responsible addressee clearly. Generic recommendations that do not explain or demonstrate what should be done and how, by whom, by when and how success should be measured or evaluated are of limited or no use at all, creating new uncertainties and arbitrary benchmarks rather than offering solutions to obvious challenges.

8.4. Advisory bodies should track implementation

Where previous recommendations were implemented or substantively addressed, this should be acknowledged and evaluated. Advisory follow-up should distinguish implemented recommendations, partially implemented recommendations, recommendations overtaken by later developments and recommendations still outstanding. This assessment should also be kept clear from setting new forward-looking benchmarks and recommendations, notwithstanding that there will most certainly be interconnections and overlaps that need to be transparently explained and contextualised.

8.5. Advisory assessments should respect temporal logic

A monitoring cycle or report should not be retrospectively assessed by reference to documents, methodologies, tools or standards unavailable at the time in question. Later-developed guidance or methodologies or post factum published documents may be referenced for future improvement, but cannot be presented as a standard or source that earlier monitoring or reporting allegedly failed to meet.

8.6. Advisory bodies should respect mandate boundaries

Recommendations should be framed within the legal and operational mandate of the IMM. IMMs should not be criticised for not performing functions belonging to courts, prosecutors, complaints bodies, national preventive mechanisms or other human-rights institutions unless those functions are part of the IMM's mandate. Where such recommendations nevertheless are necessary to support the IMM's functioning in its broader national context, the recommendations should clearly identify the mandated bodies in charge or at a minimum specify how exactly the IMM is expected to impact these bodies and through which powers of its own mandate.

8.7. Advisory bodies should distinguish legal framework from monitoring function

Annual monitoring reports should apply relevant standards and provide sufficient references for interpretation, but they need not function as legal textbooks or normative doctrinal commentaries. Expert advisory bodies should not conflate the need for legal grounding with the expectation that every finding reproduce the full applicable legal framework or serve as a basic reader for essentials of applicable fundamental rights law and practice. Desk-research and continuous normative analysis are a precondition for successful operational field monitoring and the correct interpretation of monitoring findings against the applicable legal frameworks and standards, but limited resources should primarily focus on on-the-spot monitoring operations and data/evidence collection, as well as referrals and practical improvements of police practices towards migrants, rather than academic exercises in normative referencing or public education in basics of fundamental rights law and practice.

8.8. Advisory bodies should recognise best practices

Advisory assessment should identify operational practices that are functioning well, especially where they can support future IMMs under the Pact. Best practices are not merely positive language or policy labels; they are transferable methodological and operational assets. Case in point is the IMM's Letter of Rights and Complaints Procedure, its nationwide implementation as announced by the MoI, and its expected role model function for other IMMs across EU member states.

8.9. Advisory bodies should support peer learning

Future advisory support should facilitate exchange between IMMs, including monitoring tools, interview protocols, referral models, complaint procedures, data-handling systems, confidentiality arrangements, conflict of interest safeguards, follow-up templates and reporting formats. Advisory bodies should enable practical learning and provide peer-exchange, not only assessment and expert guidance.

8.10. Advisory actors should manage overlapping roles transparently

Where the same actors advise and assess IMMs, set standards, influence public narratives, shape future institutional and funding arrangements or participate in EU-level implementation, their roles and institutional interests should be transparently managed and publicly disclosed. Such overlap is not necessarily improper, but it requires clarity and accountability, particularly with regard to advisory actors' strategic institutional positioning which might conflict with providing timely and fully disclosed expert guidance to IMMs, or interfere with specific national institutional setups and players, depending on existing or envisaged cooperations and (informal) institutional and individual networks.

8.11. Advisory outputs should be evaluated by usefulness

The quality of advisory support should be assessed by whether it helps the IMM to monitor better, document more reliably, assess more accurately, refer more effectively, recommend more concretely and protect migrants' fundamental rights more meaningfully. A set of basic standards and methodologies for advisory operations and outputs applicable across all EU member states would contribute significantly to the principle of leading by example and ensure that advisory support, just as monitoring operations, are held to the highest professional standards.

9. Recommendations for Future Advisory Functions to IMMs under the Pact

On the basis of the Croatian IMM experience, the IMM recommends that advisory functions supporting IMMs under the Pact be designed and operated according to the following principles:

- define advisory mandates, working methods, consultation procedures and publication rules in writing and publicly;
- clearly distinguish advisory support, evaluation, standard-setting and public assessment;
- provide timely written input during the monitoring cycle, not only retrospective recommendations;
- ground every recommendation in the monitoring record, applicable standard and operational feasibility;
- distinguish facts, interpretations, preferences, future suggestions and shortcomings;
- track and acknowledge implementation of previous recommendations;
- avoid assessing past reports by reference to later-developed or unavailable sources or guidance;
- respect the IMM's mandate and avoid assigning it functions belonging to other bodies;
- recognise and disseminate functioning national best practices that may assist future or other IMMs;
- provide practical tools, templates, examples and peer-learning opportunities;
- manage institutional roles and potential conflicts of interest transparently;
- ensure that advisory support strengthens, rather than substitutes or dilutes, the independent judgement of the monitoring mechanism.

10. Conclusion

The Croatian IMM values the role played by the AB IMM over the past five years of IMM's operation. The AB IMM helped keep the question of independence and functioning of the IMM visible and contributed to the gradual consolidation of the mechanism. Its 2025 Recommendations served as concrete benchmarks that the IMM fully implemented or substantively addressed through the 2025 upgrading of its methodology, field presence, reporting and follow-up practice.

The 2026 AB IMM Recommendations are useful primarily as forward-looking benchmarks for the future IMM under the Pact. They cannot, however, be treated as a professionally grounded retrospective assessment of the IMM 2025 Annual Report where they rely on later published documents, contain factual inaccuracies, overlook implementation of previous recommendations, under-address key operational innovations and best practices or expect the Report to perform a function different from that of an annual monitoring Report.

For this reason, the IMM trusts the Lessons Learned document at hand will contribute to a constructive public and expert discussion focused on a broader issue that has thus far received relatively limited attention in the context of IMMs under the Pact: future advisory support to IMMs under the Pact should be clear in mandate, disciplined in method, grounded in evidence, useful in practice, transparent about institutional positioning and accountable for the quality of its own assessments. **Independent monitoring under the Pact will not be strengthened by formal advisory structures alone. It will be strengthened where advisory bodies lead by example and help IMMs build the practical capacity to monitor, document, assess, refer and recommend in ways that concretely advance the protection of migrants' fundamental rights.**