FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

EU-MANDATED MIGRATION-RELATED FUNDAMENTAL RIGHTS MONITORING AND INVESTIGATIONS

2026 UPDATE

REPORT

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Key findings

This report of the European Union Agency for Fundamental Rights (FRA) provides a brief analysis of European Union (EU) mandated fundamental rights monitoring in the field of asylum, border management and returns. It also provides information on investigations into reported rights violations at borders.

Under EU law, certain migration-related activities carried out to implement EU law are subject to mandatory fundamental rights monitoring. The section presents the most salient information.

Monitoring under the Pact on Migration and Asylum

Member States must have an independent mechanism to monitor compliance with fundamental rights during the screening of third-country nationals and when assessing asylum claims at the external borders. This is set by Article 10 of the Screening Regulation and Article 43 (4) of the Asylum Procedure Regulation. Pursuant to Article 10 (2) of the Screening Regulation, in 2024, FRA issued guidance advising Member States on how to set up independent and effective national monitoring mechanisms.

By 1 September 2026, twenty-two Member States had designated or appointed their national mechanism. However, not all mechanisms were yet fully operational. All EU Member States, except Hungary, Italy, Malta, Poland and Sweden, had designated the national entity in charge of monitoring or had pending legislation appointing such entity. Some appointed multiple actors. Despite FRA's suggestion that the monitoring entity be designated by law, only 15 Member States had done so by 1 September 2026. Most Member States assigned the monitoring to national statutory human rights bodies. Exceptions are Croatia, Greece and Ireland, which have appointed other entities. Pursuant to the Screening Regulation, monitoring entities in these three countries must closely cooperate with national statutory human rights bodies but only Ireland has so far established a structured cooperation through an Advisory Board.

In the first few months of the Pact's operation, national monitoring mechanisms focused on preparatory work. By 1 September 2026, monitoring visits had taken place in six Member States. Next to pending legal changes, resource and access issues emerged as the main challenges for effective monitoring.

Monitoring of forced returns

Article 8 (6) of the EU's Return Directive (2008/115/EC) obliges Member States to have an effective forced return monitoring system. In 2026, the EU agreed on a new Return Regulation,

which requires monitors to be independent. In Germany and Sweden, forced return monitors are part of the same authority responsible for parts of the return process. In Belgium, monitoring staff of the General Inspectorate of the Police include police officers seconded from other services. This raises questions of independence.

In 2025, France, Poland and Spain monitored only one national forced return operation. Austria did not monitor any national returns but monitored several return operations carried out by Frontex, reflecting Frontex's increased role in forced returns.

Public findings from the forced return monitoring activities, though being a key aspect of effective monitoring, were only available in less than half of the Member States.

Frontex has a dedicated pool of forced return monitors. Although in practice this Frontex pool has operational autonomy, FRA suggested that for genuine oversight, the monitors should be managed by an independent body outside Frontex. Due to gaps with the operation of the Frontex pool, the Frontex fundamental rights officer had to provide his own monitors for many of such return flights.

The main fundamental rights issue when implementing forced returns remains the systematic application of restraint measures, such as handcuffs, during the initial phase of such operations. Restraint measures should only be used when necessary and proportionate, and not as a preventive measure.

Monitoring by EU agencies' fundamental rights officers

Considering the risk that through its operational agencies the EU may engage in conduct that may not comply with EU and international fundamental rights law, the EU legislator has equipped the European Border and Coast Guard Agency (Frontex), the EU Agency for Asylum (EUAA) and the EU Agency for Law Enforcement Cooperation (Europol) with internal fundamental rights protection mechanisms. Fundamental rights officers in these three EU agencies monitor compliance with fundamental rights when implementing the respective agencies' mandates. Given Frontex's large operational presence across the EU, dedicated fundamental rights monitors regularly visit its operations, enabling the Frontex fundamental rights officer to provide meaningful, evidence-based advice.

As part of their respective agencies and provided with important independence safeguards, fundamental rights officers can give legally sound and operationally feasible advice. Their monitoring work mitigates the risk for the EU to violate fundamental rights during its operational activities and thus of litigation under Articles 268 and 340 of the Treaty on the Functioning of the European Union (action for damages for EU non-contractual liability).

In 2025, Frontex fundamental rights monitors identified serious issues relating to access to asylum, allegations of collective expulsions and excessive use of force. During the same year, the EUAA fundamental rights officer visited operations in five EU Member States and made

observations concerning safeguards in asylum procedures, reception conditions, child protection and support for asylum applicants in vulnerable situations.

Investigations of reported rights violations at borders

Article 47 of the Charter of Fundamental Rights of the EU (the Charter) provides that everyone whose rights and freedoms guaranteed by EU law are violated has the right to an effective remedy before a tribunal. Past recommendations from the Schengen evaluation and monitoring mechanism under Regulation (EU) 2022/922 had flagged the insufficient nature of investigations into rights violations at borders. Since 2024, FRA has been issuing updates on judicial and disciplinary investigations.

Based on data FRA could collect, between 2020 and 2025, judicial authorities in 12 EU Member States opened at least 322 preliminary *criminal investigations*. Only nine of the 322 criminal investigations led to a conviction, eight in Hungary and one in Spain. All new convictions FRA recorded in 2025 are from Hungary.

Most investigations are discontinued at preliminary investigations stage. In 2024, FRA acknowledged the challenges to investigate rights violations at borders, as evidence for what may have happened is often scarce. Although FRA offered guidance to overcome evidentiary obstacles, two years later, systemic gaps hindering effective investigation of rights abuses at borders remain. In Greece, for example, the National Commission for Human Rights described a recurring pattern, whereby cases remain pending for a prolonged time before being dismissed or archived. In Poland, the Prosecutor's Office did not prolong the mandate of the special team of prosecutors investigating alleged rights violations near the Polish-Belarus border. Incidents will be investigated by the locally responsible judicial authorities, contrary to FRA's suggestion to entrust specific prosecutorial departments that are not in the same geographical location of the alleged incident.

From 2020 to 2025, FRA counted 192 *disciplinary investigations* across 12 Member States. In 2025, most disciplinary investigations were opened in Greece and in Croatia. National authorities also reported new investigations in Latvia and Lithuania. None of the investigations concluded in 2025 led to disciplinary sanctions.

The Frontex and the EUAA fundamental rights offices also examine complaints against actions by their respective agencies. Most of these complaints are inadmissible because the alleged breach did not occur within Frontex or EUAA operational activities. Nevertheless, some complaints raise serious fundamental rights issues, such as alleged ill-treatment or inadequate reception conditions, which remain largely unaddressed. There are also gaps in the follow up to Frontex's serious fundamental rights incident reports, which typically entail allegations of inhuman or degrading treatment, violations of the right to life, lack of access to asylum and collective expulsion. Cases in which the Frontex fundamental rights officer established a violation or a likely violation of fundamental rights within Frontex operations by a national officer are not followed up

at the national level through prompt and effective investigation. Better follow up by national bodies would improve access to justice for victims in line with Article 47 of the Charter as well as strengthen the credibility of Frontex's protection mechanism.

Introduction

Serious fundamental rights concerns persist at the EU's external border. The Frontex fundamental rights officer describes credible reports of collective expulsions, inhuman or degrading treatment, excessive use of force, confiscation or destruction of property, and unlawful detention of migrants in its Annual Report published in July 2026.

