



THE COMMISSIONER FOR FUNDAMENTAL RIGHTS
HUNGARY

Ms Emily O'Reilly
European Ombudsman
Strasbourg



Médiateur européen

05 JAN. 2015

K-16094/2014/1
AFB-53985/2014

Budapest, 16 December 2014

Dear Ms O'Reilly,

Date d'arrivée

With reference to your letter concerning your own-initiative inquiry OI/9/2014/MHZ, I would like to inform you of the following:

In the case of Hungary, the effective forced-return monitoring system stipulated in Article 8, Paragraph (6) of Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals is operated by the Prosecution Service. According to the Prosecutor General's Office, if a forced return under FRONTEX is organized by Hungary, a prosecutor shall accompany the deported person(s) on board of the chartered plane. Forced returns carried out using commercial flights are monitored four times annually.

By virtue of Section 18, Subsection (3), Paragraph f) of Act CXI of 2011 on the Commissioner for Fundamental Rights, the Commissioner may not conduct inquiries into the activities of the Prosecution Service, with the exception of the investigation organs of the Prosecution Service; therefore, my Office has no information whatsoever concerning cooperation between FRONTEX and the Hungarian Prosecution Service. May I suggest that you should turn to Dr Péter Polt, Prosecutor General, with any and all questions regarding the monitoring of forced returns within the frameworks of FRONTEX.

I would also like to inform you that as of 1 January 2015 the tasks and responsibilities of OPCAT National Preventive Mechanism shall be carried out by the Commissioner for Fundamental Rights. From that date on, the competent staff members of my Office shall also be entitled to investigate non-traditional forms of deprivation of liberty such as forced returns.

Yours sincerely,

László Székely

