



Return of third-country nationals

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THE COMPETENCE OF THE OMBUDSMAN IN THE EXTERNAL MONITORING OF FORCED RETURNS

Legal framework

Ombudsman's Actions

DATA ON THE SCOPE OF THE LAW

Administrative and other problems

The general framework

Quantitative parameters

Qualitative parameters

Administrative detainees to be returned

VISITS TO PRE-REMOVAL CENTRES - PROBLEMS IN THE RETURN PROCESS

Administrative developments

Sampling inspections, findings and recommendations

EXTERNAL MONITORING OF REMOVAL OPERATIONS OF THIRD-COUNTRY NATIONALS

Removal operations by land

Removal operations by air

Conclusion

This report reflects the work of the Greek Ombudsman in 2015 on the external monitoring of forced returns, according to its special competence under Article 23 (6) of Law 3907/2011.

THE COMPETENCE OF THE OMBUDSMAN IN THE EXTERNAL MONITORING OF FORCED RETURNS

Legal framework

The external monitoring of the forced return procedures by an independent body is provided for in EU Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals (Return Directive, Article 8(6)) and it has been assigned to the Greek Ombudsman according to Law 3097/2011 (Article 23(6)). The Ombudsman's responsibility was fully activated with the adoption of the necessary Joint Ministerial Decision (JMD) (Government Gazette 2870 B'/24.10.2014), which specialises the law on the external monitoring of returns. The JMD adopts the criteria set out by the European Union Agency for Fundamental Rights (FRA), according to which all stages in the return process must be monitored by an independent body in a systematic manner. In this context, the Ombudsman monitors the entire procedure, from the issue of a third-country national's return decision until the implementation of removal by land, sea or air transport to the country of origin. The JMD provides for a constant flow of data from all services responsible for forced returns. Moreover, the Ombudsman reviews the legality of actions, omissions and material acts of the competent state services, using all the institutional tools provided for in the Ombudsman's statutory provisions, while it has unimpeded access to all places of detention, awaiting or transit across the territory. It may also participate as an observer in all return decision enforcement operations. Moreover, for this purpose, the Ombudsman cooperates with international organizations, as well as with NGOs and migrant communities, at a level of regular dialogue. The Ombudsman sends reports and recommendations to improve return procedures to the Administration, the latter being required to give a reasoned response. It publishes its findings in a special report, which it submits annually to the Greek Parliament.

Ombudsman's Actions

In 2015, in the context of implementing its competence, the Ombudsman:

- Organised on 21 May a conference with funding from the European Return Fund titled "*Forced returns. Mixed migration flows and human rights*", with the participation of state, agency and governmental actors, representatives of European and international institutions (Council of Europe, European Ombudsman), peer institutions of European countries, and NGO representatives, aiming at a meaningful consultation to enhance the effectiveness of the external return monitoring system.
- It continued to participate as a member in the Forced Return Monitoring (FReM) project team under the European Return Fund - Community Actions of the DG Home Affairs of the European Commission (Directorate of Migration and Borders). The team was led by the International Centre for Migration Policy Development (ICMPD) with the participation of