For decades, national statutory human rights institutions as well as treaty bodies and other actors within the United Nations and the Council of Europe systems have been monitoring compliance with human rights. Monitoring improves transparency and accountability. It enhances trust in public authorities, particularly for state activities in places where the public has limited or no access, such as detention centres and borders.

An effective and independent fundamental rights monitoring system is preventative, reducing the risk of rights violations. By providing objective, evidence-based and unbiased analysis and reporting, monitoring may also support investigations into allegations of rights violations. It enhances the protection of victims and protects authorities from false allegations.

In recent years, the EU has also enacted legislation to ensure that certain asylum and immigration law enforcement activities carried out to implement EU law are subject to fundamental rights monitoring. Such EU-mandated fundamental rights monitoring duties in the field of asylum and migration include:

- National monitoring of the screening of third-country nationals and of the asylum border procedure under the EU Pact on migration and asylum;
- Monitoring forced returns by national monitoring bodies and by the Frontex pool of forced return monitors;
- Monitoring by the fundamental rights office of Frontex, the EUAA and Europol of activities carried out by these three EU home affairs agencies.

Article 10 of the Screening Regulation (EU) 2024/1356, together with Article 43 (4) of the Asylum Procedure Regulation (EU) 2024/1348, require that Member States adopt relevant provisions in their domestic laws to ensure that allegations of non-respect for fundamental rights in relation to the screening and the asylum border procedure are duly investigated. In the past, recommendations resulting from the Schengen evaluation and monitoring mechanism under Regulation (EU) 2022/922 noted gaps relating to investigations. Examples include Greece in 2021 and Croatia in 2024.

To reflect the increased importance of rights monitoring and investigations, the updated edition of the FRA and the European Court of Human Rights Handbook on European law relating to asylum, borders and immigration, published in June 2026, contains a new chapter dedicated to monitoring compliance with fundamental rights and investigations into rights violations (see Chapter 10).

FRA provides annual updates on fundamental rights monitoring and on investigations. This report gives an overview of the functioning of EU-mandated monitoring in the field of asylum, borders and returns. It first describes fundamental rights monitoring under the Pact, followed by the monitoring of forced returns and ending with EU agencies' monitoring work.

This publication expands the scope of FRA's annual updates on fundamental rights monitoring under EU law, published since 2014. Previously, updates only covered forced returns. Considering the close link between monitoring and investigations, this report also encompasses an update on investigations of alleged rights violations at borders, on which in the past FRA issued separate reports (see FRA's 2024 report and FRA's 2025 report).

This FRA report provides EU and national policy makers with an overview of the functioning of fundamental rights monitoring mechanisms (section 1), as well as on the state of play of investigation into rights violations at borders (section 2). This EU-wide evidence may be used to improve monitoring and investigation arrangements and guides FRA's future work, as described at the end of this report.

1. Fundamental rights monitoring under EU law

This section gives the state of affairs of monitoring fundamental rights in the three areas required by EU law, namely monitoring under the Pact on Migration and Asylum (the Pact), forced return monitoring, as well as monitoring activities by Frontex, the EUAA and Europol.

1.1. Independent monitoring under the Pact on Migration and Asylum

Article 10 of the Screening Regulation and Article 43 (4) of the Asylum Procedure Regulation require that Member States have an independent mechanism to monitor compliance with fundamental rights during the screening of third-country nationals and when assessing asylum claims at EU borders.

Member States must ensure that monitoring bodies are independent, have unrestricted access to locations and documents, and are allocated adequate resources. This obligation is applied as of June 2026.

Pursuant to Article 10 (2) of the Screening Regulation, in 2024, FRA issued general guidance, advising Member States on how to set up effective and sustainable national independent monitoring mechanisms.

The obligation to monitor concerns the screening of various categories of third-country nationals who did not undergo border checks upon entering the EU. These include, for example, those disembarked following rescue at sea, those apprehended after their irregular crossing of an EU external border, those found without papers within Member States' territories or those who have applied for asylum at a border crossing point. Such screening consists in an identity, a preliminary health and vulnerability and a security check and includes the collection and verification of biometric data.

Member States must also monitor the asylum border procedure. While there is an obligation for the Member States to monitor forced returns, there is no such obligation under EU law to monitor the return border procedure under Regulation (EU) 2024/1349.

Table 1 shows that all EU Member States, except Hungary, Italy, Malta, Poland and Sweden, had designated the national entity in charge of monitoring or had pending legislation appointing such entity.

All entities designated so far are mandated to monitor the screening and the asylum border procedure, although, for Latvia, only the legal basis for monitoring the screening has passed; the legal basis for monitoring the asylum border procedure is still to be adopted. In 11 Member States, the monitoring entity (or one of them, if there are multiple) is also mandated to monitor forced returns as listed in the annex.

Despite FRA's suggestion that the monitoring entity be designated by law, only 15 Member States had adopted a legal basis designating the independent monitoring mechanism by 1 September 2026. In four Member States, legislative changes were pending. In France, Romania and Spain, national statutory human rights bodies have been identified as monitoring entities but without a specific legal basis. They are expected to monitor based on their pre-existing mandates.

The lack of solid legal basis in national law leads to uncertainties and may delay the start of the monitoring work. It may negatively impact access to facilities, documents and information as well as to additional human and financial resources beyond those which the institutions receive for their other mandates. Further uncertainties are also expected regarding whether and to which extend monitoring should entail on-site visits rather than or in combination with remote monitoring methods.

Most Member States assigned the monitoring tasks under the Pact to one of their national statutory human rights bodies. In 19 Member States, the monitoring body is also the National Preventive Mechanism in charge of monitoring tasks under the Optional Protocol to the United Nations Convention against Torture (OPCAT).

In 15 Member States, the monitoring body is a member of the European Network for National Human Rights Institutions, ENNHRI. This builds on the provisions in Article 10 (2) of the Screening Regulation, whereby national human rights institutions, including Ombudspersons, must participate in the monitoring mechanism and may be appointed as monitors. This not only ensures monitoring by an independent entity with human rights expertise but also allows for immediate operational preparedness.

In France, Germany and the Netherlands, more than one body is in charge of monitoring. In France and Germany, national statutory human rights body share the task. The Netherlands also involve the police supervisory authority, the *Inspectie Justitie en Veiligheid*. Where multiple actors are monitoring, there is a need for clear cooperation and coordination arrangements. They must ensure coherence in the monitoring and allowing the monitoring mechanism to speak with one voice.

A few Member States are considering outsourcing some monitoring tasks – typically the field visits – to civil society actors. A public call in Lithuania and a forthcoming call in Croatia will identify a non-governmental actor to support the appointed monitoring body. In Belgium and Denmark, the legal basis (pending for Belgium) identifies other statutory human rights bodies with whom the organisation responsible for the monitoring should cooperate. Monitoring bodies in other Member States also envisage cooperation with other actors but in most cases, formal cooperation arrangements have not yet been agreed.

Three Member States, Croatia, Greece and Ireland did not select an existing national statutory human rights body. In Croatia, the Office for Human Rights and the Rights of National Minorities will carry out the monitoring. Greece has entrusted the monitoring to its National Transparency Authority. Ireland has created a new body, the Chief Inspector of Asylum Border Procedures.

