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Fundamental rights and forced returns of migrants: Ombudsman opens investigation

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The European Ombudsman investigates complaints about maladministration in the EU institutions and bodies. Any EU citizen, resident, or an enterprise or association in a Member State, can lodge a complaint with the Ombudsman. The Ombudsman offers a fast, flexible and free means of solving problems with the EU administration.

For more information:
www.ombudsman.europa.eu

Twitter:
[@EUombudsman](https://twitter.com/EUombudsman)

Contact:
Gundi Gadesmann,
Deputy Head of the
Communication Unit

T. +32 2 284 26 09

gundi.gadesmann@ombudsman.europa.eu

The European Ombudsman, Emily O'Reilly, has opened an investigation into how Frontex ensures the respect of fundamental rights of migrants who are subject to forced returns from the EU to their countries of origin. The EU agency, based in Warsaw, co-ordinates and finances joint return operations (JROs) in co-operation with Member States. The Ombudsman sent Frontex a list of questions, including who has responsibility for the welfare of returnees during the flights and how can independent monitoring during JROs be guaranteed.

Emily O'Reilly stated: "Making sure that EU institutions respect fundamental rights is a key part of my role. By their very nature, forced return operations have the potential to involve serious violations of fundamental rights. Through this investigation, I want to find out how Frontex is equipped to deal with potential violations and how it minimises the risk of such violations.

As EU citizens focus more and more on immigration, Frontex's role is increasingly in the spotlight. Last year, I called on the agency to establish a complaints mechanism for potential fundamental rights infringements arising from its work. This new investigation is part of the ongoing work of the European Ombudsman in this important area."

More than 10 000 persons returned in joint EU operations

An EU Directive lays down common EU standards and procedures for the return of irregular third-country migrants, including rejected asylum seekers. In 2012, EU Member States ordered more than 484 000 non-EU nationals to leave their territory, with around 178 000 actually leaving.

Frontex co-ordinates joint return operations, in which several EU Member States co-operate. Between 2006 and 2013, 209 such operations took place, returning 10 855 persons in total.

The Ombudsman's investigation includes Frontex's co-operation with national monitoring bodies, such as ombudsmen. Emily O'Reilly has written to all her national colleagues in the European Network of Ombudsmen to ask them for any relevant information regarding return operations.

The inquiry also includes questions about the monitoring of JROs, as well as about the treatment of returnees who are, for example, sick or in advanced pregnancy. She also raises implementation issues in relation to Frontex's Code of Conduct for JROs, such as standards for escorts, complaints mechanisms, and co-operation with EU Member States.

The Ombudsman's letter to Frontex is available at:

<http://www.ombudsman.europa.eu/en/cases/correspondence.faces/en/58135/html.bookmark>