
FOLKETINGETS
OMBUDSMAND



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Folketingets Ombudsmands deltagelse i Frontex' pulje af observatører

02-03-2018

I forlængelse af mit brev til udvalget af 30. januar 2018 om ombudsmandens deltagelse i Frontex' pulje af observatører sender jeg til udvalgets orientering kopi af et brev, som jeg i dag har sendt til Frontex.

Dok.nr. 16/01027-142/MBL
Bedes oplyst ved henvendelse

Med venlig hilsen

+ bilag

A handwritten signature in blue ink, appearing to read 'J. Steen Sørensen', with a horizontal line underneath.

Jørgen Steen Sørensen



Skilleark

Dokumentnummer: 16/01027-142



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Re: The Frontex pool of forced-return monitors

02-03-2018

I am writing to Frontex because three employees from the Danish Parliamentary Ombudsman's office are registered with the Frontex pool of forced-return monitors.

Doc. No. 16/01027-139/MBL/Ini
Please quote with enquiries

Personal enquiries: 10:00-14:00

The registration was effected via e-mail of 4 October 2017 from the Danish National Police, National Aliens Centre, to Frontex. I enclose a copy of the e-mail.

Enquiries by phone:
Monday-Thursday 9:00-16:00
Friday 9:00-15:00

In connection with the registration of employees with the pool of forced-return monitors, the Ombudsman has not received any confirmation from Frontex or received any material in consequence thereof.

I have, however, received five "open calls" of, respectively, 16 October, 16 November and 11 December 2017 and of 11 January and 13 February 2018 with calls for contribution of monitors to Frontex air operations.

I therefore assume that my employees are registered with the pool of forced-return monitors.

In connection with the registration, please note that it has been a prerequisite on my part for taking on the task that there is, among other things, a clear basis of assessment for the monitoring.

In order to obtain more details about the framework for the monitoring activities, one of my employees has telephoned Frontex and spoken with several Frontex officers who have been obliging in answering questions and sending various information.

Despite this, I need further information in order to be able to contribute in a satisfactory way to the monitoring pursuant to the Regulation. I therefore kindly ask for answers to the following queries:

Basis of assessment

1. Please state when the code of conduct pursuant to the Regulation's Article 35(2) is expected to have been drawn up.
2. Please state whether the "Frontex' Guide for Joint Return Operations by Air coordinated by Frontex (Warsaw 2016)" applies to the other types of Frontex air operations (for instance CRO and NRO) which must be monitored pursuant to the Regulation.
3. Please state whether the Frontex' Code of Conduct applies to the other types of Frontex air operations (for instance CRO and NRO) which must be monitored pursuant to the Regulation.
4. Please state whether ICMPD's "Guidelines and Monitoring Tools for Forced Return Monitoring" applies in connection with forced returns pursuant to the Regulation.
5. Please state how the monitor is expected to become familiar with the national law of the host Member State, cf. Article 40(2) of the Regulation.

Personnel matters

6. Please state whether the monitor will receive any instructions from Frontex, or whether the monitor carries out his or her assessment independently of instructions from others.
7. Please state whether Frontex or other bodies will take out insurance for the monitor.

Practical process of forced returns and monitoring

8. Please state what information or material about the relevant third-country nationals the monitor receives prior to a return operation and in what language the information or material will be.
9. Please state what foreign language qualifications the monitor is expected to possess.
10. Please state whether a monitor, who is alone in monitoring a return operation comprising a larger number of third-country nationals than he or she is able to follow, can organise the monitoring in such a way that the focus is on a smaller number of third-country nationals.

Reporting

11. The Ombudsman has from Frontex received the "Frontex Forced-Return Monitoring Reporting Guide to the Reporting Process (V2.1)"

and the “Monitor report template V2.1”. Please state whether these templates are to be used in connection with reporting or whether the reporting should be carried out in another format.

12. Please state if the monitor can or shall determine whether the code of practice for the return operation has been violated and, if so, whether the monitor can or shall express criticism of for instance forced-return escorts, the host Member State, etc., or whether the monitor is solely to point out irregularities or make suggestions for improvements.
13. Please state whether the monitor will receive material related to the return operation – for instance the team leader’s report – before the monitor writes his or her report.
14. Please state whether the monitor will receive any feedback on the submitted report.

If the above gives rise to any questions or queries, Frontex is very welcome to contact my legal case officer, Mr Morten Bech Lorentzen (direct tel. +45 33 43 54 53, e-mail address MBL@ombudsmanden.dk).

Yours sincerely,



Jørgen Steen Sørensen



Bagside

Antal filer:

2
