

Veřejná ochránkyně práv
Public Defender of Rights
Mgr. Anna Šabatová, Ph.D.



Médiateur européen

- 5 DEC. 2014

Brno, 28 November 2014
PDCJ: 3170/2014
Your Ref.: OI/9/2014/MHZ

Date d'arrivée

Dear Ms O'Reilly,

On 24 October 2014, I received the letter in which you inform me that an own-initiative inquiry was initiated in the matter of guaranteeing respect for fundamental rights of persons subject to forced return within return operations conducted by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States (hereinafter Frontex). You ask me to comment on the possibilities for co-operation between the national monitoring bodies and Frontex and mutual co-operation among the national monitoring bodies.

The Czech monitoring body has not established close co-operation with Frontex as yet. One of the reasons for this situation is that the Czech Republic is almost absent from the return operations organised by Frontex and I therefore lack opportunities to monitor these operations.¹ I only passively observe Frontex' work towards standardisation of the treatment of foreigners subject to forced return (Code of Conduct for JROs, etc.).

In view of the above facts, I have not yet dealt with the possibility of co-operation of the monitoring bodies that would prevent duplicate monitoring within joint return operations conducted by Frontex. Nevertheless, I can see certain obstacles in the proposed procedure that could prevent effective supervision over the process of forced returns. In any event, it is appropriate to open this debate.

As for co-operation among national monitoring bodies, I contacted the National Agency for the Prevention of Torture of the Federal Republic of Germany and the German Evangelic Deaconess in the spring of 2014. These bodies participate in the monitoring of forced returns in Germany. The bilateral declaration of co-operation has already resulted in joint monitoring of a forced return during which the Deaconess oversaw the processes involved in the expulsion of a foreigner in Germany and my colleagues monitored the treatment of a foreigner in the territory of the Czech Republic during air transit.

Furthermore, employees of the Latvian ombudsman are scheduled to visit the Czech Republic for study purposes for several days in January 2015 within the framework of international co-operation of monitoring bodies. In addition to the above

¹ According to the information available to me, the Czech Republic has only participated twice in the joint return operations organised by FRONTEX since 1 January 2011, namely in 2011 (one foreigner) and 2012 (one foreigner).

activities, the competent employees of the Office of the Public Defender of Rights take part in international conferences concerned with the detention of foreigners and forced returns of foreigners. I also regularly provide information to third parties (European Union Agency for Fundamental Rights, International Centre for Migration Policy Development, etc.) about the Czech practice in monitoring forced returns.

In conclusion, I would like to express my appreciation for your activities in the field of protection of the rights of foreigners subject to forced returns and would like to assure you that I am open to mutual co-operation among national bodies monitoring forced returns.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Emily O'Reilly', written in a cursive style. The signature is positioned to the right of the 'Yours sincerely,' text.

Emily O'Reilly
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