Among the three, only Ireland has so far envisaged a formal involvement of national statutory human rights bodies, through an Advisory Board which supports the work of the Chief Inspector.

Table 1 – Independent national monitoring mechanisms under the Pact, 27 EU Member States

EU Member State	Organisation responsible	Appointed	Legal source	ENNHRI* member	National preventive mechanism**	Monitors forced returns***
Austria	Austrian Ombudsman*(Volksanwaltschaft)*	Yes	Article 148a (3) of the Federal Constitutional Act in conjunction with Section 11 (1a) of the Ombudsman Board Act 1982 (Bundesgesetz das Volksanwaltschaftsgesetz 1982) adopted by Federal Law N. 41/2026 on 20 May2026	Yes	Yes	No
Belgium	Federal Ombudsman*(Federaal Ombudsman)*	Pending adoption	Amendments to the Act of 22 March 1995 establishing the Federal Ombudsmen are expected to be adopted	No	No	No
Bulgaria	Ombudsman of the Republic of Bulgaria *(Омбудсман на Република България)*	Pending adoption	A law amending and supplementing the Law on Asylum and Refugees has been tabled	Yes	Yes	Yes
Croatia	Office for human rights and the rights of national minorities*(Ured za ljudska prava i prava nacionalnih manjina)* who will be supported by a contracted non-governmental actor	Yes	Article 180b (4) of the Law on Foreigners (*Clanak 180.b Zakon o strancima*), 4 April 2026	No	No	No
Cyprus	Commissioner for Administration and the Protection of Human Rights *(Επίτροπος Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων)*	Yes	Article 8, Part 2, Refugee Law of 2026 (Ο περί Προσφύγων Νόμος του 2026) N. 115(I)/2026, 8 May 2026	Yes	Yes	Yes

EU Member State	Organisation responsible	Appointed	Legal source	ENNHRI* member	National preventive mechanism**	Monitors forced returns***
Czechia	Public Defender of Rights*(Veřejnýochránceprá v)*	Yes	Part 5, Article VIII, § 21ca of the Law amending Act No. 325/1999 Coll., on Asylum, as amended; Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic and on Amendments to Certain Acts, as amended, and other related acts (*Zákon ze dne 23. července 2025, kterým se mění zákon č. 325/1999 Sb., o azylu, ve znění pozdějších předpisů, zákon č. 326/1999 Sb., o pobytu cizinců na území České republiky a o změně některých zákonů, ve znění pozdějších předpisů, a další související zákony*)	Yes	Yes	Yes
Denmark	Parliamentary Ombudsman *(FolketingetsOmbudsmand)*	Yes	Law No. 726 of 1 September 2026, Section 1 No. 19 Subsection 4	No	Yes	Yes
Estonia	Chancellor of Justice*(Õiguskantsler)*	Yes	Section 2, § 7 (4) and Section 5, § 129 of Act on Granting International Protection to Aliens 831 SE *(2. Jagu, § 7 (4), Välismaalasele rahvusvahelise kaitse andmise seadus 831 SE)*, 23 February2026	Yes	Yes	No

EU Member State	Organisation responsible	Appointed	Legal source	ENNHRI* member	National preventive mechanism**	Monitors forced returns***
Finland	Non-Discrimination Ombudsman (*Yhdenvertaisuusvaltuutettu)*	Yes	Sections 16 j, 104 a and 208 of the Aliens Acts 301/2004 (*Ulkomaalaislaki 301/2004*), 3 June 2026	No	No	Yes
France	General Inspector of All Places of Deprivation of Liberty *(Contrôleur généraldeslieuxdeprivation deliberté)*	No	No specific legal basis. The three entities monitor based on their pre-existing mandates	No	Yes	Yes
France	The Defender of Rights *(Défenseur des droits)*	No	No specific legal basis. The three entities monitor based on their pre-existing mandates	No	No	No
France	Consultative Human Rights Commission *(Commission nationale consultative des droits de l'homme)*	No	No specific legal basis. The three entities monitor based on their pre-existing mandates	Yes	No	No
Germany	German Institute for Human Rights *(Deutsches Institut für Menschenrechte)*	Yes	Article 12, paragraph 1, b), 3 of the Act on the Adaptation of National Law to the Reform of the Common European Asylum System *(Artikel 12, 1§, b), 3 Gesetz zur Anpassung des nationalen Rechts an die Reform des Gemeinsamen Europäischen Asylsystems)*, 28 April 2026	Yes	No	No

EU Member State	Organisation responsible	Appointed	Legal source	ENNHRI* member	National preventive mechanism**	Monitors forced returns***
Germany	National Agency for the Prevention of Torture*(Nationale Stelle zur Verhütung von Folter)*	Yes	Article 12, paragraph 1, b), 3 of the Act on the Adaptation of National Law to the Reform of the Common European Asylum System *(Artikel 12, 1§, b), 3 Gesetz zur Anpassung des nationalen Rechts an die Reform des Gemeinsamen Europäischen Asylsystems)*, 28 April 2026	No	Yes	Yes
Greece	National Transparency Authority*(Εθνική Αρχή Διαφάνειας)*	Yes	Article 39 of Law No. 5303/2026 on Reform of inheritance law and other provisions *(Άρθρο 39 Ν. 5303/2026 Αναμόρφωση του κληρονομικού δικαίου και άλλες διατάξεις)*, Gov. Gazette A'81, 22 May 2026	No	No	No
Hungary	No mechanism	No	Not applicable.	-	-	-
Ireland	Chief Inspector of Asylum Border Procedures *(new body)*	Yes	Article 263 (1) of International Protection Act 2026, 22 April 2026	No	No	No
Italy	No mechanism	No	Not applicable	-	-	-

EU Member State	Organisation responsible	Appointed	Legal source	ENNHRI* member	National preventive mechanism**	Monitors forced returns***
Latvia	Latvian Ombudsman's Office*(Tiesībsargabirojs)*	Yes	For the screening: Article 62 of the Immigration bill 2026/167 *(Imigrācijas likums 2026/167.1)*, 15 September 2026. For the asylum border procedure the Asylum Law is expected to regulate the monitoring	Yes	Yes	Yes
Lithuania	Parliamentary Ombudspersons of Lithuania*(Seimo kontrolierių įstaiga*) supported by actors to be contracted	Pending adoption	Article 88 of Draft Law Amending Law No. IX-2206 on the Legal Status of Foreigners *(Įstatymo „Dėl užsieniečių teisinės padėties" Nr. IX-2206 pakeitimo įstatymo projektas)*, No XVP-1636, 12 June 2026	Yes	Yes	No
Luxembourg	Mediator of the Grand-Duchy of Luxembourg*(Médiateur du Grand-Duché de Luxembourg)*	Yes	Article 17 of the Act implementing the EU Pact on Migration and Asylum *(Article 17 de la loi portant sur la mise en œuvre du Pacte)*, 11 June 2026	No	Yes	No
Malta	Monitoring Board for Detained Persons	No	The authorities identified the Board as the likely entity for the monitoring	No	Yes	Yes

