

LIMITED

FUNDAMENTAL RIGHTS OFFICER'S OBSERVATIONS

TO RETURN OPERATIONS
CONDUCTED IN THE 1ST HALF
OF 2021

1 JANUARY – 30 JUNE 2021

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BACKGROUND AND OVERVIEW OF ACTIVITIES

In accordance with Article 50(7) of the European Border and Coast Guard Regulation 2019/1896 (hereinafter "the Regulation") the Fundamental Rights Officer (hereinafter "the FRO") shall provide observations on fundamental rights covering all return operations. His observations are attached to the Frontex Executive Director's semi-annual evaluation report. The reporting period is therefore adapted to the submission of the evaluation report by the Frontex Executive Director, covering the 1st half of 2021. The FRO Observations from the 2nd half of 2020 (June – December 2020) were shared also with the Member States' Direct Contact Points on Returns, Member States' return monitoring bodies and monitors from the pool of forced return monitors (hereinafter "the pool").

The pool, indicated in Article 51 of the Regulation, became fully operational on 7 January 2017. As set forth by Article 50(5) of the Regulation, the monitoring

of forced-return operations shall be carried out by the forced-return monitor on the basis of objective and transparent criteria and shall cover the whole return operation from the pre-departure phase until the hand-over of the returnees in the country of return, with the aim of observing and reporting if the fundamental rights safeguards are in place. The mechanism *de facto* acts as a subsidiary guarantee to the Member States' obligation to provide an effective forced-return monitoring system, as per Article 8(6) of the Return Directive 2008/115/EC. Prior to the enactment of the Regulation, the European Border and Coast Guard Agency (hereinafter "Frontex") and the FRO have constantly encouraged Member States to enhance the systematic use of their national monitoring bodies in all return operations, as the strengthening of national monitoring mechanisms would have a direct positive impact on the overall capacity to monitor return operations, both at national and European level.

As foreseen in Article 62(5) of the Regulation, the forced-return monitors shall be provided with a specific training covering all aspects regarding fundamental rights, especially concerning the use of force and means of restraint, and access to international protection.

Furthermore, under the Forced Return Monitoring Project currently implemented by ICMPD and foreseen to be taken over by Frontex in the course of 2021, a new reporting framework for the pool of Forced Return Monitors via an IT system is being developed. The reporting via an IT application by each monitor on a device as well as a web supported Platform for Communication, Coordination and Info Sharing for monitors will facilitate networking, regular reporting by the FRO and follow up of monitors' reports, thus enhancing the overall coordination of the Frontex pool of forced-return monitors.

OBSERVATIONS OF THE FUNDAMENTAL RIGHTS OFFICER

In the present Return Observations, the FRO provides an overview of the **findings and conclusions** from the 57 reports submitted in the reporting period by forced-return monitors activated from the pool as well as by national monitors. The FRO also highlights examples of good practices for the consideration of both the Frontex Management Board and the Executive Director as well as **recommendations** to act upon in order to ensure fundamental rights compliance during the Frontex' return activities. A considerable part of the monitoring reports findings identified that the return operations were undertaken in a proper manner and in respect for fundamental rights.

According to the information provided in the Frontex Evaluation Report on Return Operations in the 1st half of 2021 (hereinafter "the FER of the 1st half 2021") in the reporting period Frontex coordinated 169 return operations by charter flights².

At least one monitor was present on board of 47% of all Frontex-coordinated return operations, 73% of joint return operations, 100% of collecting return operations and 23% of national return operations. In comparison to the previous half-year (June – December 2020), the share of return operations with at least one monitor on board decreased by 7%, mainly due to pandemic restrictions.