agencies responsible for the external monitoring of forced return operations in Austria, Bulgaria, Switzerland, Greece, Luxembourg, Malta, Hungary and Portugal. The overall objective of the project, which was launched in September 2013 and completed in October 2015, was to further strengthen the quality of the European return system, in implementation of Article 8(6) of Directive 2008/115/EC. The project focused on and successfully completed the following objectives: a) design of a European pool of forced return external monitoring systems available to countries that need its operation, to be staffed by specially trained monitors; b) development of guidelines and external monitoring tools, taking into consideration the guidelines of the Frontex Code of Conduct for Joint Return Operations in place, the Committee for the Prevention of Torture (CPT) standards, the Council of Europe Twenty Guidelines on Forced Return, and the good practices implemented by the participating states; c) selection and training of external return monitors, and conduct of pilot return operations. During the two-year duration of the FReM project, experts and members of the Ombudsman's return team participated in workshops that took place in Vienna (November 2013 and November 2014), Malta (March 2014), Brussels (October 2014 and October 2015) and Luxembourg (May 2015). The workshops focused on the elaboration and implementation of the project's aforesaid objectives, especially the development of common guidelines and good practices during the external monitoring of forced returns, which is carried out by experienced and specialised monitors. At the same time, members of the Ombudsman's return team, in the context of the same project, attended a training seminar on forced return monitoring (Vienna, November 2014), which was also attended by a special unit of the Austrian Police (COBRA). The training was completed with the participation of two experts of the return team in two joint return operations by air (Budapest - Pristina and Vienna - Pristina), and the participation of a third member of the team in a removal operation by land (Vienna - borders of Poland) in March 2015. These members have received certificates of successful completion of the training programme, they are part of the European pool of trained monitors and are available in countries with operational external return monitoring systems, in line with the objective of the FReM project. A significant part of the project was the preparation of the "Framework for a European Pool of Forced Return Monitors", the "Guidelines and Monitoring Tools" and the "Training Manual Forced Return Monitoring".

- It organised the training of 6 of the Ombudsman's experts with funding from the European Return Fund on 22-23 June 2015 in Copenhagen on external return monitoring issues. The training was offered by the Danish Ombudsman, a peer institution with significant monitoring experience, in line with Directive 2008/115/EC.

DATA ON THE SCOPE OF THE LAW

Administrative and other problems

In 2015, operations for the forced removal of third-country nationals appear to continue to be hindered by political weaknesses, such as the degree of cooperation of certain consular

authorities for the identification of the third-country nationals to be returned, as well as administrative ones, such as the failure to complete a public tender for charter flights for returns by air. To this is added the lack of stable funding for the pre-removal centres and the returns, taking into consideration the regulatory changes introduced with Art. 9(6) et seq. of L. 4332/2015 and the subsequent regulatory acts issued pursuant to that law, in relation to the administrative body responsible for the amounts that can be made available as of 1.7.2015 by the now unified Asylum, Migration and Integration Fund (AMIF) for Returns. This funding includes the external monitoring of returns by the Greek Ombudsman, as provided for under the JMD that governs the organisation of the monitoring, and therefore is hindered by the State's failure to finance this Ombudsman action as of July 1st, i.e. for the entire second half of 2015. However, the Ombudsman continued through own means, to the extent that it could draw a certain amount from its budget for the exercise of its general competence, in accordance with the Constitution and Law 3094/2003, the sampling inspections, both in Pre-removal Centres or other detention facilities for third-country nationals to be returned, and in operations of forced returns of third-country nationals by land, as we will describe below. With FRONTEX's assistance it also participated in one mass joint return operation (JRO) by air.