EU Member State	Organisation responsible	Appointed	Legal source	ENNHRI* member	National preventive mechanism**	Monitors forced returns***
Netherlands	Netherlands Institute for Human Rights *(College voor de Rechten van de Mens)*	Yes	Articles 2hh and 2ii of the 2000 Aliens Act, as inserted by the 2026 Implementation Act for the Asylum and Migration Pact (Uitvoerings- en implementatiewet Asiel- en migratiepact 2026), 2 April 2026	Yes	Yes	No
Netherlands	Inspectorate of Justice and Security *(Inspectie Justitie en Veiligheid)*	Yes	Articles 2hh and 2ii of the 2000 Aliens Act, as inserted by the 2026 Implementation Act for the Asylum and Migration Pact (Uitvoerings- en implementatiewet Asiel- en migratiepact 2026), 2 April 2026	No	No	Yes
Poland	Commissioner for Human Rights *(Rzecznik Praw Obywatelskich)*	No	The authorities identified the Commissioner as the likely entity for the monitoring	Yes	Yes	No
Portugal	Portuguese Ombudsman *(Provedor de Justiça)*	Yes	Articles 5 and 7 of Law No. 62/2026 amending respectively Article 40-N of Law 27/2008 and Article 23-A of Law 27/2008	Yes	Yes	No
Romania	People's Advocate *(Avocatul Poporului)*	No	No specific legal basis appointing the Ombudsperson	No	Yes	No

EU Member State	Organisation responsible	Appointed	Legal source	ENNHRI* member	National preventive mechanism**	Monitors forced returns***
Slovakia	Public Defender of Rights *(Verejný ochranca práv)*	Yes	Article 3 (4) of the Act No. 564/2001 on the Public Defender of Rights *(§3 (4) Zákon o verejnom ochrancovi práv)*, 12 June 2026	No	Yes	No
Slovenia	Human Rights Ombudsman of the Republic of Slovenia *(Varuh človekovih pravic)*	Pending adoption	Article 131 of Draft law on the transposition and implementation of certain EU legal acts in the field of migration and international protection *(25.e člen Zakon o prenosu in izvajanju nekaterih pravnih aktov EU s področja migracij in mednarodne zaščite)*, 13 August 2026	Yes	Yes	No
Spain	Ombudsman of Spain *(Defensor del Pueblo)*	No	No specific legal basis. The Ombudsperson monitors based on its pre-existing mandate	Yes	Yes	Yes
Sweden	No mechanism	No	Not applicable	-	-	-

Notes: In Latvia, the information covers only the screening; there is not yet a legal basis to monitor the asylum border procedure.

* The **European Network of National Human Rights Institutions** (ENNHRI) brings together 51 National Human Rights Institutions across Europe. For more information, see ENNHRI's website.

** Indicates organisations designated as **National Preventive Mechanisms** (NPMs) under the 2002 Optional Protocol to the UN Convention Against Torture (OPCAT).

*** This column indicates if the monitoring body has also been assigned to monitor forced returns under Article 8 (6) of the Return Directive 2008/115/EC.

Source: FRA (2026), based on input by independent monitoring mechanisms.

FRA asked monitoring bodies what they see as the main challenges for effective monitoring. Their

replies identified the need to adopt the corresponding legal basis, resources and access to facilities, documents and information as the three main issues.

Concerning resources, and in particular staffing, several monitoring bodies noted the unpredictable workload and the difficulty to adjust, should migrant arrivals increase. Only few monitoring bodies have applied or been allocated resources from EU Home Affairs funds. National statutory human rights bodies often cannot access such funds, as it would undermine their independence. This is because the authority managing these funds often sits in the same ministries responsible for implementing some of the activities that they must monitor. Some monitoring bodies also noted that project funding raises sustainability issues, when funding ends.

Regarding access, one monitoring body raised concerns about possible excessive restrictions linked to security clearance requirements. Other challenges noted include the need to have adequate monitoring tools to ensure effective, independent and coherent monitoring as well as training of monitors.

In the first months after the entry into force of the Pact, monitoring bodies have mainly undertaken preparatory work, such as making arrangements with the authorities for information sharing, recruiting monitoring staff and adjusting methodological materials. In six Member States – Austria, Estonia, Greece, Ireland, Luxembourg, and Slovakia – first monitoring visits took place.

These visits focused on issues, such as detention at borders, screening and asylum border procedures, the preliminary health checks and the situation of children. Some of these visits had also a familiarisation component. As a promising practice of transparency, in Luxembourg, the Ombudsman published the first two reports from its observations of the screening in June 2026 and in August 2026.

Establishing functioning national monitoring mechanisms is a priority for FRA. To promote a coherent approach to monitoring across the EU, FRA developed a common monitoring methodology and shared with monitoring bodies for piloting. FRA also provided workshops on fundamental rights monitoring.

In response to requests by national monitoring bodies to facilitate the exchange of experiences, FRA is establishing an EU-wide network or platform of national monitoring entities in partnership with the Frontex fundamental rights office, the Council of Europe and the European Network of National Human Rights Institutions.

1.2. Forced return monitoring

In 2008, Article 8 (6) of the EU's Return Directive (2008/115/EC) introduced a duty for Member States to provide for an effective forced return monitoring system. This was the first EU law provision on fundamental rights monitoring in the field of migration.

In 2026, the EU co-legislators agreed on a new legal instrument which will replace the directive.

This new Return Regulation, whose publication in the Official Journal of the EU is forthcoming, strengthens the monitoring of removals. It requires monitoring to be independent and allows Member States to use the monitoring mechanisms set up under the Pact described in section 1.1.

Under EU law, two frameworks for monitoring forced returns co-exist: one for removals by Member States and one for Frontex forced returns. In addition, the Council of Europe's Committee for the Prevention of Torture (CPT) carries out country visits to monitor places of deprivation of liberty, including forced returns.

According to Eurostat data in 2025 (data code migr_eirtn), some 139,270 third-country nationals were returned from the 27 EU Member States. Over 63,000 people were returned with the support of Frontex. Most were voluntary departures.

Some 53,855 persons were forcibly returned from the EU (Eurostat data code migr_eirtn1), whereby Frontex supported over 22,100 forced returns (over 40 % of total forced returns), most through scheduled flights. Frontex data also include returns from Iceland, Norway and Switzerland, and are published in the 2025 bi-annual evaluation reports of return operations available through Frontex transparency page.

Monitoring forced returns by Member States

Since 2014, FRA has published annual updates on forced return monitoring systems in EU Member States, based on information from national monitoring bodies. These updates provide an overview of their functioning.

Every year, FRA presents key data on forced return monitoring in an overview table. This report's annex provides monitoring data for 2025.

Concerning the independence of the monitoring entity, in Germany and Sweden, monitors are part of the same authority responsible for parts of the return procedure, namely the Federal Office for Migration and Refugees in Germany and the Swedish Migration Agency. There is a lack of institutional separation, and thereby a lack of independence. In Belgium, monitoring staff of the General Inspectorate of the Police, includes police officers seconded from other services, which also raises questions of independence.

Concerning effectiveness, FRA noted with concern that five Member States (Croatia, France, Italy, Poland and Spain) had not monitored any national forced return in 2024. In 2025, monitoring of national forced returns took place in these Member States, although limited to one return operation in France, Poland and Spain. The data also show that in 2025, Austria did not monitor any national forced return operation but monitored a significant number of Frontex returns. This reflects a shift in more returns being implemented through Frontex's support.