As regards the profile of monitors Frontex Management Board adopted its respective Decision no. 40/2020 of 26 November 2020 on the revised profile and determining the number of forced-return monitors to be made available to the pool of forced-return monitors. The Agency took into due account the opinion of the Fundamental Rights Officer of November 2020 pursuant to Article 51(1) of the Regulation. According to Article 2 of the Decision, the number of forced-return monitors to be made available to the pool shall be composed of a minimum of:

- a. fifty forced-return monitors to be nominated by the Member States; and

¹ Only for use within the European institutions, other offices and agencies established by virtue or on the basis of the Treaties, Member States and other public administrations. Distribution on a need to know basis. Not for publication.

² In the 1st half of 2020 there were altogether 72 return operations (NRO, JRO and CRO). In the 2nd half of 2020 there were altogether 160 return operations coordinated by Frontex.

- b. five Fundamental Rights Monitors, acting as forced return monitors, to be nominated by the Fundamental Rights Officer on the basis of Article 109(3)(c) of the Regulation. In the reporting period one newly appointed Fundamental Rights Monitor already participated in two RO.³

During the 1st half of 2021, 109 monitors participated in return operations by charter flights coordinated by the Agency, of which 51 were deployed from the Frontex pool upon Member States' request. The involvement of forced return pool monitors was also considerably affected by the COVID-19 pandemic in the reporting period.

Further, based on the information in the FER of the 1st half 2021, all of the collecting return operations supported by Frontex in the 1st half of 2021 had on board a forced-return monitor from the pool or from a national monitoring system of the participating Member States through the entire return operation, as required by Article 50(3) of the Regulation.

There were no Serious Incident Report and no complaints, relating to the return operations coordinated by Frontex, submitted during the reporting period.

1. PREPARATION OF RETURN OPERATIONS

Based on Article 4 of the Code of Conduct for Return Operations (ROs) and Return Interventions (RIs) coordinated or organised by Frontex (hereinafter "the Frontex CoC"), Frontex shall ensure that ROs and RIs are conducted in a humane manner and in compliance with fundamental rights. Therefore, the provisions of sufficient and adequate safeguards are to be ensured already in the preparation phase of the RO and RI.

As to the positive observations obtained by the FRO from the monitors, it was pointed out by several of them that the escort leaders of the forced return oper-

ations were very professional in organizing and directing the operations, as well as that majority of the monitors received the necessary information about the return operation in due time.

Furthermore, it was observed by one monitor that all returnees were exceptionally calm upon their arrival at the airport, which was due to the good preparation by their respective detention centres.

However, the monitors also had a few remarks and recommendations relating to the preparation of the return operations, to which the FRO fully subscribes:

- A few monitors had remarks regarding the information relevant for the operation, provided to them. While the majority of the information was given properly and in advance, some monitors did not receive the list of the returnees or did not receive it in due time. The FRO hereby recommends that relevant information, including the Frontex Implementation Plan with Annexes and the list of returnees with details on their gender, age, vulnerabilities and any other relevant detail, be provided to monitors on time. The Frontex implementation plan for each return operation should thus be distributed at least 2-3 days ahead of the operation and should contain sufficient information, in particular about the number, origin and vulnerabilities and/or other special considerations regarding returnees (Article 16 of the Frontex CoC). Furthermore, the FRO reiterates that the escort leaders should give detailed briefings and inform the participants of return operations, in particular, about the list of returnees (data protection rules of Member States apply), seating plan, embarkation and in-flight procedures, movements on board, access to the toilets, hand-over of personal belongings, and the security, including the use of coercive measures;
- As to the monitors' unhindered access to all areas used in a return

operation, one monitor pointed out that the wish to join a car ride to the airport to observe the transport of one returnee was denied by the driver, on the grounds that only police officers were allowed to ride along. Another monitor was not allowed to be present in a vehicle with returnees during their transport, as a matter of a common practice, due to the lack of space in a car, although one seat appeared to be vacant according to the reporting monitor. Therefore, the FRO recommends to ensure that, in the performance of their tasks, monitors have unimpeded access to returnees as well as all areas used for return, including vehicles for transportation of returnees, unless there are certain risks connected to such access;