The general framework

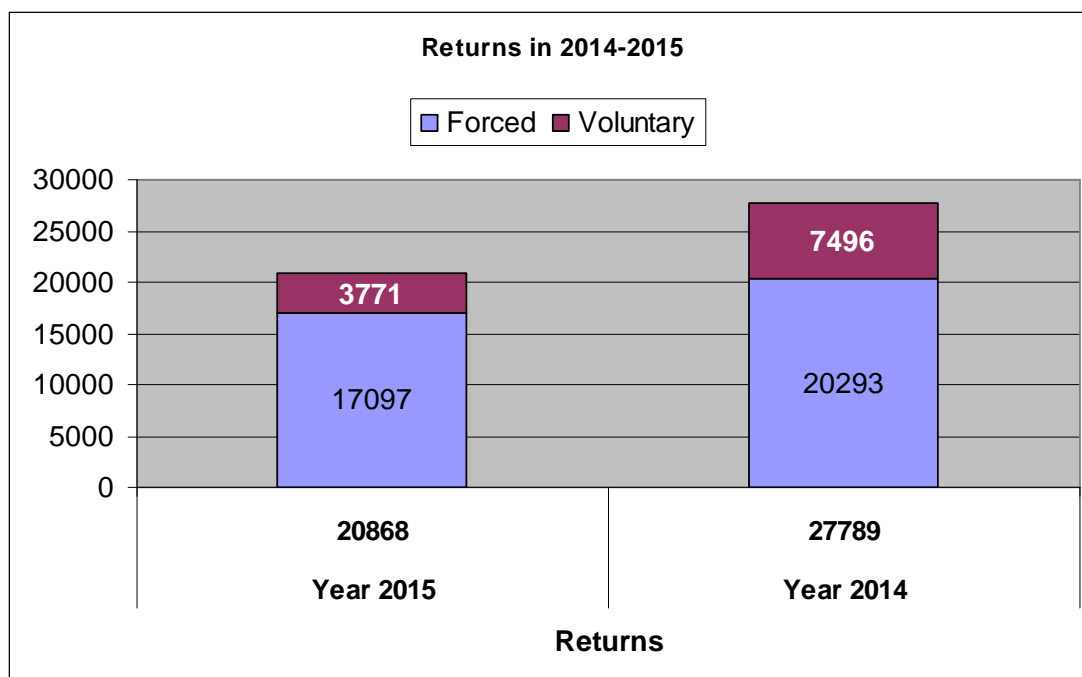
The overall picture regarding the scope of L. 3907/2011, in relation to returns in 2015, is dominated however by the refugee crisis in Europe and in Greece as a point of entry. The mass arrivals, reaching enormous numbers in the second half of 2015 (911,471 arrests by port and police authorities in 2015 in total, compared to 77,163 in 2014, according to the statistics of the Hellenic Police), put a tremendous strain on the administrative mechanism which was called upon to manage them in a rational manner, as analysed in the relevant section of the Ombudsman's Annual Report for 2015 (www.synigoros.gr). The incoming persons in fact, according to the data of the UNHCR, are coming mainly from countries that raise international protection issues, creating an issue rather of management of potential refugees than of third-country nationals to be returned. The European Commission's action plan provides initially for the reception and relocation of asylum seekers, and in supplement an effective system of forced returns for the remaining populations. The European plan provides for the so-called hotspots - key points of reception, which is still the goal in the end of 2015, as is the subsequent intensification of the return operations. The Ombudsman welcomes the publication of statistics by the Hellenic Police on irregular migrant issues (detentions, deportations, etc.) on its website, www.hellenicpolice.gr, as an important step for transparency in administrative action.

Quantitative parameters

In the general political context of the European refugee/migration crisis, the number of returns effected in 2015 showed a certain decrease compared to the previous year, considering the organisational problems mentioned above. The data forwarded by the Hellenic Police for

2015 show in total 20,868 returns, compared to 27,789 in 2014. From a total of 20,868 removal operations, 17,097 were forced returns, including deportations and refoulements based on bilateral agreements with neighbouring countries, while 3,771 were voluntary procedures (see *chart 1*). Voluntary returns are mainly carried out (3,718) by the International Organization for Migration (IOM) and to a lesser extent (53) by the Hellenic Police. The decrease compared to 2014 pertains both to voluntary returns (3,725 less in 2015) and forced return procedures (3,196 less in 2015).

Chart 1



Qualitative parameters

The aggregate data for the entire country available to the Ombudsman, for technical or organisational reasons, do not include for the time being qualitative parameters for persons that may belong to vulnerable groups (pregnant women, patients, elderly, families, unaccompanied minors, etc.), that have been requested from the ministry collectively, but each police division sends separate data, an issue which we hope will be soon resolved.

Especially with regard to aggregate data on unaccompanied minors:

- For the first half of 2015 we have only the total number of arrested minors, whether unaccompanied or not: 1,255, with 561 of them coming from Syria.
- On 6.10.2015 we have the total number of unaccompanied minors remaining in the Pre-removal Centres or on the islands (in Amygdaleza 4, in Samos 19), waiting for the National Centre for Social Solidarity (EKKA) to find places for them in reception hostels. The Ombudsman's proposal for their staying for a few days in separate guarded places and not in

detention centres, pending the completion of procedures for transferring to reception hostels, still remains current (see *Annual Report 2014*, p. 153).

