Guidelines and Monitoring Tools for Forced Return Monitoring
Guidelines and Monitoring Tools for Forced Return Monitoring
Disclaimer: The Guidelines and Monitoring Tools for Forced Return Monitoring were developed in the framework of the EU funded Forced Return Monitoring (FReM) project. The document was continually updated, improved and partially tested during the project’s implementation. The Guidelines were designed in close co-operation with and approved by the FReM project/associated Partner States and is supported by Frontex as well as the EU Agency for Fundamental Rights (FRA).

The document will have to be updated in the course of further developing the concept of an overall European Pool of Forced Return Monitoring (EPFRM).

At present the Guidelines focus on forced return by air and land. Nevertheless, forced returns by sea are not excluded and more specific information in this regard may be added in the future. This publication was produced with the assistance of the European Commission. The contents of this publication are the sole responsibility of the International Centre for Migration Policy Development (ICMPD) and in no way should be taken to reflect the views of the European Commission.
Acknowledgements

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Special thanks go to the project partners and associated partners, namely: Austria, Bulgaria, Greece, Hungary, Luxembourg, Malta, Portugal and Switzerland, as well as to the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) and the European Union Agency for Fundamental Rights (FRA).

Likewise, special thanks go to those experts, forced return monitors, escorts and escort leaders that have shared their valuable practical experience.

Profound appreciation is extended to the two main authors of the Guidelines: Mr Günter Ecker (Consultant) and Mr Martin Wagner (Expert) for drafting the document, as well as to Ms Markéta Zelenka (Consultant) for its revision. Furthermore, deep gratitude is extended to the FReM Project Team, which deserves special mention: Ms Jenny Andersson Pucher (Programme Manager), Ms Martha Simon Delicata (Project Manager) and Ms Charlotte d’Elloy (Programme Assistant). Without their continuous and dedicated
efforts and commitment to the management and implementation of the FReM project, the excellent project results would not have been possible.

Mr Martijn Pluim  
Director, ICMPD
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The “Guidelines and Monitoring Tools for Forced Return Monitoring” were drafted in the “Forced Return Monitoring (FReM)” project. They are based on the FReM “Framework for a European Pool of Forced Return Monitors” which offers a concept for collaboration among EU Member States (EU MS), as well as those associated States\(^2\), bound by the Return Directive\(^3\) in implementing its Art 8 (6).

The Guidelines aim to promote professional monitoring based on the principle that forcefully returned persons should be treated in a manner compliant with international human rights standards, EU and national legal obligations, in particular the proportionality of the use of force. The Guidelines outline the principles and rules that a forced return monitor is committed to comply with while monitoring forced return operations.

In order to establish a basis of sound information to develop the Guidelines, ICMPD conducted desk research and distributed brief questionnaires on the status quo of available guidelines and tools for forced return monitoring in European countries. Consequently, the Guidelines take into account existing guidelines, namely, the Frontex...
The Guidelines and Monitoring Tools for Forced Return Monitoring

The first version of the document, which was drafted with the assistance of an expert and consultant in co-operation with the FReM project team, was discussed and further elaborated at a workshop in Budapest, Hungary in June 2014. Following the workshop, the document was continually updated in line with the outcomes of the FReM project’s activities and experiences. The project/associated project Partner States (Austria, Bulgaria, Greece, Hungary, Luxembourg, Malta, Portugal and Switzerland), as well as Frontex and the European Agency for Fundamental Rights (FRA) were closely involved in the drafting process through regular exchange and feedback.

The Guidelines include procedures related to forced return by air, land and sea (aircraft, bus, train, ship). As, however, the most common way of forced return, especially when conducted as Joint Return Operations (JRO), is by air, specific references made in the Guidelines tend to focus on air operations. Forced return procedures are mainly the same for air and land and the Guidelines covers both forms of forced return in detail, with specific information where

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procedures differ. Forced return by sea, however, includes some specific features which are not covered in detail in these Guidelines. Monitoring of forced return operations by sea/ship will therefore require further information than that provided in this document.