- Further, one monitor reported that he was not allowed to be present in a space where a body search of a naked returnee took place and could thus not properly observe the search behind the screens (the gender of the monitor and the returnee is assumed to have been the same);
- Moreover, it was not possible to monitor the reunion of one vulnerable family, which remained separated during the whole return operation;
- One monitor reported that the conditions in the airport used in the pre-departure phase were inappropriate: the waiting rooms were cold and poorly equipped, with no vending machines available; the family room, as described more in detail below, was in a scanty condition; the toilets used by the returnees in the departure area had doors removed, which was inconsiderate of the returnees' rights to dignity, integrity and privacy. Frontex has already addressed such issues with the concerned Member States and there are plans to renovate the dedicated area for returns.

3 JRO Germany Azerbaijan (organised on 28 April) and CRO France Albania (organised on 18 May).

2. COMMUNICATION AND RIGHT TO INFORMATION

The competent authorities of the Member States and other participants have to seek cooperation with each person being returned at all stages of the return operation, in line with Article 6 of the Frontex CoC.

In this section the FRO would like to bring to light the existence of good practices, as noted through the positive observations of some monitors in relation to the communication and the right to information:

- Escort leaders talked to every returnee upon their arrival to the airport, in a convincing and soothing manner, which also contributed to the smooth operation;
- Escorts had a professional and reassuring approach, were respectful in their treatment and had good communication with the returnees throughout the whole operation, with great empathy to them;
- The communication methods used by some escorts significantly helped in de-escalating the tension on the plane;
- Some interpreters, doctors and paramedics had a vest on by which they could easily be identified and addressed by escorts and returnees.
- Good and proactive interpretation services provided by the interpreters;
- The interpreters played an essential role in de-escalating the tensions.

However, it was also reported by one monitor that the escorts did not always address returnees in the politest way.

Analysing the monitors' observations, the FRO reiterates the following recommendations:

- As long as it is in line with national procedures, it is advised that escorts use vests with numbers to facilitate their identification, which is needed in case of complaints;
- Ensure two interpreters of different gender for the languages spoken by the returnees, at least at the airport. As only one interpreter does not suffice to cover all the needs during a return operation, the FRO strong-

ly encourages Member States to deploy in return operations an adequate number of interpreters of both genders, speaking the relevant languages, which should be further supported and reimbursed by Frontex. There is no legal obligation to deploy interpreters in return operations, however it has been noticed that the presence of interpreters, especially those who speak the native language of the returnees, is crucial for a proper communication between returnees and escorts and may help preventing conflicts resulting from the language misunderstandings between them (in line with Article 14 of the Frontex CoC). Further, the FRO reiterates the request as to the reporting in the bi-annual Evaluation Report about the number of interpreters engaged in return operations and encouraging their deployment, with a view to enhance communication between participants of return operations and returnees.

3. MEDICAL ISSUES

According to Article 14 of the Frontex CoC, the presence of medical staff (doctor, nurse or paramedic) should be ensured in all return operations coordinated or organised by Frontex. Furthermore, on the basis of Article 8 of the Frontex CoC, in a reasonable time prior to the return operation, the authorities of the Member State are required to provide for a medical examination of returnees, subject to their agreement, where they have a known medical condition or where medical treatment is required. These medical procedures have to be carried out in a manner that respects returnees' dignity and the principle of medical confidentiality.

The FRO fully follows the below recommendations provided in the monitoring reports:

- One monitor recommended that medication for returnees be easily accessible throughout the return operation. In one operation the local police packed the medication in the returnees' luggage prior to the fit for flight check, which complicated the work of the doctors performing it;

- Another monitor advised a proper summary medical handover from the organising/participating Member States' doctor to the doctor of the country of return, as well as establishing a standard operating procedure for such handover of medical information between doctors accompanying different stages of return operations.