The publication of findings from monitoring activities is a key aspect of effective monitoring. By end August 2026, several monitoring bodies had not issued a public report on their 2025 activities:

Austria, Belgium, Bulgaria, Croatia, Cyprus, the German federal monitoring system, Hungary, Italy, Luxembourg, Malta, Poland, Sweden and Slovenia. Furthermore, the report from Denmark does not contain findings or recommendations. In sum, information on monitoring findings and suggested actions on how to address these are available in less than half of the Member States.

To allow for an effective planning, monitoring entities must be adequately informed of the return operations well in advance. Information should include data on the breakdown of returnees' gender and age as well as on their vulnerabilities. Monitoring bodies in 18 Member States (Austria, Belgium, Czechia, Denmark, Estonia, Spain, France, Croatia, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Romania, Sweden, Slovenia, and Slovakia) consider the information they receive to be timely and sufficient.

Half a dozen monitoring entities reported information gaps to FRA, particularly regarding information on vulnerabilities. A Polish civil society organisation told FRA that they filed a complaint with the Ministry of the Interior on practical obstacles, such as late notifications, which hindered their monitoring of specific forced return operations.

Among the reported challenges, one key concern is the systematic use, in some Member States, of coercive measures without individually assessing the need for it. Additional challenges concern the identification and handling of vulnerable persons, family separations, lack of interpreters and of medical staff and issues relating to fit to fly certificates. Commonly voiced concerns also relate to the follow up on recommendations.

Monitoring forced return by Frontex

Under Article 50 (5) of Regulation (EU) 2019/1896, every return operation organised or coordinated by the agency must be monitored.

Frontex-supported forced returns may be implemented via scheduled flights or charter flights. To monitor return operations supported by Frontex, a dedicated pool of forced return monitors has been set up within Frontex pursuant to Article 51 of Regulation (EU) 2019/1896 on the European Border and Coast Guard. Although in practice the Frontex pool of forced return monitors has operational autonomy, FRA suggested that for a credible oversight the monitors should be managed by an independent body outside Frontex.

Monitors from the Frontex pool are not always available, leading the Frontex fundamental rights officer to step in to fill the gap. In 2025, he provided monitors for 36 (16 %) out of the 222 Frontex-coordinated return operations with monitors on board. Some forced returns were monitored by the national monitoring bodies, who in some cases were not aware whether the return is Frontex-coordinated or not.

In 2025, monitors were on board of 222 (86 %) flights out of a total of 258 Frontex-coordinated return flights. While the ratio of monitored flights has steadily increased over the past three years (see Frontex fundamental rights officer 2025 Annual Report), a gap remains. The gap concerns

Frontex-supported operations with returnees from one Member State only.

The main fundamental rights challenge in Frontex-coordinated return is the continued practice in some Member States of systematically applying restraint measures on all returnees. This occurs during the pre-departure and embarkation phases and its stated intent is as a preventive measure. The Frontex fundamental rights office stressed that any use of force and restraints must be based on individual risk assessment, be applied when strictly necessary and be proportionate to the threat posed by the returnee. Other observations concern the returnees' privacy and dignity, as described in section 2.1 of the 2025 Annual Report of the Frontex fundamental rights officer.

1.3. Monitoring by fundamental rights officers in EU home affairs agencies

EU legislation requires Frontex (Regulation (EU) 2019/1896, Article 110), the EUAA (Regulation (EU) 2021/2303, Article 49) and Europol (Regulation (EU) 2016/794, Article 41c) to have independent fundamental rights officers. Their tasks include monitoring compliance with EU and international fundamental rights law in the implementation of the respective EU agencies' mandates. Within Frontex, in view of its large field presence, fundamental rights monitors continuously visit the agency's operational areas and, with their findings, enable the fundamental rights officer to give evidence-based advice conscious of operational realities. Being a promising practice, the EU Authority for Anti-Money Laundering and Countering the Financing of Terrorism (AMLA) is also recruiting a fundamental rights officer.

Through their work, fundamental rights officers contribute to ensuring that the EU's operational work respects the EU's core values of human dignity, the rule of law and fundamental rights. They constitute an important achievement for the structural protection of the EU's core values enshrined in Article 2 of the Treaty on European Union (TEU). The EU should prevent any regression in the protection of such values, including as regards fundamental rights, in the same spirit as the Court of Justice of the EU (Full Court) held for national legislation in European Commission v. Hungary (Case C-769/22, judgment of 21 April 2026, paragraph 524).

This sub-section describes the monitoring work of the two EU home affairs agencies with a larger field presence, namely Frontex and the EUAA.

Within Frontex, the fundamental rights office has monitors who conduct monitoring missions at operational locations and engage with national authorities, national human rights institutions and other stakeholders. As of September 2026, over 50 fundamental rights monitors continuously covered Frontex activities in the field. In 2025, they carried out 131 monitoring missions in 17 EU Member States and six third countries where Frontex was operational. This corresponds to some 1,600 field monitoring days.

The Frontex fundamental rights office collects findings, including good practices, suggests mitigating measures and, where relevant, recommends the suspension of parts of operations

presenting a high risk of fundamental rights violations as per Article 46 of Regulation (EU) 2019/1896. Key fundamental rights issues identified relate to access to asylum, allegations of collective expulsions and the excessive use of force (see 2025 Annual Report).

The EUAA fundamental rights office monitors EUAA's compliance with fundamental rights when the agency provides operational and technical support to Member States. It conducts visits to operational locations to identify fundamental rights risks, assesses mitigating measures and issues observations to the EUAA.

In 2025, the fundamental rights officer visited EUAA operations in Bulgaria, Cyprus, Greece, Italy and Romania. The observations published in 2025 addressed, among other issues, safeguards in asylum procedures, reception conditions, child protection and support to asylum applicants in vulnerable situations.

2. Investigations into alleged ill-treatments at borders

Article 47 of the Charter of Fundamental Rights of the EU provides that everyone whose rights and freedoms guaranteed by EU law are violated has the right to an effective remedy before a tribunal. The way Member States organise their justice systems, including how to conduct official investigations into rights violations, is primarily a matter of national law. Case law by the ECtHR requires investigations into alleged violations of the ECHR to be prompt and effective.

Article 10 (1) of the Screening Regulation expressly obliges Member States to adopt relevant provisions to investigate allegations of non-respect for fundamental rights in relation to the screening. Member States must ensure, where appropriate, referral for the initiation of civil or criminal justice proceedings in accordance with national law. This applies in cases of failure to respect or to enforce fundamental rights.

Substantiated allegations of failure to respect fundamental rights must be dealt with effectively and without undue delay (Article 10 (2) of the Screening Regulation). Independent national fundamental rights monitoring mechanisms must be allowed to trigger investigations and to monitor the progress of such investigations.

Human rights actors have been regularly reporting serious, recurrent and widespread rights violations against migrants and refugees at the EU's borders. In its migration and fundamental rights bulletin 1/2026 and bulletin 2/2026, FRA reiterated that gaps regarding promptness and effectiveness of investigations lead to a perception of impunity. This risks undermining the rule of law, one of the fundamental values on which the Union is founded under Article 2 TEU.