The aim of the Guidelines is to equip forced return monitors with the knowledge and tools to enable them to objectively, independently and with great detail take note and report on forced return operations. The aim is for the monitor to be able to establish whether a forced return operation is conducted in a humane manner and respectful of the dignity of the returnee(s), in line with the requirements of the EU Charter for Fundamental Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms.
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CoC</td>
<td>Code of Conduct</td>
</tr>
<tr>
<td>CPT</td>
<td>European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment</td>
</tr>
<tr>
<td>EC</td>
<td>European Commission</td>
</tr>
<tr>
<td>EPFRM</td>
<td>European Pool of Forced Return Monitors</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>FRA</td>
<td>European Union Agency for Fundamental Rights</td>
</tr>
<tr>
<td>FRO</td>
<td>Forced Return Operation</td>
</tr>
<tr>
<td>FRONTEX</td>
<td>European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union</td>
</tr>
<tr>
<td>JRO</td>
<td>Joint Return Operation</td>
</tr>
<tr>
<td>ICMPD</td>
<td>International Centre for Migration Policy Development</td>
</tr>
<tr>
<td>MS</td>
<td>Member State</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Governmental Organisation</td>
</tr>
<tr>
<td>NPM</td>
<td>National Preventive Mechanism for the Prevention of Torture</td>
</tr>
<tr>
<td>OMS</td>
<td>Organising Member State</td>
</tr>
<tr>
<td>OPCAT</td>
<td>Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment</td>
</tr>
<tr>
<td>PMS</td>
<td>Participating Member State</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
</tbody>
</table>
**Definitions**

<table>
<thead>
<tr>
<th>EPFRM Partner States</th>
<th>Refers to Partner States of the European Pool of Forced Return Monitors and Frontex.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Escort(s)</td>
<td>The security personnel, including persons employed by private contractor, responsible for accompanying returnees, in particular during their transportation out of the Member State.</td>
</tr>
<tr>
<td>Escort Leader</td>
<td>The escorts who are, in accordance with instructions given, in charge of managing a national group of escorts during a JRO. Each organising and participating Member State appoints its escort leader.</td>
</tr>
</tbody>
</table>

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8  ibid
### Forced return monitoring phases

| Forced return monitoring phases | Pre-Return Phase\(^9\) may start a minimum of 24 hours\(^{10}\) prior to the departure, during which the monitor will verify whether the prospective returnee has been informed, including the briefing by the escort leader of the national escort team. **Pre-Departure Phase** covers the period from leaving the (temporary) holding/detention facility until shortly before or just at the moment of embarkation. In this phase, the escort team is briefed at the hub (in case of a JRO) and the returnee may stay in a holding/waiting/detention facility at the place of embarkation. The pre-departure phase ends shortly before or just at the moment of entering the means of transportation for the forced return operation (aircraft, bus, train, ship). |

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9 The pre-return phase is not covered by the monitoring according to the Frontex Code of Conduct for Joint Return Operations coordinated by Frontex. In the present Framework, nevertheless, the pre-return phase is considered an integral part of the removal operation.

10 In line with the FReM Guidelines, the monitoring starts a minimum of 24 hours or less prior to the actual departure. The reference of 24 hours is made to ensure the presence of a monitor during the “contact talks” when the returnee(s) is/are informed that they will be returned, or, if participation in the contact talks is not possible, to have the possibility to check whether the returnee(s) has/have been informed about his/her removal. This phase also covers monitoring of those who are kept in (temporary) holding/detention facilities that are not located at the port of departure (e.g. airport) and therefore need to be transported, e.g., from a (longer-term) detention centre to the holding facilities at the port of departure.