Throughout the pandemic, Frontex continued showing flexibility when confronted with the health and safety restrictions imposed by Member States, non-EU countries and airlines, for example by:

- cancelling and rebooking forced and voluntary returns by scheduled flights;
- re-scheduling charter flights affected by COVID-19;
- replacing collecting return operations with other types of return operations (joint or national);
- promotion of voluntary returns and voluntary departures (as returns that do not require participation of escorts);
- taking advantage of repatriation flights organised by non-EU countries;
- reimbursement of eligible cancellation costs;
- reimbursement of COVID-19 tests for persons returned, Member States officials and all participants of Frontex-supported returns;
- adaptation and tailoring of safety measures to each return operation.

4. RIGHT TO RESPECT FOR PRIVATE LIFE

The FRO reiterates the obligation to respect the returnees' private life, their dignity and the right to the protection of their personal data, with due regard to the below remarks provided by the monitors:

- It was noticed by one monitor that a doctor seemed to offer medical advice to a returnee without ensuring privacy from the surrounding persons;
- As mentioned above, it was reported by another monitor that doors were removed from the departure airport toilets, in contravention of the returnees' right to privacy;

- Furthermore, it was pointed out by one monitor that attention was paid to the privacy of returnees, although escorts could have kept more distance with some returnees during the use of the toilets or the fit for flight assessment.

On a positive note, it was noted by one monitor that the strip searches were carried out in a humane way, covering the returnees with blankets and doctors being the only ones who looked at the returnees' pubic area.

Another monitor also confirmed that the strip-searches were carried out in the respect of the returnees' dignity, which was not always so in the past, according to the monitor's experience.

Lastly, these were the recommendations of a few monitors in connection to the respect for the returnees' right to privacy, which the FRO entirely upholds:

- Providing escorts only with the information on the returnees' health which is needed in relation to possible risks. The FRO reiterates that returnees' medical data is to be safely stored, to ensure that it is not unjustifiably disclosed, as well as that the details on returnees' diseases are not to be shared with escorts;
- Ensuring that the escort leader carries the fit-to-fly forms in a sealed envelope, as the forms contain sensitive data, and transfers them to the doctor of the organising Member State;
- Proper sharing of the relevant information on the health condition of returnees between the escort leader and the doctor present in the operation, with respect to the principle of confidentiality.

5. RIGHT TO PROPERTY OF PERSONS RETURNED

One monitor observed that returnees in one return flight kept their personal belongings, such as money and watches. The FRO thus reiterates the recommendation for escorts to properly handle returnees' personal belongings. According to the Frontex Implementation Plan valuable personal belongings (e.g. money, jewellery, mobile devices)

are not to be placed in the luggage hold of the aircraft, but stored in a sealed envelope or a transparent bag and marked with the name of the returnee, and handled only by a designated escort, who hands them back to returnees prior to disembarkation. The FRO would further reiterate the recommendation brought up in the last few FRO Observations, namely, to strengthen luggage handling procedures in the upcoming revision of the Frontex Guide on Joint Return Operations currently ongoing within Frontex.

As to the handling of returnees' financial means, it was noticed by another monitor that one returnee was not present when his money was counted at the airport before departure, thus he could not have provided his signature for approval of the amount.

One monitor advised to provide returnees with all necessary info as to the implemented procedures, concretely ensure that returnees understand until which moment they can do the last call before their mobile phones are put in stored luggage. One returnee could not make a call after the security check as her phone with the needed phone number has already been stored

6. TREATMENT OF VULNERABLE GROUPS

The FRO reiterates that in the preparation and throughout the implementation of return operations, special consideration should be given to vulnerable persons such as children, disabled persons, elderly people, pregnant women, etc.

The FRO is pleased to obtain the below positive observations:

- Several monitors reported that special care was provided for families with children;
- One monitor observed an excellent handling of small children and provision of play area with toys;
- Another monitor was happy to see that toys and movies were made available for children;
- As a matter of good practice one monitor pointed out that families arrived last to the airport, which minimised the waiting time;

- Yet another monitor found it good that a room was foreseen for those returnees who had to be moved to a separate room, away from children and families.