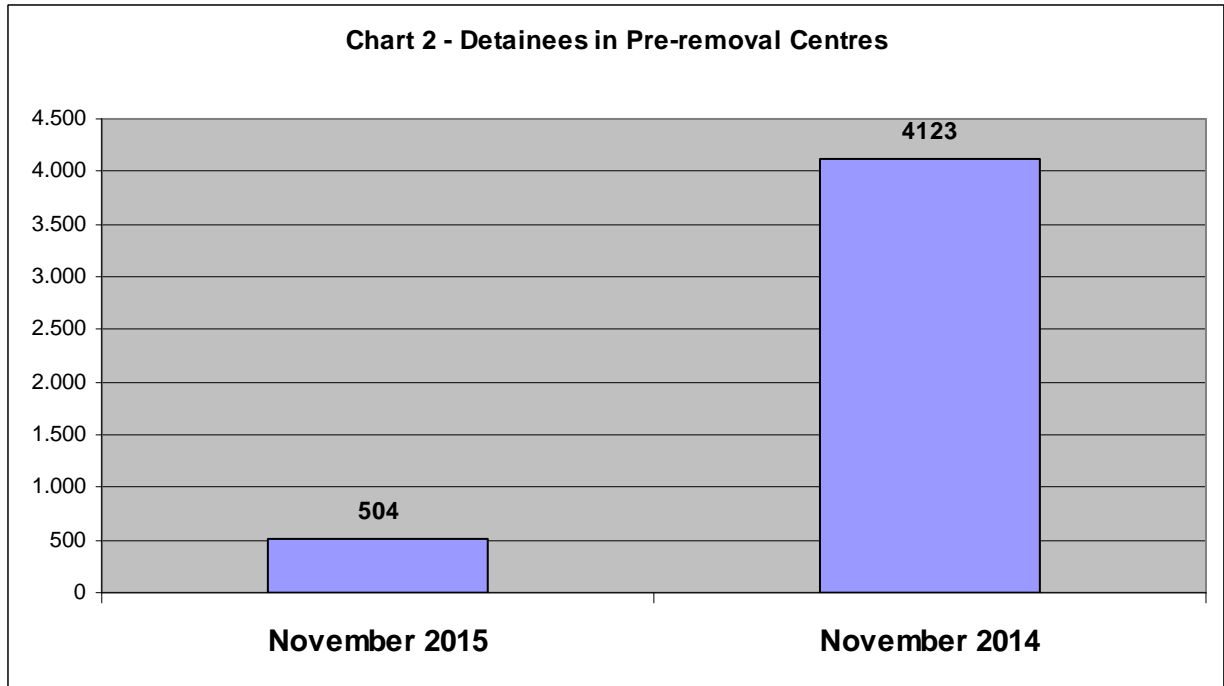
- During an on-site inspection by the Ombudsman at the Police Station of Mygdonia, Thessaloniki, on 16.11.2015, 3 unaccompanied minors were found to be detained, a fact that confirms that in addition to the temporary stay in Pre-removal Centres, there is also administrative detention of minors in old police detention centres, which do not provide the appropriate conditions even for temporary detention.

Aggregate data are however provided by the ministry on the nationality of the returned third-country nationals, whereby it arises that from a total of 18,071 removal operations, both forced and voluntary, that took place in the first 10 months of 2015, 13,381 of them were for Albanian nationals, i.e. more than 7 out of 10.

Administrative detainees to be returned

As far as places of detention are concerned, the Hellenic Police informed the Ombudsman that on 3.11.2014, a total of 504 persons were being detained at the Pre-removal Centres, a number overwhelmingly lower than the 4,123 detainees in 2014 (see chart 2). However, in November 2014 there were an additional 2,160 detainees in police department/station cells. The corresponding number of third-country nationals to be returned held in police station cells in 2015 is not known.