In 2024, FRA issued guidance on investigating alleged ill-treatment at borders. A 2025 FRA update on investigations into alleged ill-treatment at the EU's external borders found no structural changes improving the effectiveness of national investigations.

The following section contains FRA's annual analysis of investigations into reported rights violations at borders for 2020-2025. It covers national judicial (criminal) and disciplinary investigations. It also describes the accountability mechanisms by the fundamental rights offices in Frontex and the EUAA and ends with developments at the ECtHR.

2.1. Judicial investigations

As in previous years, FRA asked 16 EU Member States, with an external land or sea border that experiences irregular crossings, for information regarding criminal investigations into rights violations at borders. Disaggregated data on such investigations are not available in most Member States. FRA, therefore, complemented the information received from the national authorities with information collected through lawyers engaged in relevant court cases.

Table 2 lists pending and closed judicial investigations in the period from 1 January 2020 to 31 December 2025. **Due to data gaps, the table is not comprehensive**.

Table 2 – Judicial investigations opened in 16 EU Member States from 2020 to 2025

Member State	Reply by authority	Other sources	Number of cases	Number of convictions	Alleged conduct (selected)
Bulgaria	No	Civil society	5	0	Excessive use of force and theft during apprehension and/or summary removal to Türkiye; obstruction to search and rescue
Croatia	Yes	Ministry of Interior	24	0	Torture, inhuman or degrading treatment, rape, robbery, unlawful deprivation of liberty, abuse of position of authority
Cyprus	Yes (for 2023)	UNHCR and civil society	0	0	
Estonia	Yes		0	0	
Finland	Yes		0	0	
France	No	Civil society	9	0	Manslaughter and non-assistance to people in danger (drowning in the Channel), ill-treatment and abandonment of people unable to protect themselves, theft
Greece	No	Parliamentary question of 3 March 2026	207	0	Ill-treatment, failure to assist, theft, abduction, breach of duty, abuse of power
Hungary	Yes		25	8	Assault, misconduct, physical abuse
Italy	No	legal actors	1	0	Negligent shipwreck, multiple negligent manslaughter
Latvia	Yes	Internal Security Office, State Border Guard	2	0	Unlawful confiscation of property; excessive use of force
Lithuania	Yes		3	0	Severe health impairment, abuse of authority; failure to perform duties
Malta	No	Civil society	1	0	Wilful homicide and attempted wilful homicide (delayed rescue)
Poland	No	News item by public prosecutor	38	0	Abuse of power and failure to fulfil duties
Romania	Yes	Border Police	3	0	Abusive behaviour, aggression, and theft

Member State	Reply by authority	Other sources	Number of cases	Number of convictions	Alleged conduct (selected)
Slovakia	Yes (for 2023)		0	0	
Spain	No	Ministry of the Interior, civil society, and open sources	4	1	Homicide by gross negligence, denial of assistance, beating causing loss of vision, excessive use of force
Total			**322**	**9**	

Notes:

Yes = FRA received information from prosecutorial, judicial or other national authorities.

No = FRA did not receive information from national authorities.

Source: FRA (2026)

Between 2020 and 2025, judicial authorities in 12 EU Member States opened at least preliminary investigations in 322 criminal procedures. Last year, in the period 2020-2024, FRA had documented 135 investigations.

The **increase is due to more information being available on past proceedings in** Greece. It does not reflect a trend towards more investigations.

On 11 March 2026, the Greek Legal Council of State responded to question No. 3575-273/03.03.2026 by the Hellenic Parliament providing a comprehensive list of judicial investigations in the past six years. Their reply, together with additional materials from the public prosecutors, is annexed to a civil society report issued on 11 July 2026.

Most investigations are discontinued at the preliminary investigations stage, often due to lack of evidence. As early as in the 2024 report on investigations, FRA acknowledged that there are objective challenges to investigating fundamental rights violations at borders. One of the barriers is that evidence regarding occurrences at night in remote locations is often scarce. To promote effective national investigations, FRA's 2024 report contains guidance on overcoming evidentiary obstacles.

Two years later, there remain systemic gaps hindering the effective investigation of rights abuses. In Greece, the National Commission for Human Rights documented repeated allegations of rights violations at borders through its recording mechanism. In July 2026, in its submission to the Council of Europe Committee of Ministers, it described a recurring pattern, whereby cases are pending for prolonged periods of time. They are then dismissed as unfounded or are archived as the perpetrators remain unidentified. It noted that no case has ever resulted in the identification of perpetrators.

In some instances, an overly formalistic approach also hinders access to justice. For example, after the ECtHR found that Greece had violated the ECHR in A.R.E. v. Greece (7 January 2025), the Prosecutor's Office of the Thrace Court of Appeal refused to reopen national investigations. The ECtHR's judgement did not introduce any new facts but simply assessed the already submitted evidence differently. Under Greek law, this does not justify the reopening of the case, as indicated in Greece's action plan to implement the judgement.

Table 2 shows that only nine out of 322 cases led to a conviction, eight in Hungary and one in Spain. These are five convictions more, compared with FRA's 2025 report.

All new convictions recorded by FRA in 2025 are from Hungary and concern mistreatment committed at or near the border. Sentenced persons include police officers, an armed security guard employed by the police as well as 'border hunters' (*határvadászok*), a special force associated with the police to counter irregular migration. The judicial authorities imposed suspended prison sentences in three cases, fines and, in one case, community service work.

In Poland, in March 2026, the Siedlce District Prosecutor's Office dissolved the special team of prosecutors. The team had been established by the Lublin Regional Prosecutor through Order No. 33/2024 of 17 April 2024 to conduct investigations into alleged rights violations reported between September 2021 and March 2024 near the Polish-Belarusian border. Some 34 cases were discontinued due to lack of conclusive evidence. Criminal charges have been pressed in four cases against border guard officers before local courts, the Public Prosecutor's Office informed the public. These criminal proceedings were still pending at the end of August 2026.

Lawyers involved in the cases informed FRA that, as of July 2026, investigations into two major 2023 shipwreck incidents at the Mediterranean were ongoing: Cutro in Italy and Pylos in Greece. For Pylos, in May 2025 preliminary investigations concluded with referrals to main proceedings against 17 Hellenic Coast Guard officials, Refugee Support Aegean reported. In February 2025, the Greek Ombudsman, through its own investigations, identified a series of omissions by senior Hellenic coast guard officers in carrying out their search and rescue duties.

Judicial investigations concern a variety of national criminal law provisions ranging from abuse of power, allegations of excessive use of force to theft and homicide. A 2026 case from France, which is not included in the table as falling outside the reporting period, shows that investigations may also concern allegations of racist behaviour.

The Dunkerque public prosecutor opened an investigation involving civilian sailors aboard the *Ridens*, a vessel chartered by the French authorities for migrant rescue operations in the English Channel. This investigation – ongoing as of September 2026 – concerns charges of public insult on grounds of origin, ethnicity, nationality, race or religion, as well as endangering the lives of others.