The following were the remarks and recommendations of several monitors, which the FRO wholly endorses:

- In a couple of return operations there was no dedicated space at the airport for children to play or no toys available. It was thus recommended to buy some toys. As the lack of toys is a recurring issue often underlined in forced-return monitoring reports, and being the concerned Member States already recommended with the practices in the past, the FRO strongly reiterates the recommendation that sufficient toys, including those appropriate for boys and girls, be at the disposal of children in return operations, or cartoon videos be provided, in case toys are not handed out due to the Covid-19 protective measures, in line with the right of the child to engage in play (Article 31 of the International Convention on the Rights of the Child), in order to contribute to the child's proper development;
- A few monitors reported that the food provided during the flight was not appropriate for young children and infants (e.g. sandwiches were too hot and thus not appropriate for toddlers), as opposed to the food available in the waiting area of the airport. Provision of an adequate food for children, including baby milk products, was therefore advised and concerned Member States were requested to improve such food service;
- Some airports do not have facilities suitable for children; there was only one waiting room thus the children were sitting and playing close to the returnees with applied restrictive measures;
- One monitor observed that there were somewhere in the waiting area some toys available, however nobody showed them to the children;
- Another monitor wrote about consideration for vulnerable children, pointing out the need to separate

children in due time from their parent being body searched. The monitor added that in the specific case the children were put together with their mother later on, but they still witnessed the body search of their father, who was also under influence of substances, which was not in line with their best interest;

- Yet another monitor recommended avoiding situations where children witness their parents in hand cuffs, body cuffs or other coercive measures, reporting that in one case children witnessed their father being released from hand cuffs by officers and complaining of headache;
- It was advised by one monitor that the needs of vulnerable groups be appropriately considered, as in one return operation there were not enough rooms at the airport for repatriated families, thus two families had to wait in rooms together with other returnees. Moreover, the only available family room was not clean, so children had to play on the dirty floor, and was equipped in a way that was dangerous for children, storing some excess items which were removed once the monitor pointed them out to the responsible escort;
- It was further recommended to ensure wheelchairs which could pass between the aisles inside an aircraft and would also have footrest, as the feet of one returnee in a wheelchair were dragging on the ground;
- Lastly, one monitor expressed the doubts about a return of one returnee who was possibly a mentally ill person, despite of being declared fit to fly by the doctor on board accompanying the return operation, pointing out that in line with the Implementation Plan removal of such persons is not permitted. The monitor further recommended the review of the classification of returnees as a 'mental case' while preparing the return operation and use it in a uniformed way for forced and voluntary returns, as well as to ensure compliance with the Implementation plan for those categories of persons not permitted on board.

7. USE OF FORCE AND MEANS OF RESTRAINT

Article 7 of the Frontex CoC reflects the international and European standards on the use of force and means of restraint, which can be applied only in accordance with the principles of necessity, legality and proportionality, and in response to an immediate and serious risk. Any decision to use coercive measures is to be based on an individual risk assessment. The use of force requires the application of specific techniques employed by trained staff, who are also submitted to periodical refresher training sessions, otherwise, although the mission of carrying out a forced repatriation is accomplished, potential risks to the physical safety and dignity of returnees might exist.

For each return operation a list of authorised restraints and equipment permitted during that operation is to be provided. The list is to be decided by the organising Member State (hereinafter "OMS") together with Frontex, in accordance with its national legislation, international law and EU law, in particular the EU Charter. However, no participating Member State should use coercive measures that its legislation does not allow, even if those measures are accepted by the organising Member State for that particular return operation.

The FRO welcomes observations made by most of the monitors about the fact that the use of coercive measures was reasonable in intensity and duration, necessary in the circumstances and proportional to the assessed risk of harm, with full respect of fundamental rights of the returnees.

However, one monitor noticed that even though a doctor and an interpreter expressed that coercive measures were not necessary, escorts still applied them.

