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# Ombudsman: How Frontex can ensure respect for migrants' fundamental rights during "forced returns"

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The European Ombudsman investigates complaints about maladministration in the EU institutions and bodies. Any EU citizen, resident, or an enterprise or association in a Member State, can lodge a complaint with the Ombudsman. The Ombudsman offers a fast, flexible and free means of solving problems with the EU administration.

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**The European Ombudsman, Emily O'Reilly, has made proposals to the EU agency Frontex on how to better ensure respect for the fundamental rights of migrants who are subject to forced returns from the EU to their countries of origin. Frontex coordinates and finances joint return operations by air (JROs) in cooperation with Member States. Between 2006 and 2015, it coordinated 267 joint return flights, returning more than 13 000 people.**

The Ombudsman commends Frontex' work to date. More could be done, however. She calls on the agency to ensure that families with children and pregnant women are seated separately from other returnees. Frontex should also promote common rules on the use of restraint, publish more information on JROs, including monitors' reports, and require the Member States to improve complaints procedures. The Ombudsman continues to be unhappy with the refusal of Frontex to establish its own complaints mechanism.

The Ombudsman suggests several amendments to Frontex's JRO Code of Conduct, including provisions on the use of coercive measures, timely medical examinations of returnees, and human rights training for escorts, with a focus on people with disabilities, women and children.

Emily O'Reilly stated: "We are all shocked by the tragedies of those thousands who have lost their lives in their attempt to cross the Mediterranean. As part of its ten point action plan to improve the EU's migration policy, the Commission calls for a reform of the return programme for rejected asylum seekers and persons without a valid residence permit. In this context, everything has to be done to ensure respect for the human dignity of the individuals being returned."

One of the priorities of the European Ombudsman is increased strategic cooperation between the members of the European Network of Ombudsman. Since JRO monitoring falls within the jurisdiction of Member States, she invited feedback from her colleagues. Many national Ombudsmen looked at the JRO practices in their own Member States and submitted valuable contributions to the European Ombudsman's investigation as regards Frontex. They are available here:

<http://www.ombudsman.europa.eu/en/cases/correspondence.faces/en/59176/html.bookmark>

In its opinion, Frontex explained that each participating Member State is responsible for its own contingent of returnees in a JRO. It pointed out that, to date, only three critical situations have been reported, including in relation to the use of force. Frontex also highlighted the practical problems resulting from diverging national regulations on the use of restraint.

The full list of the Ombudsman's proposals is available here:

<http://www.ombudsman.europa.eu/cases/decision.faces/en/59740/html.bookmark>