In November 2015, the Hellenic Police stated the following: *"As a rule third-country nationals to be returned are not detained in police station cells. In order to ensure the correct implementation of Directive 2008/115/EC on returns, clear instructions have been given that those third-country nationals who must be detained are taken to Pre-removal Detention Centres, after their identification and the issue of the necessary decisions. The detention of illegally staying third-country nationals to be returned in police station cells lasts only for the time that is strictly required to complete the procedures until they are transferred to Detention Centres for foreigners, which is usually up to 5 days"*. However, the Ombudsman's visits to police station cells, as mentioned below, showed that these guidelines were not strictly observed, even though they are an issue of the *"correct implementation of Directive 2008/115/EC on returns"*, as the Hellenic Police acknowledges.



VISITS TO PRE-REMOVAL CENTRES - PROBLEMS IN THE RETURN PROCESS

Administrative developments

In 2015 there were two very important developments in relation to the procedures of detention of third-country nationals to be returned: the establishment of Pre-removal Centres in early 2015, and the decrease of the time for which the aliens were detained in these centres. Specifically:

- In the beginning of 2015 a JMD (Government Gazette B'118/21.1.2015) provided for the establishment of 7 Pre-removal Detention Centres (PDC) in: Amygdaleza, Tavros (Petrou Ralli Str.), Corinth, Fylakio-Evros, Xanthi, Paranesti-Drama, Moria-Lesvos. The same decision set out the regulations for their operation. These facilities, which were already in operation in the previous year, in 2015 were designated as special facilities for the detention of third-country nationals to be returned or deported, with reference to the specifications of Article 31 of Law 3907/2011 on the detention terms, according to Article 16 of the Return Directive 2008/115/ EC.
- The Greek elections of 25.1.2015 were followed by governmental announcements (17.2.2015) and internal instructions of the Hellenic Police on decreasing the detention time in practice, so that the third-country nationals to be returned are not held as a rule for more than 6 months and the vulnerable groups are not detained at all. It is noted that the maximum detention time according to the law and the Return Directive is 18 months. The Ombudsman has criticised the violation of the legal detention limit in 2014, with an internal instruction of the ministry following the acceptance of a relevant opinion of the Legal Council of State (Annual Report 2014, pp. 153-154). The change in policy regarding the administrative detention of

foreigners results in a radical decrease of the number of detainees to be returned (see above overall statistics on the scope of the law).

Sampling inspections, findings and recommendations

The Ombudsman, exercising the external monitoring of the return procedures, according to Art. 23(6) of Law 3907/2011, proceeded with sampling on-site inspections at the Pre-removal Centres of Tavros/Petrou Ralli (3.4.2015), Corinth (28.4.2015), Moria, Lesvos (16.6.2015) and Paranesti, Drama (23.6.2015), the Cells of the Police Station of Nafplio (29.4.2015), the Cells of the Aliens Division of Thessaloniki (21.10.2015), the Cells of the *"Illegal Migrant Prosecution"* (sic) Departments of Mygdonia in Liti and of Thessaloniki (16.11.2015), etc. The Ombudsman's findings and recommendations regarding the detention conditions of third-country nationals are presented in the relevant section of its Annual Report for 2015, based on its competence as the National Mechanism for the Prevention of Torture and Inhuman or Degrading Treatment (Optional Protocol to the Convention against Torture). As regards however the correct implementation of the procedures of the Return Directive 2008/115/EC, from the on-site inspections and the discussions with detainees and police officers regarding the difficulties they deal with in practice, the Ombudsman's main observations for 2015 are the following:

The internal instruction of the Hellenic Police to decrease the detention time to up to 6 months in February 2015 led to the erroneous result of the 6-month period being perceived not as a limit but as a rule. Detention however, being the most coercive restriction of freedom, is imposed according to the express requirement of Art. 30(1) of Law 3907/2011 *"only if, in a specific case, no other sufficient but less coercive measures can be applied effectively"* and lasts *"for as short a period as possible and as long as removal arrangements are in progress and executed with due diligence"*. The Ombudsman found that the police failed not only to seek alternative measures to detention, but also to initiate an individualised return procedure for each third-country national detained for the purpose of return, and noted that only if the specific effort has not had results for a foreigner, can the continuation of his detention be requested (subject to a court judgement every three months). In communication with the detainees during the on-site inspections a significant problem emerged, that of their deficient information regarding the duration of their detention and the general progress of the procedure. The individualised *"due diligence"* of the police (according to the relevant term of Article 15(1) of the Return Directive) is a condition of the detention's legality and the actual hoped-for result for the effectiveness of the forced return system.