The monitor assigned to a JRO coordinated by Frontex, starts monitoring on the day of the operation (see Article 9 (1b) of the Frontex Regulation). This, depending on the arrangements, can be either the return operation from a national port of departure (national feeder) to the hub of the JRO or start directly at the hub of the JRO.
<table>
<thead>
<tr>
<th>In-Flight Phase</th>
<th>The compulsory return of an individual to the country of origin, transit or third country (i.e. country of return), on the basis of an administrative or judicial act.(12)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrival Phase</td>
<td>The transport of third country nationals who are subject to a return decision carried out by an air/land/sea carrier selected for that purpose; joint refers to those operations where there is participation of two or more Member States.</td>
</tr>
<tr>
<td>Forced return</td>
<td>The activity whereby it is established and reported whether the return is conducted in a humane manner, respectful of the dignity of the person and in compliance with fundamental rights as enshrined in the EU Charter of Fundamental Rights. Monitoring involves observation of and reporting on forced return operations without powers of intervention.(13)</td>
</tr>
</tbody>
</table>

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\(11\) The rules/procedures mentioned need to be transposed/interpreted according to the concrete situation (forced return by land/sea run jointly or by an individual MS).

\(12\) EMN Glossary 2.0 2012. The term is taken from the 2012 EMN Glossary as the version of 2014 refers to “compulsory return” used as a synonym for forced return. However, the definitions do in principle not differ.

\(13\) Framework for a EPFRM 2015
<table>
<thead>
<tr>
<th><strong>Monitor (of forced returns)</strong></th>
<th>Person responsible for the monitoring of return operations who is independent from the authority enforcing returns.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Member State</strong></td>
<td>Member State means a Member State of the European Union or a country associated with the implementation, application and development of the Schengen <em>acquis</em>.</td>
</tr>
<tr>
<td><strong>Organising Member State</strong></td>
<td>A Member State of the European Pool of Forced Return Monitors, that is responsible for the organisation of the return operation.</td>
</tr>
<tr>
<td><strong>Participating Member State</strong></td>
<td>A Member State of the European Pool of Forced Return Monitors that participates in Joint Return Operations organised by an organising Member State.</td>
</tr>
<tr>
<td><strong>Removal</strong></td>
<td>The enforcement of the obligation to return, namely the physical transportation out of the Member State. The present Framework subsumes the pre-return, pre-departure, in-flight and the arrival phase under the “removal”.</td>
</tr>
<tr>
<td><strong>Returnee</strong></td>
<td>A person going from a host country back to a country of origin, country of nationality or habitual residence, usually after spending a significant period of time in the host country whether voluntary or forced, assisted or spontaneous.</td>
</tr>
<tr>
<td><strong>Third-country national</strong></td>
<td>Any person who is not a citizen of the European Union within the meaning of Art. 20(1) of the Treaty on the Functioning of the European Union (TFEU) and who is not a person enjoying the European Union right to free movement, as defined in Art. 2(5) of the Schengen Borders Code.</td>
</tr>
</tbody>
</table>

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14 Frontex CoC for JROs coordinated by Frontex 2013
16 EMN Glossary 2014
17 ibid
1. Ethics of Monitors

1.1 General remarks

Monitors shall be independent\(^\text{18}\) from the organisation enforcing and the escort personnel carrying out the forced return operation. The monitor and the organisation have to understand and accept the mandate of the escorts and be professional and neutral. Monitors shall act independently\(^\text{19}\) and shall not interfere in the planned execution of the forced return operation.

Main monitoring tasks:

- Impartially observe that returnee(s) are treated respectfully and in compliance with fundamental rights, in particular that any use of force and coercive measures is proportionate and strictly necessary\(^\text{19}\);

- Move freely to any place the returnee(s) is/are held, in line with the Guidelines and the Frontex Code of Conduct for JROs coordinated by Frontex\(^\text{20}\);

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\(^{18}\) The monitor should preferably not be the same person who has provided services (legal counseling etc.) to the returnee. Furthermore, the monitor, i.e. the person in question, should not be bound by orders from the organisation carrying out the forced return operation. When states nominate a monitor, independence should be guaranteed by that specific state.

\(^{19}\) The Guidelines mainly use the term fundamental rights over human rights, as the terms can be used interchangeably. A distinction in using the term fundamental rights rather than human rights relates to the fact that human rights is used mainly in the international context, e.g. conventions relate to human rights, whereas within the EU the term fundamental rights is used relating to the concept of human rights (see FRA website, FAQ). The Charter of Fundamental Rights the EU has adopted in 2000 underlines this.

