



Médiateur européen

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LATVIJAS REPUBLIKAS TIESĪBSARGS

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Rīga

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Mrs. Emily O'Reilly

European Ombudsman

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On own-initiative inquiry OI/9/2014/MHZ concerning the means through which Frontex ensures respect for fundamental rights in joint return operations (JROs)

On 24 October 2014 the Latvian Ombudsman Office has received your letter where you inform us about own-initiative inquiry OI/9/2014/MHZ concerning the means through which Frontex ensures respect for fundamental rights in joint return operations (JROs). One of the objectives of the own-initiative inquiry is to promote effective cooperation between monitoring bodies and Frontex and among the monitoring bodies themselves.

You would like to obtain our view as to (i) whether greater cooperation among monitoring bodies would be feasible and desirable and (ii) whether it would be feasible to launch an inquiry in this area, in our own country, and any relevant information that we can provide in this regard.

In accordance with the wording of the Immigration Law the Ombudsman has to carry out supervision of the forced return of foreign citizens. Pursuant to Article 4 of the Ombudsman Law the Ombudsman is an independent official subordinate only to the law having the function to facilitate protection of human rights of private individuals, facilitate prevention of discrimination, evaluate and enhance compliance with the principle of good administration at government offices, establish and remedy deficiencies in laws and regulations and in application of the principle of good administration. The Ombudsman's Office performs monitoring of the centre where detained foreigners are accommodated, participates in return operations together with the national border guards.

Since the Latvian border guards have not participated in JRO's, the representatives of the Latvian Ombudsman's Office do not participate in Frontex joint return operations either. We could agree that greater cooperation among the monitoring bodies would be feasible and desirable; however, we are in no position to forward our opinion and arguments about necessity of reducing the number of observers on the JRO's due the lack of experience.

Respectfully,
Ombudsman



J. Jansons