A contradicting practice was found regarding the detention of third-country nationals irregularly entering the country in June 2015. Due to the problem of the mass inflow of mixed populations to the islands of Northern Aegean and the Dodecanese, the newly arriving aliens are simply supplied with an official note of their recording (see chapter *"Refugee issue and*

migration" in the Annual Report 2015), while those arrested in other places of the country are taken to detention in the Pre-removal Centres. This finding is confirmed by complaints to the Ombudsman (indicative case 201627/2015).

Also, the detention appears to continue in cases where the implementation of the return of the third-country national is not possible (e.g. on-site inspection at the Aliens Division of Thessaloniki on 21.10.2015, it was mentioned that 15-20 persons were detained, whose return was not possible). The continuation of the detention is contrary to Article 30(5) of Law 3907/2011 and the corresponding Article 15 of the Return Directive, that the detention ceases "*when it appears that a reasonable prospect of removal no longer exists for legal or other considerations*". This problem becomes greater when a different practice is applied regarding the postponement of removal to ensure the principle of non-refoulement (Article 24, Law 3907/2011) between citizens who are facing war in their country posing serious threat to their life (Article 33 of the Geneva Convention). The Ombudsman, according to the position of the UNHCR as regards non-detention and the impossibility of the return of Iraqi citizens (UN Recommendation October 2014), noted that in their case the administrative detention ceases to serve its purpose, becomes incompatible with Art. 24(4) of Law 3907/2011 and contrary to the principle of proportionality of liberty depriving measures [Article 5(3) of the Constitution, Article 5 of the European Convention on Human Rights (ECtHR, *Tabesh v. Greece*, No. 8256/07, 2009) conviction for detention due to impossible deportation]. Regarding the true fact of the impossibility of the return of the Iraqis to the country of their origin, the Ombudsman asked the Hellenic Police to issue a circular that covers the postponement of their removal, *mutatis mutandis* similar to the circular for the Syrian citizens (document 197333/8563/3.3.2015). The Ombudsman repeated this recommendation in many cases (199117, 201627, 204275/2015), until the issue was finally resolved in November 2015 with a relevant circular decree by the Hellenic Police (1604/15/2189144/30.11.2015) regarding the subjection of the Iraqis under the non-refoulement status of the new Article 78A of Law 3386/2005. The circular decree issued by the Hellenic Police took into consideration the inclusion of the Iraqi asylum seekers in the relocation program to another Member State of the European Union. The provision of the new Article 78A of Law 3386/2005, which was instituted with Article 18 of Law 4332/2015, is also a very positive development, in response of the Ministry of Interior to the UNHCR and to the Ombudsman, because it stipulates that no deportation decision is issued as of now when the conditions of the non-refoulement principle apply, but a non-removal certificate for humanitarian reasons is granted. A Hellenic Police circular (1604/15/1423412/10.8.2015) clarified that this certificate also covers newly incoming citizens of Syria, Yemen, South Sudan, Palestine, Eritrea, Somalia.

The financing method of certain basic operating expenses of the Pre-removal Detention Centres, by the European Return Fund up to 30.6.2015, and then by the European Asylum, Migration and Integration Fund, as well as the Administration's related difficulties in promoting these processes in time, with a gap in the European funding for the second half of 2015, lead