\(^{20}\) Art. 14: “Monitors must have access to all relevant information…, (c.) including unimpeded access to all areas used for the JRO.” Frontex 2013: 15
Establish whether the forced return operation is conducted in a humane manner and respectful of the dignity of the returnee(s), in line with the requirements of the EU Charter for Fundamental Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms and other relevant guidelines and/or Code of Conducts that have been put in place;

Collect data covering the whole forced return operation in line with the phases outlined in the Guidelines and the monitoring report template, and provide a full and factual report.

The following guidelines apply to monitors of forced return operations. All references to operations in the following sections refer to forced return operations.

### 1.2 Neutrality

Monitors shall be impartial and objective towards all parties (returnee(s), escort leader, escort, organising staff, etc.) in their behaviour and observations;

Monitors shall observe whether the fundamental rights of every individual are respected in a non-discriminatory manner i.e. regardless of their nationality, place of residence, sex, national or ethnic or social origin, genetic features or skin colour, religion, language, belief, political or any other opinion, membership to a national minority, property, birth, disability, age or sexual orientation or any other status;\(^{21}\)

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\(^{21}\) Frontex CoC for JROs 2013.
Monitors shall carefully and impartially observe, document and report any action they have observed and deem to be inhuman, degrading, ill-treatment or misbehaviour or that they are made aware of by either a returnee, escorts or organising staff;

Monitors shall note the actions of all those involved with equal detail and care;

Monitors shall treat all returnees, escorts and support staff with courtesy and respect, avoid all forms of discrimination, and refrain from using vulgar, obscene or otherwise offensive speech or gestures towards other persons taking part in a forced return operation;

Monitors shall be aware (as outlined in their contracts) that in case of serious incidents, their reporting may be used in investigations by the police and/or in court procedures and may lead to a monitor being called as a witness.

1.3 **Professionalism**

The monitor will be tasked to observe the forced return operation, to verify whether fundamental rights standards and legal obligations are met during the forced return operation and that returnees are treated in a manner compliant with national legislation and international human rights standards;

Monitors must have the necessary qualifications, including proven record of initial, regular and specialised training on forced return monitoring;
Monitors shall familiarise themselves with the FReM Guidelines, FReM monitoring reporting templates and other documents provided by the EPFRM Secretariat;

Monitors shall carry out their attributed tasks in a dutiful, timely and accurate manner throughout the forced return operation;

At no time shall a monitor prevent or do anything that would prevent the forced return operation from taking place, or impede a returnee from being lawfully returned to his/her country of origin or residence, or help supporters of the returnee to do so. It is outside the scope of the monitoring system of Joint Return Operations to review the legal procedure leading to the return decision;

The consumption of alcohol while on duty is forbidden. The use or possession of narcotics and drugs, except those prescribed for medical reasons and which do not hinder the monitor to carry out the monitoring mission, is forbidden;

Monitors shall have the physical and psychological condition and capability to conduct the monitoring tasks.22

1.4 Confidentiality

The monitors shall be bound by confidentiality as part of their contract, and shall not disclose any information gained while fulfilling their monitoring obligations to any other parties besides those clearly stated in the reporting criteria, e.g. to representatives of the media or NGOs;

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22 Monitors shall be obliged to undergo a full medical check-up prior to signing their contracts.
Monitors shall be bound by the obligation to behave with a high degree of discretion regarding current, past, planned or potential forced return operations;

Any information received in the context of a forced return operation provided by the EPFRM Secretariat, an organising or participating Member State of a forced return operation, an escort, support staff or returnee shall not be disclosed, unless the performance of duty or the needs of justice strictly require disclosure, or disclosure has been appropriately authorised by the escort leader or the EPFRM Secretariat in accordance with the Communication Strategy of the European Pool of Forced Return Monitors (see more in the Framework for a EPFRM 2015).
The Guidelines for Forced Return Monitoring address the main stages of a forced return operation and provide guidance to monitors on how to conduct monitoring. The Guidelines follow the different phases of forced return as defined in the Framework of the EPFRM and thus cover:

- the pre-return phase;
- the pre-departure phase;
- the in-flight phase; and
- the arrival phase.

