

## Decision of the European Ombudsman on Asylum, Migration and Integration Fund (AMIF) – role of national Ombudsmen

Correspondence - 16/05/2018

**Case** SI/1/2015/MHZ - **Opened on** 17/12/2015 - **Decision on** 16/09/2016 - **Institution concerned** European Commission |

Mr Jean-Claude Junker President European Commission

Dear Mr President,

I refer to my letter of 17 December 2015 regarding the role of national Ombudsmen in ensuring respect for fundamental rights under the Asylum, Migration and Integration Fund. I mentioned in that letter that I would be in contact again to let you know the outcome of my initiative.

In my earlier letter I mentioned that some national Ombudsman offices were keen to be involved in assessing how their national authorities are complying with their human rights obligations when using EU migration policy funds. To realise their full potential, however, I added that these Ombudsmen needed to have all relevant information, something which appeared not to be the case in that AMIF national programmes, at the time, seemed not to be publicly accessible. I urged you to impress upon national authorities the importance of complying with Article 53(1)(a) of Regulation 514/2014 so that national Ombudsmen and other interested parties could be informed and take account of what has been approved at EU level.

I am happy to acknowledge and to welcome the efforts made by the Commission to ensure that the national programmes have been made publicly available. Each of the 13 replies that I received from national Ombudsmen confirmed that the details of national programme had been made publicly available in their countries.

In a number of cases, the national Ombudsmen concerned took action to follow up on my contacts with them. By way of example, the Spanish Ombudsman launched an *ex officio* investigation which is still ongoing into the situation of refugees in Spain. Several Ombudsmen also announced that they would carry out inspections in detention centres, while others wrote to their national authorities to inquire about the treatment of refugees. The Ombudsman for the Czech Republic noted, in relation to inspections that Office had carried out, that while conditions in the Czech Facility for the Detention of Foreigners in Bělá-Jezová were initially appalling, they



were starting to improve.

A full account of the responses from the national Ombudsmen will be made available very shortly on the section 'European Network of Ombudsmen' of my website (<http://www.ombudsman.europa.eu/fr/cases/parallel-inquiries-and-initiatives.faces> [Link]).

In the meantime, let me thank you once again for your constructive follow-up to my letter on this important matter.

Yours sincerely,

Emily O'Reilly

Strasbourg, 16/09/2016