to the inefficiency of the Pre-removal Centres. The delay in the separate public tenders for catering and the appointment of psychologists, interpreters, social workers, causes similar gaps that constitute serious lack of elementary living conditions of the administratively detained third-country nationals. The failure to cover the needs in food of the Pre-removal Centres also seems to lead to the practice of administrative detention of third-country nationals in police station cells, despite the Hellenic Police's commitment to the opposite. On the date of the on-site inspection at the Thessaloniki Aliens Division (21.10.2015), there were 95 people in total in detention, 69 of which in the cells of the Division and the other 3 in the "*Illegal Immigration Prosecution Departments*" of the Division, considering the inability of the Pre-removal Centre in Paranesti to receive these third-country nationals (130 detainees in Paranesti on 3.11.2015, with the capacity of the centre being 977). The Ombudsman focuses on the Hellenic Police's commitment for detention in Pre-removal Centres under the specifications of Law 3907/2011 and observes that the detention time in the cells of the Aliens Division of Thessaloniki, which is usually 2-3 or more than 6 months (5 people on 21.10.2015), for most foreigners, except those of Albanian origin, is not short, in combination with their number which has the characteristics of mass detention (69 people in the Division's cells). Moreover, the term "illegal migrant", which is seen in the name of the "*Illegal Immigration Prosecution Departments*" of the Thessaloniki Aliens Division, has a clearly derogatory use, given the racist operation of organised groups in our country (see special report of the Ombudsman on racist violence, 2013). It would be preferable that the Departments of the Aliens Division of the Hellenic Police are named "Aliens Departments" (see "Legislative and organisational recommendations" in the Annual report 2015). As mentioned by the European Union Agency for Fundamental Rights (FRA), the European Commission, due to the impact of language on society as a whole, has abandoned the use of the term "illegal migrant", in favour of the more neutral terminology "irregular migrant" or "migrant in an irregular situation" (Criminalisation of migrants in an irregular situation, publication FRA, March 2014, at www.fra.europa.eu).

EXTERNAL MONITORING OF REMOVAL OPERATIONS OF THIRD-COUNTRY NATIONALS

The sampling inspections by the Ombudsman in removal operations of the Hellenic Police followed the Hellenic Police Headquarters' electronic order with ref. no. 1604/15/993326/4.6.2015 to the police divisions (aliens services), after which the dispatch of statistics started regarding the enforcement of returns and the Ombudsman was briefed on the scheduling of the related removal operations by the country's police divisions. The Ombudsman considers that already the regular submission of data from the entire territory contributes to the transparency and accountability of the forced returns system.

Removal operations by land

Taking into consideration the overwhelming majority of removal operations by land towards Albania (see statistics above), the Ombudsman carried out sampling monitoring in removal operations by land concerning large numbers of returnees. Members of the Ombudsman's return team participated as monitors in three removal operations by land of foreigners, citizens of Albania. Two of these were scheduled by the Aliens Division of Attica, with Kakavia as the destination (Greece - Albania borders) on 13.6.2015 and 27.6.2015 respectively, while the third one was scheduled by the Aliens Division of Thessaloniki, with Krystallopigi as the destination (Greece - Albania borders) on 22.10.2015. The operations took place without problems and were smoothly completed. The main findings of the monitors, which revealed problem aspects of the removal procedures, were the following:

- The places where the third-country nationals to be returned were detained, before departing for the destination, are inappropriate, since the natural lighting, the ventilation and the open-air exercise facilities were not adequate. Infrastructures, necessary even for temporary stay, are missing. For example, in the Aliens Division of Attica, the detention area has no seats, only a cement bench with limited capacity, which means that the foreigners remain standing until the departure time.
- The transport vehicle has special areas-cells, which are particularly narrow, dark, and with seats that are inappropriate for long sitting. In particular, the vehicle has a space with 8 cells, 2 of which have a capacity of 2 people, and 6 a capacity of 4. Each cell has a locking door and a very small window (skylight) up high with a few holes. There is an additional space for escorts, which has 10 passenger seats and 2 more for the driver and passenger. The vehicle has air-conditioning but no restroom.
- During transportation there is no separation of administrative detainees from those that are under a criminal court's order for deportation.
- There is no doctor or first aid kit, at least for long transports, such as the one from the Aliens Division in Attica to Kakavia.
- All the monitors however noted the professionalism of the accompanying police officers (escorts), as well as the respect they demonstrated towards the dignity of the third-country nationals being returned during the boarding, transportation and delivery to the Albanian authorities.