Malta's legal system allows victims to bring violations of fundamental rights protected by the Maltese Constitution and the ECHR before a court. One such case concerns the death of the 3-year-old Syrian girl after delayed rescue in 2022. It is pending before the Civil Court, First Hall

(Constitutional Jurisdiction). As it is not a criminal case, case No. 344/2024 – Falzon Neil l-avukat noe et vs. il-Ministeru Ghal-Intern, Is Sigurtà u x-Xoghol et, is not included in Table 2.

2.2. Disciplinary investigations

In addition to criminal investigations, Member States have procedures for disciplinary investigations, which vary in objective and scope. They aim to sanction officers' inappropriate conduct and to protect the reputation of law enforcement authorities.

Table 3 provides an overview of national disciplinary investigations conducted between 1 January 2020 and 31 December 2025 in 16 EU Member States. It is based on replies by competent national authorities to an annual FRA request. Three Member States – Bulgaria, Malta and Italy – never replied to FRA's request. FRA did not receive any new information from Poland and Spain. For Member States that did not reply, FRA included cases reported by other sources, as indicated in the note to the table. Some incidents subject to disciplinary investigations listed in the table also subsequently resulted in judicial investigations.

Table 3 – Disciplinary investigations opened in 16 EU Member States from 2020 to 2025

Member State	Reply to FRA request	Number of reported cases	Number of cases in which sanctions were imposed	Alleged conduct (selected)
Bulgaria	No	1	n/a	Violent pushback
Croatia	Yes	25	7	Abuse of power; failure to perform official duties; theft; bodily harm
Cyprus	Yes	1	0	Common assault linked to violence upon boat arrival
Estonia	Yes	0	0	
Finland	Yes	1	0	Pressure and threats in order to provide information
France	No	11	0	Deliberate violence; exposure to risk of death or injury; insulting language
Greece	Yes	103	0	Ill-treatment, torture, rape and theft during apprehension and/or summary removal to Türkiye; homicide; illegal use of firearms
Hungary	Yes	20	6	Abuse of power; use of dogs against migrants
Italy	No	n/a	n/a	
Latvia	Yes	4	0	abuse of power; excessive use of force; unlawful confiscation of property
Lithuania	Yes	6	0	Excessive use of force; discrimination; abuse of power
Malta	No	n/a	n/a	
Poland	Yes (for 2024)	13	0	Harassment; misappropriation of personal belongings; causing damage to the health of migrants; unintentional manslaughter
Romania	Yes	5	0	Abusive behaviour; physical aggression; theft
Slovakia	Yes	0	0	
Spain	Yes (for 2023)	2	0	Physical injuries; assault
Total		**192**	**13**	

Notes:

n/a = information not available.

Yes = FRA received information from national authorities.

No = FRA did not receive information from national authorities. For Bulgaria and France, the cases were reported for FRA's 2024 report by FRA's multidisciplinary research network FRANET after consultations with national human

rights bodies, organisations providing support to refugees and migrants, and lawyers.

Source: FRA (2026), based on information from law enforcement bodies and/or ministries in charge of disciplinary investigations

From 2020 to 2025, FRA counted 192 disciplinary investigations across 12 EU Member States. This corresponds to 30 additional investigations compared to FRA's last data collection covering the period 2020-2024. Most investigations occurred in Greece, Croatia, Hungary and Poland. In 2025, most disciplinary investigations were opened in Greece (22 investigations) and in Croatia (five investigations). National authorities also reported new investigations in Latvia and Lithuania.

None of the investigations concluded in 2025 led to disciplinary sanctions. As a result, the situation remains unchanged compared to FRA's last update published in 2025. At the time, FRA reported that 13 disciplinary investigations resulted in sanctions: seven in Croatia and six in Hungary.

Sanctions included demotions, termination of service (sometimes conditional or suspended), fines, a delay in promotion and reprimands. The breaches of conduct concerned, among other things, abuse of power, police brutality, unlawful confiscation of property, and assault.

2.3. Accountability mechanisms by Frontex and EUAA fundamental rights officers

Under Article 111 of Regulation (EU) 2019/1896 on the European Border and Coast Guard, a person whose fundamental rights are directly affected by the conduct of staff involved in Frontex operational activities may submit a written complaint to Frontex.

According to data from the fundamental rights office's 2025 Annual Report (section 3.2), over the last ten years, Frontex registered 427 complaints, 114 of them in 2025. Most complaints are, however, inadmissible – and thus remain unaddressed – typically because the alleged breach of fundamental rights did not occur as part of Frontex operational activities. Some of these complaints, nevertheless, raise serious fundamental rights issues. Examples include allegations of ill-treatment, inadequate conditions in reception facilities and unprofessional conduct of border guards.

The EUAA is also mandated to set up a complaint mechanism to ensure that fundamental rights are respected across its activities (Regulation (EU) 2021/2303, Article 51). A complaints mechanism was established in 2024 which allows anybody who considers that their rights have been violated by EUAA-deployed staff to submit a complaint.

The EUAA fundamental rights officer received 22 complaints in 2025, only one of which was admissible. The complaint related to alleged breaches of the principle of *non-refoulement* in Greece. Most were inadmissible, as they did not concern EUAA conduct, as described in the EUAA fundamental rights officer's Annual Report 2025.

Every participant in Frontex operational activities needs to report any situation in which fundamental rights may have been violates by filing a 'serious incident report'. This requirement is based on the reporting requirement in Article 38 (3) (h) of Regulation (EU) 2019/1896. Fundamental rights violations are one of the categories of serious incidents.

In 2025, the Frontex fundamental rights office launched 47 serious incident reports, out of which 12 concerned Greece, according to its 2025 Annual Report (section 3.1). The most common allegations concerned inhuman or degrading treatment, violations of the right to life, lack of access to asylum and collective expulsion. In 2025, the fundamental rights office closed 42 serious incidents. In seven of these cases, it found that at least one fundamental rights violation had occurred, while for 21 other cases violations were found likely to have occurred.

In case of violations or likely violations of fundamental rights which concern the conduct of national authorities, the Frontex fundamental rights office requests that the responsible national authorities initiate an independent inquiry. The fundamental rights officer noted that only six of the 53 incidents that he had sent so far to national authorities were investigated by independent national institutions or courts. No national investigation ever resulted in sanctioning responsible officers.

The examination of complaints and serious incidents reflects a commitment for access to justice at the EU level. For Frontex, most alleged rights violations concern the conduct by national officers operating within Frontex operations. There is a need to ensure better follow up to the fundamental rights officers' findings, through national-level investigations. This would not only improve access to justice for victims but also strengthen the credibility of Frontex investigations.

Regarding the EUAA, the EU Ombudswoman reviewed a complaint concerning the EUAA (Case 229/2024/AML). She concluded in July 2026 that the agency had failed to ensure that caseworkers deployed in its asylum support teams in 2024 were prepared to properly conduct interviews with vulnerable asylum seekers. She recommended enhanced training for case workers, certain operational measures and an internal procedure to report mistakes in the conduct of asylum interviews and follow up on them.

The EUAA has been working on an escalation mechanism to report violations by the host Member State, to feed into the procedure in Article 18 (6) of the EUAA Regulation. To be effective, FRA considers that such mechanism should envisage a substantial role of the EUAA fundamental rights officer at each key step.

