



Médiateur européen

Jana Dubovcová
Public Defender of Rights
The Slovak Republic

- 4 DEC. 2014

Date d'arrivée

Bratislava, November 24th 2014

Dear Ms O'Reilly,

I appreciate your activities in the field of monitoring how the fundamental rights of persons subject to the forced returns are respected during joint return operations organized by Frontex.

In the Slovak Republic, according to the Stay of Aliens Act (No. 404/2011 Coll.), forced returns are executed under the Ministry of Interior of the SR by different Police departments.

Monitoring of the forced returns ("administrative expulsion" according to Slovak law) shall be performed by Ministry of Interior of the Slovak Republic in cooperation with various NGOs or UNHCR.

According to Stay of Aliens act (§ 84 sec. 9) monitoring of administrative expulsion should cover:

- a) respect for rights and duties of detained third country nationals,
- b) respect for duties of the police department and detention facility in connection with detained third country nationals ,
- c) procedure of preparation and conduct of administrative expulsion,
- d) in country into which third country national was expelled.

Ministry of Interior of the SR claims that monitoring is realized by its own inspection, the Public Defender of Rights of the SR (ombudsman) and various organisations such as International Organisation for Migration or Slovak Humanitarian Council.

In behalf of the Public Defender of Rights of the SR Office I can only confirm that in 2013 the Office upon my own initiative monitored respect for rights and duties of detained third country nationals in two detention centres in the Slovak Republic (Medvedov, Sečovce).

I have no information about Frontex activities in field of join returns operations from the territory of the Slovak Republic, so I did not get the chance to participate on them.

I did not even get the chance to participate on any case of the conduct of administrative expulsion carried out by Slovak national authorities yet.

Among reasons behind is the fact that I did not receive any complaint of a violation of fundamental rights of third country nationals subject to forced returns yet but also personal and financial situation of the Office which does not allow me to initiate any large-scale inspection in that field.

When I had contacted IOM Slovakia and NGOs working with migrants I learned that neither they perform monitoring of forced returns and are not aware of any organisation which is actually performing such monitoring in the Slovak Republic.

For all above mentioned reasons, I have to inform you that in the Slovak Republic there is at the moment no subject monitoring the conduct of the forced returns operations.

Being aware of the importance of the issue I would like to express my support to your initiative and preparedness to participate on strengthening the cooperation in field of monitoring of return operations.

In case you need further assistance with the own-initiative inquiry or have other questions, I am always ready to help and participate.

Yours sincerely,



*Dear Ms
Emily O'Reilly
European Ombudsman
Strasbourg, France*