Another monitor observed that coercive measures applied to one returnee in the security check phase were removed only at the end of the operation, whereas, according to the observations of the monitor, the returnee was cooperative, calm and quiet the whole time after being body cuffed. Thus the monitor pro-

vided a recommendation, with which the FRO fully agrees, that the de-escalation and negotiation techniques based upon communication be used during the whole operation, and that a continuous assessment of the risk related to the application of constraints be carried out, without the continuous application of the coercive measures on a returnee who showed the will for cooperation.

Moreover, two monitors reported that the proportionality of the applied coercive measures could not be assessed in light of the insufficient information. The FRO therefore recommends that monitors be provided by the escort leaders and escorts with all necessary information relating to the coercive measures applied in RO. The FRO further recommends to monitors that they raise their observations also during the de-briefings to obtain explanation from the escorts whether the use of restraints was indeed based on a solid individual risk assessment.

When analysing the monitoring reports the FRO again observed as in previous reporting periods that a larger number of returnees arrived to airports or were brought to aircraft with applied hand or body cuffs, as a standard practice of the use of preventive measures and not due to any incident or resistance from the returnees. While the FRO acknowledges the fact that in many Member States the authorities responsible for transporting the returnees to the airport differ from the authorities enforcing the return operations, and such practice may be considered legal in many Member States, the FRO would recommend the re-examination of the need for systematic use of such preventive measures and replacing it with an individual and dynamic risk assessment as well as appropriate coercive measures.

8. BASIC NEEDS

These were the comments and recommendations of some monitors, fully accepted by the FRO:

- On a positive note it was observed by one monitor that a returnee, who during the winter weather came to the airport wearing only a

t-shirt and a jacket, was provided with a pullover;

- As to the point whether special needs of returnees were taken into account, it was observed by one monitor that an older man with a walking stick should have boarded the plane first instead of waiting longer in a transfer bus;
- As to the provision of food, one monitor considered the food provided in the aircraft to be inadequate, as the returnees only obtained one small sandwich and a cold drink, with no suitable food for babies, during a four-hour flight. Yet another monitor reported about the shortage of packed lunches, where two returnees were left without lunch in the pre-departure phase; as well as that the same food was given to adults, children, and infants. Moreover, one monitor reported that a salad was served without cutlery, so it had to be eaten by hands. The monitors thus recommended providing appropriate meals in due quantity, with food suitable for babies, both at the airport and during the flight;
- One monitor once more reported that only the toilets in the back of the plane were accessible to the participants of the return operation. However, this could have been due to the practice followed by a number of airlines in COVID-19 times;
- Another monitor added that returnees who had to wait in a bus should have rather been put in a waiting room;
- Many monitors reported that due to the Covid-19 preventive measures there was no smoking area for returnees at the pre-departure waiting space of different airports.

9. COMPLAINTS MECHANISM

Article 11 of the EBCG Regulation establishes a complaints mechanism to monitor and ensure the respect for fundamental rights in all Frontex activities. Any person who is directly affected by alleged fundamental rights violations during operational activities by staff involved in Frontex activities may submit a complaint in writing to Frontex. The FRO is responsible for handling complaints received by Frontex

in accordance with the right to good administration.

The FRO reiterates the importance for forced return monitors to report on the availability of complaint forms and information material, during the return operations coordinated or financed by Frontex. Furthermore, the FRO once again calls attention to the duty to inform about the right to submit a complaint, which is imposed on escort leaders and Frontex staff, in case a complaint arises during an operation, as well as provide complaint forms and information leaflets, if possible in the languages spoken by returnees.

As to the availability of the Frontex complaint forms, the FRO positively welcomes that, as reported by several monitors, escort leaders had the forms available and informed the participants about that at the briefing. The monitors observed that no information was given directly to the returnees, but that the escorts were informed about the complaints mechanism and the forms as well as instructed to inform returnees about it if there were any complaints during the operation. The escort leaders also reminded of the code of conduct and that the returnees' rights should be respected throughout the operation.