It must be noted that forced return may differ significantly in the Partner States of the EPFRM with regard to procedures, different steps in the return process and with regard to the infrastructure and equipment used during a return operation. As such, the present Guidelines strive to apply a generic forced return process, which may differ from country to country. Characteristics of the different countries must therefore be taken into account when applying the present Guidelines. As outlined in the *Framework for a European Pool of Forced Return Monitors*, the Secretariat will provide the monitors with country fact sheets listing the different return procedures in the various MS.\(^\text{23}\)

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\(^{23}\) Such as differences in the number of escorts; use of coercive measures etc.
2.1 Key Monitoring Standards applicable throughout the various Return Phases

All the standards outlined below should be applied in any of the phases throughout the forced return monitoring operation.

2.1.1. Access to Information

In order to ensure an effective monitoring system, monitors must be provided with all relevant information concerning the forced return operation, have access to returnees, and unless the prevailing risk assessment prescribes otherwise, have unimpeded access to all areas used for the return operation. Monitors should document in writing any situation in which access was denied and provide details accordingly.

Only if the monitor has access to all relevant information can he/she decide on where to position him/herself in order to conduct the monitoring duties in the best way possible, i.e. to hear and see. As the escort leader/head of operation is responsible for the security of the persons involved in the operation, mutual understanding about the positioning of the monitor needs to be reached between the monitor and the escort leader. The mutual understanding is ideally based on flexibility with a specific attention to security issues, while at the same time allowing the monitor to have ample access to “hear and see”.

2.1.2. Interaction of Monitors with Escort Leaders

Monitors must follow the instructions given by the escort leader at all times. Monitors should inform the head of operation (JRO) and/
or the escort leader(s) of any perceived irregularities immediately. The monitor may not under any circumstances interfere with the planned execution of the return operation or any measures taken by the escorts.

Should a returnee express the wish to complain about the treatment received during the forced return operation, the monitor should pass this information to the escort leader, who should inform the returnee on the applicable procedure under national law.

2.1.3. Documentation

Audio-visual recording during a monitoring mission is in principle not allowed. Specific requests shall be agreed beforehand by the Secretariat and the participating Member State. Should any significant incidents occur or any coercive measures be used in the course of the operation, the escort leader is obliged to make a detailed report on these incidents. The obligation of the escort leader to report these incidents should not prevent the monitor from carrying out his/her duty to report incidents or coercive measures observed during the forced return operation.

2.1.4. Coercive Measures

If warranted by the behaviour and actions of the returnee(s) and permitted by national law, different types of coercive measures can be used to secure an ongoing removal, or to safeguard the safety and health of the returnee(s), escorts, staff, airline crew, other passengers or property. Information related to alleged hunger strikes, self-injuries, threats against escorts or aborted removals
have to be taken into account, even though this information does not automatically justify coercive measures.

The Frontex Code of Conduct for Joint Return Operations contains the following standards for coercive measures:

- **Coercive measures may be used only when strictly necessary on returnees who refuse or resist removal or in response to an immediate and serious risk of the returnee escaping, causing injury to herself/himself or to a third party, or causing damage to property;**

- **The use of coercive measures must be proportional, not exceeding reasonable force, and with due respect to the returnee’s rights, dignity and his/her physical integrity;**

- **Coercive measures likely to compromise or threaten the possibility of the returnee(s) to breathe normally, must not be used;**

- **The organising MS and Frontex decide on a list of authorised restraints in advance of the JRO. This list must be distributed to the relevant participating MSs prior to the JRO. The use of sedatives to facilitate the removal is forbidden without prejudice to emergency measures to ensure flight security;**

- **No participating MS is required to use coercive measures not allowed under its national legislation even if those measures are accepted by the organising MS and Frontex for that**
particular JRO\textsuperscript{24} subject to the prerogatives of the organising Member State during the stop over within its territory.

The standards above shall also be applied for joint air, land and sea return operations organised between two or more MS.