As a result of the above findings, the following recommendations for removal operations by land were deemed necessary:

- That appropriate, clean and safe waiting areas are created, at the departure points, with natural lighting and ventilation, with seats, easy access to a restroom and a separate smoking area.
- That appropriate and safe areas are created in the points of departure for the body search of the third-country nationals.

- That the use of tourist buses is evaluated from an operational aspect, in order to conduct the return operation by land in a vehicle that is appropriate for long travelling.
- That a kit of supplies is available on the vehicle, for the immediate treatment of emergency health incidents of the passengers, which will contain painkillers, antihistamines, motion-sickness pills and other supplies such as motion-sickness bags.
- That at least one escort accompanying long transportations has certified first aid knowledge.
- That a working restroom is available on the vehicle, in order to improve the transportation conditions of all passengers.
- That administrative detainees and those under a criminal court's order for deportation are separated, to the extent possible.

Removal operations by air

The Ombudsman participated for the first time as an external monitoring body in a joint operation (JRO) for the return of third-country nationals by air. Specifically, on 2-3.12.2015, two Ombudsman officials participated as monitors in an operation for the return of Pakistani citizens, which was organised by the Greek authorities under the coordination of FRONTEX, with the participation of Austrian and Bulgarian authorities. The Ombudsman's officials carried out an on-site inspection of the detention spaces of the Pakistani citizens to be returned in the Pre-removal Centre of Amygdaleza and the Pre-removal Centre of Tavros (cells of the Aliens Division of Attica on Petrou Ralli Str.) and the waiting area in the Athens International Airport. Subsequently they boarded the airplane and followed the Greek mission, remaining until the completion of the operation.

In its related report, the Ombudsman noted that with regard to the facilities, immediate measures are required to select and create an appropriate single Pre-removal centre, since the premises of the Pre-removal Centre of Tavros are completely inappropriate, and in the Pre-removal Centre of Amygdaleza damages need to be repaired, for the proper operation of the detention wings where third-country nationals to be returned are held. Finally, it is necessary to arrange the facilities in the airport in order to have a smoking area, easily accessible bathrooms and protection from visual contact with private individuals.

As regards the pre-removal procedures, immediate measures must be taken for:

- the early information of the third-country nationals regarding the removal operation and its details;
- their easy and timely access to telephones in order to be able to notify their families and friends and
- the coordinated, timely and complete provision of suitable meals and water to the third-country nationals to be returned.

The Ombudsman found that during the transport to the Athens International Airport and during their stay in the waiting area, the third-country nationals to be returned by the Greek

authorities remained handcuffed with metal or plastic handcuffs, in contrast to those being returned by the Austrian and Bulgarian authorities. The Ombudsman requests that the foreigners to be returned are not restrained with handcuffs or other means, unless this is absolute necessary and useful, and with special justification. It also requests that measures be taken to protect the dignity of the third-country nationals to be returned, and specifically from photographing etc., by journalists, especially in public areas, and in any case without their prior express consent.

Finally, the Ombudsman makes the observation that the police can improve the organisation of the operation, and therefore its effectiveness and the protection of the rights of the third-country nationals to be returned, by supplying the people in charge with adequate means of communication with Athens, so they can promptly seek a solution to problems arising, ensuring the better coordination and information of the involved services and officers, and taking all the measures in time, to make sure that any third-country nationals boarding the airplane will be accepted by their country in the end. A potentially decisive role in enhancing the effectiveness of the removal operations would be to designate the Athens or Thessaloniki airport as a point of departure for joint FRONTEX flights, due to the geographical position that facilitates flights to Asia or Africa, serves neighbouring member states by road and by railway, which may want to participate, and because it would lead to significant savings in tickets - overnight stays of the police officers that are escorting the foreigners.

Conclusion

These observations by the Greek Ombudsman, based on the experience from the external monitoring which it carried out in a systematic manner in 2015 regarding the applicable safeguards from the aspect of fundamental rights and the functionality of the procedures in each stage of the return procedure, aim to contribute in practice to creating a more effective system for the return of third-country nationals, which is the objective of the Action Plan on Return of the European Commission.