However, one monitor reported that there was no way to see if the forms were available on paper, and a few other monitors observed that the complaint forms were not available on paper during the operation and that there were also no booklets on the complaints mechanism.

Another monitor advised that the complaint form be more visible in the waiting area.

A few monitors added that the forms should be available in the languages relevant for the specific return operation.

Further, regarding the availability of the information material, one monitor reported that there was a complaints mechanism poster in a waiting area, however it was only in the English language, and the monitor did not see anyone reading it.

Moreover, it was observed by another monitor that a poster on the complaints mechanism was hanging on the door in the airport waiting room but was not visible to returnees nor understandable as it was only in the English language.

Lastly, as regards the duty to inform about the right to submit a complaint, it was noticed by one monitor that this was insufficiently fulfilled as the information was provided in a language not appropriate to the specific operation.

Based on the above remarks the FRO recommends that the information material on the Frontex complaints mechanism, including the complaint forms, be made available during return operations in a visible manner and in the languages relevant to each return operation

10. COLLECTING RETURN OPERATIONS (CRO)

The FRO continues encouraging the presence of non-EU country monitors together with forced return monitors from the Member States or the pool, as an additional safeguard to ensure the follow-up of possible incidents with the non-EU country authorities.

12. FURTHER OBSERVATIONS OF MONITORS AND FRO

In addition, some monitors provided the below comments and recommendations:

- It was advised to assign two monitors to cover a return operation when the operation hub in the airport has separate areas, as one monitor cannot oversee all the happening in different parts of the hub at the same time;
- It was mentioned by one monitor that escorts provided as a reason for a strip-search the lack of collaboration and avoidance of escalation by two returnees, however in the monitor's opinion escorts did not prove that the strip-searches were reasonable;
- It was also observed that in retention centres there was no water or food available for escorts.

Moreover, the FRO would reiterate the obligation that, in line with Article 60(5) of the Regulation, each return operation organised or coordinated by Frontex shall be monitored in accordance with Article 60(5) of Directive 2008/91/EC. According to the FER¹⁷ of 2022, all Frontex supported returns during the reporting period were monitored (but not all involved physical presence of a monitor(s) on board).

Furthermore, the FRO reiterates the recommendation to the national monitoring bodies that the number of monitors be adapted to each return operation, taking into account e.g. their duration, complexity, number of returnees and the risk profile of the returnees. It is already an existing Frontex rule and practice agreed with Member States to support the presence of more than one monitor when requested by monitoring institutions.

Further discussion is also advisable concerning the obligation to verify the date of the expected operation to returnees in due time. It should be ensured that

all returnees are aware of the circumstances in advance, so that they have sufficient time to take necessary steps, collect their belongings, and alert their relatives in the country of destination of their return and the expected date of return and arrival at their destination.

The FRO also advises the OMS to ensure that the number of doctors and interpreters be proportionate to the number and possible conditions of returnees.

On the basis of some monitoring reports the FRO repeats the suggestion that more detailed information be provided in the reports by monitors (e.g. number of female escorts; number of available interpreters; information as to whether interpreters speak the native language of returnees; more information as to the necessity and proportionality of applied coercive measures; information as to the availability of Frontex complaints mechanisms; information material, including complaint forms; potential agreement with a non-EU country on specific conditions of returnees' acceptance).

Lastly, the FRO will follow up on the observations and address raised concerns, in particular, in the following way:

- Providing information regarding the relevant issues and present recommendations to Frontex ECRAF participants in return operations;
- Set up a meeting with the Pool of forced-return monitors nominated in 2022 for a relevant briefing and information sharing concerning return and monitoring activities;
- Providing regular feedback to the monitoring institutions;
- Delivering dedicated fundamental rights sessions in the course of trainings for forced-return monitors, escort leaders and other participants of return operations;
- Collecting the observations with a view to discuss the main conclusions in different fora, including during the training of escort leaders and return monitors;
- Systematically gathering information and identify challenges regarding particular areas of return operations for discussions with relevant Member States.

Fundamental Rights Officer