The returnee’s(s’) behaviour during the first meeting with the escort leader, and the security checks, will indicate whether coercive measures are or might be required. The monitor should report the type of coercive measures used, the reason for using them, the length of time they were used as well as the time and reason why the use of coercive measures ended. The observations and information gathered by the monitor should serve the purpose of determining the appropriateness of the use of coercive measures, and provide an informed opinion as to whether the techniques used are more likely to promote calm behaviour rather than escalate further tensions. Therefore, a monitor has to be aware of the coercive measures (and materials) as well as the use of force permitted in each Member State and keep him/herself informed about developments in this area.\textsuperscript{25}

In case coercive measures have to be used, the monitor should from time to time check the situation and monitor both the escort and the returnee(s).


\textsuperscript{25} The organising MS decides on a list of authorised restraints and measures in advance of the return operation. The exact situation when each of the tactics is used is determined nationally. The Secretariat shall provide the monitor with a list of coercive measures used in the organising and participating MS.
In case family members or bystanders try to prevent the removal, and coercive measures have to be used to overcome this resistance, the monitor should pay attention that minors and family members are removed in an appropriate way, so as to be out of sight and hearing distance.
3.1 Introduction

In this section, the Guidelines provide information on the different phases of the return process as defined in the Framework for a European Pool of Forced Return Monitors, developed as part of the FReM project. Each phase is briefly introduced, outlining the main actions that are being implemented in the respective phase, and the most common challenges that the phase encounters with respect to treatment of the returnee(s). For each of the mentioned actions, guidelines for the monitors with regard to their positioning, as well as the main points that need to be monitored, are summarised.

Before moving into the different phases, consideration is given to the necessity for a thorough preparation undertaken by the Secretariat, and by the individual monitor.

3.2 Preparation of the Monitoring Mission

The monitoring, as described, requires preparatory actions to be conducted by the Secretariat, as well as by the selected monitor(s). The monitor(s) must already have been selected by the Secretariat in cooperation with the organising Member State.\(^\text{26}\) The preparation

\(^{26}\) The number of monitors will be determined by the Secretariat or alternatively, the organising Member State in accordance with the number of returnees and escorts, means of transportation (e.g. number of aisles, different sections divided by galleys), duration of the return operation, number of Member States involved or advance information about specific risks. If more than one monitor is requested, the Secretariat will, whenever possible, provide monitors of different gender and language skills.
requires close communication between the Secretariat and the selected monitor(s), as well as the organising Member State.

### 3.2.1. Preparation provided by the Secretariat

In order to prepare a monitoring mission, the Secretariat shall:

- Inform the monitor about: the date, time of the return operation and ports of departure, the country(ies) of return, stopover information (when applicable), organising Member State, participating Member States and necessary travel documents, the number and origin of returnees (when available), particularly including any forms of vulnerability, e.g. pregnant women, families with minors, elderly people, persons with disabilities or with a medical condition. The information should be available to the monitor one week before the departure, and the monitor should be aware that this information is subject to change;

- Inform the monitor about changes to the schedule of the return operation provided by the organising Member State or the escort leader (if not directly communicated to the selected monitor);

- Provide the monitor with a list of authorised restraints agreed upon in advance with the organising Member State, and Frontex in the case of a JRO (and in accordance with the “implementation plan”);

- Provide the monitor with a list of recommended immunisations (if required by the country of return). The monitor is responsible for his/her immunisations and/or other necessary medical precautions;
Provide the monitor with a monitoring tool kit.

**Monitoring Tool Kit:**

The Secretariat will provide the monitor with a monitoring tool kit. The tool kit will be handed over to the monitor after successful participation in the Forced Return Monitoring Training conducted in the framework of the EPFRM. The monitoring tool kit will include useful and necessary items, which the monitor shall always be in possession of when conducting a monitoring mission. The tool kit will include:

- The Guidelines and Monitoring Tools, including the preparatory check-list and the monitoring report template;
- Letter of credence/appointment (could be issued for every flight to the monitor with an official stamp by the Secretariat);
- A reflective vest imprinted with “MONITOR” for identification purposes during the monitoring mission;
- Emergency number provided by the Secretariat.

