

File No.: ED 4.1.01.03.01/3

Tel. No.: + 357 22 405 514



Médiateur européen

- 6 JAN. 2015

Date d'arrivée

Nicosia, December 11<sup>th</sup>, 2014

Ms Emily O'Reilly  
European Ombudsman

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

---

I refer to your letter dated 20/10/2014 concerning your own-initiative inquiry as regards how Frontex ensures that joint return operations (JROs) respect fundamental rights of the persons who are subjected to forced returns, and I would like to inform you the following:

It is, initially, necessary to be stated that my Office has been appointed to function as a national monitoring body of forced returns by a relevant decision of the Council of Ministers. However, the functioning of the national monitoring body within my Office has not yet been established due to difficulties related to lack of personnel and funding. Efforts are, currently, made in collaboration with the Ministry of Finance and the Ministry of Interior for these drawbacks to be resolved, in a manner that will enable the appropriate and substantial functioning of the monitoring body.

In this respect, my Office has examined allegations brought to its attention by persons who were subjected to forced return procedures conducted by the local competent authorities, related to violations of human and fundamental rights throughout the procedure, but has not participated in any monitoring procedure, single or joint with Frontex. This is why no particular input can be provided regarding the Individual inquiries stated in your letter as regards JROs and the cooperation with Frontex. I, nevertheless, believe that, in general,



cooperation amongst monitoring bodies and between Frontex and monitoring bodies would, in fact, be useful in respect of ensuring human rights of returnees.

As stated above, my Office has been involved in the examination of forced returns conducted by the Cypriot authorities through the individual complaint procedure. In this context, I find it useful to mention that my Office is currently preparing a report as regards the forced return procedure of a woman from China that did not, in the end, take place. The allegations made by the complainant referred to her miss-treatment by the Officers that escorted her throughout the procedure. Irrespectively of whether or not these allegations can be confirmed my Office will be preparing the mentioned report with reference to basic principles regarding the conformity of expulsion procedures with human rights, bearing in mind related documents issued by, amongst other, the Council of Europe and the Fundamental Rights Agency.

I trust that you will find the above helpful to your inquiry.

I remain at your disposal for anything further.

Sincerely,



Eliza Savvidou  
Commissioner for Administration  
and Human Rights  
(Ombudsman)

/MT