2.4. Cases before the European Court of Human Rights

In May 2026, the Council of Europe's Committee of Ministers adopted the Chișinău Declaration, reaffirming their commitment to the ECHR and their support for the independence of the ECtHR. The declaration, which addresses challenges linked to migration, underlines the importance of the ECHR system in protecting and promoting human rights and the rule of law in Europe. It stresses

that states hold primary responsibility for implementing the ECHR and that the ECtHR ultimately acts as a safeguard in case people's rights and freedoms are not secured at the national level.

By 1 September 2026, the ECtHR had communicated at least 32 pending cases entailing alleged ill-treatment at the EU's external borders to eight different Member States, most in the context of summary returns from Poland and Greece.

ECtHR cases alleging ill-treatment at the EU's external borders pending in September 2026, by Member State

The following list outlines the number of communicated ECtHR cases alleging ill-treatment at the EU's external borders by 1 September 2026.

Bulgaria (1):

- E.R.A. v. Bulgaria (15.01.2025), No. 55918/22.

Croatia (1):

- S.B. v. Croatia and two other applications (26.03.2020), Nos. 18810/19, 18865/19 and 23495/19.

Greece (8):

- Wasim Abonahi v. Greece (29.08.2023), No. 22920/16;
- N.A.A. and Others v. Greece and North Macedonia (17.05.2024), No. 28795/16;
- G.K. v. Greece (4.07.2024), No. 51519/19;
- A.A.N. and Other v. Greece (8.10.2024), No. 38203/20;
- N.Y. and Others v. Greece (8.11.2023), No. 40725/20;
- L.A. and Others v. Greece, and A.A. v. Greece (12.05.2020), Nos. 12237/20 and 12736/20;
- S.A.A and Others v. Greece (2.12.2021), No. 22146/21;
- K.A. and Others v. Greece and Turkey, and B.A. and others v. Greece and Turkey (31.03.2023), Nos. 35090/22 and 38444/22.

Hungary (2):

- Z.A. v. Hungary (10.03.2023), No 40185/22;
- A.S.A. v. Hungary (13.06.2023), No 53952/22.

Latvia (3):

- H.M.M. and Others v. Latvia (3.05.2022), Grand Chamber, No. 42165/21;
- S.S. v. Latvia (9.10.2023), No. 15408/23;

- M.A. and Others v. Latvia (16.10.2023), No. 1134/23.

Lithuania (2):

- C.O.C.G. v. Lithuania (2.12.2022), Grand Chamber No. 17764/22;
- A.S and Others v. Lithuania (28.06.2023), No. 44205/21.

Poland (12):

- R.A. and Others v. Poland (27.09.2021), Grand Chamber, No. 42120/21;
- K.A. v. Poland and M.A. and Othersv. Poland (1.06.2022), Nos. 52405/21 and 53402/21);
- F.A. and S.H. v. Poland (20.06.2022), No. 54862/21;
- H. K. and Others v. Poland (22.05.2023), No. 12752/22;
- A.A. and Others v. Poland (5.04.2023), Nos. 48018/21, 57554/21, 58103/21;
- T.Z. and R.Z. against Poland *(5.04.2023)*, No. 61103/21;
- M.A. against Poland *(5.04.2023)*, No. 51241/22, 51248/22, 51284/22 and 51285/22;
- A.A. and Others and M.A. against Poland (30.05.2023), Nos. 15182/22 and 40833/22;
- A.S. v. Poland (5.04.2023), No. 15318/22;
- I.A. and Others v. Poland and three other applications (5.04.2023), Nos. 3181/21, 51248/22, 51284/22, 51285/22, 53566/21, 16746/22, 16748/22;
- M.M. and Others v. Poland and two other applications (5.04.2023), Nos. 2509/22, 10271/22, 10373/22;
- A.M. v. Poland (5.04.2024), No. 33674/22.

Source: FRA (2026) based on hudoc.echr.coe.int. The table does not include cases alleging only violations of Articles 2 or 3 of the ECHR upon return to a third country.

The ECtHR has issued several judgments in which it found that national investigations into migrants' rights violations at borders were ineffective. They concerned allegations of violations of the right to life (Article 2 of the ECHR), including in the context of search and rescue at sea as well as allegations of torture or inhuman or degrading treatment (Article 3 of the ECHR) during apprehension and subsequent summary return. Table 4 illustrates selected shortcomings in national investigations the ECtHR identified.

Table 4 – Selected shortcomings in national investigations identified by the ECtHR

Case reference and date of judgment	Selected gaps in national investigation
M. H. and Others v. Croatia (18.11.2021), Nos. 15670/18 and 43115/18	insufficient analysis of discrepancy between police officers' statements; no inspection of mobile phones and police global positioning system; lawyer not informed;
Safi and Others v. Greece (7.7.2022), No. 5418/15	problems with interpretation leading to errors; applicants not given access to evidence;
Douaa Alkhatib and Others v. Greece, (16.1.2024), No. 3566/16	evidence not preserved;
A.R.E. v. Greece (7.01.2025), No. 15783/21	applicant's brother not allowed to give evidence; authenticity of audiovisual materials not adequately assessed; no serious examination of materials (documents and witness statement) in the case file; disregard of documented systematic "pushbacks" practice from Greece to Türkiye;
F.M. v. Greece (14.10.2025), No. 17622/21	independence of investigating body; not allowing an independent expert to prepare a report on the shipwreck; no consideration of applicant's vocal message;
Alhowais v. Hungary (2.2.2023), No. 59435/17	not all witnesses questioned; insufficient effort to locate witnesses outside Hungary; not all options explored to clarify factual contradictions; reliance on seriously deficient autopsy reports;
Shahzad v. Hungary (No.2) (5.10.2023), No. 37967/18	no active investigation of the ill-treatment;
Y.F.C. and Others v. the Netherlands (21.4.2026), No. 21325/19	no independent investigation; no effective victim participation in the investigation

Source: FRA (2026), based on hudoc.echr.coe.int.

This list of selected shortcomings serves as a reminder to judicial authorities in EU Member States to enhance the effectiveness of national investigations into alleged rights abuses at borders, ultimately combatting impunity and enhancing access to justice for victims.

Ways Forward

Monitoring compliance with fundamental rights in the context of state activities where the public has limited or no access is a key fundamental rights protection tool.

It is particularly important for activities carried out at or in proximity to borders and for forced returns. Together with prompt and effective investigations into allegations of rights violations, it promotes respect for the rule of law; this is one of the fundamental values on which the EU is founded under Article 2 TEU. For this reason, effective fundamental rights monitoring and investigations are a priority for FRA, which will continue to issue regular overviews.

In addition to sharing data and information, FRA will continue to support national monitoring bodies, whereby its focus will be on newly established monitoring mechanisms under the Pact on Migration and Asylum.

To promote a coherent approach to monitoring across the EU, FRA developed a common monitoring methodology and shared it with national monitoring bodies for piloting. FRA is establishing an EU-wide network or platform of national monitoring entities in partnership with the Frontex fundamental rights office, the Council of Europe and the European Network of National Human Rights Institutions.

Concerning investigations of alleged rights violations at borders, FRA encourages national authorities entrusted with disciplinary and judicial investigations to make full use of its 2024 guidance on investigating alleged ill-treatment at borders.

Annex

Operation of forced return monitoring in 2025 in 27 Member States

O tej publikacji

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