### 3.2.2. Preparation by the Monitor

A monitor has to be aware that forced return operations often have unusual schedules, can last for many hours (day and night) and can be cancelled or postponed at short notice. Monitors therefore need to be prepared for all situations and remain flexible.

It is critical for the successful implementation of a monitoring mission to be at the meeting point at the appointed time and not to be late. The escort leader and his/her team are under no obligation to wait for the monitor(s).
Further information on the travel documents necessary, packing, dress code, and documentation can be found under 9.1 Preparatory Check-List in this document.
4.1 Description of the Phase

This phase starts when all legal remedies have been exhausted and the respective national authorities have ordered the enforcement of the individual return decision/removal order. It is not the task of the monitor to question the legality of the decision.

The pre-return phase starts a minimum of 24 hours prior to the departure, during which the monitor will verify whether the prospective returnee has been informed about the return operation, and when possible shall participate in the briefing by the escort leader of the national escort team.

Main steps in the Pre-Return Phase

During the pre-return phase the monitor shall participate in the following actions:

- **Step 1.** Individual contact talks of returnee(s) and the escort leader, or should that not be possible, verify whether the prospective returnee(s) has/have been informed about the forced return operation (in a language the returnee(s) understand(s) or supported by an interpreter);

- **Step 2.** Briefing by the escort leader for the national escort team (if conducted during the time the monitor is present). In
the case of a JRO this is the briefing of the escort leader as part of the national feeder to the hub of the JRO;

**JRO, Steps 3-5.** Return operation from the national port of departure to the hub for the forced return operation. A Member State participating in a JRO (participating Member State) acts as feeder into the JRO hub. Therefore, for the participating Member State, the pre-return phase involves steps of the pre-departure phase and in-flight-phase, and ends with the arrival at the port of departure of the hub of the JRO, where the returnee(s), escorts and monitors are brought to the respective designated waiting area.

In a national forced return operation, Steps 1 and 2 are completed as part of the pre-return phase, after which the pre-departure phase begins.\(^{27}\)

In the case of JROs, however, Steps 3-5, as listed below, apply in addition to Steps 1 and 2 as part of the pre-return phase for the transfer of returnees from the participating MSs to the hub of the JRO.

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\(^{27}\) The description of the steps in the phases follows the procedures as identified in the majority of project/associated project partners. However, they might differ in certain aspects and amongst MS and associated States. For example, in Switzerland, in the case of an operation by air, the briefing of escorts is conducted shortly before take-off at the airport and thus falls under the pre-departure phase.
Main challenges in the Pre-Return Phase

In this phase it is fundamental that the returnee(s) is/are informed about the return process in a language they understand (or else, supported by interpreters) and in an adequate and respectful manner. The escort leader then has to provide all relevant information on the operation to his/her escort team.

The main challenge that may arise is that the returnee(s) refuse to cooperate and try to find ways of preventing the return operation. The returnee(s) might use the contact talks/meeting with the escort
leader to question the legality of the procedure leading to the pending return. They may state that the authorities have mistakenly identified the nationality that a medical check is due within the next days/weeks, or they may stress that they will leave behind a child or a pregnant girlfriend. It is important to note that all these issues are reviewed by different authorities, legal counsellors, welfare organisations and/or NGO’s before the Member State plans the return operation, or the escort leader starts his/her preparation.

It is important to listen carefully to such claims in order to better understand the returnee(s) and his/her/their behaviour. It is, however, not the responsibility of the escort leader or the monitor to review and/or question the legality of the forced return decision. Nevertheless, the monitor should include any mistreatment alleged by the returnee(s) in the monitoring report.

The Secretariat shall have the responsibility, according to the selection criteria listed in the Framework for the EPFRM, to address issues such as number of monitors, spoken languages etc., thus ensuring that challenges such as language barriers during a return operation can be properly addressed.

4.2 Monitoring during the Pre-Return Phase

4.2.1. Step 1: Contact Talks – Individual Meetings with Returnees

The monitor shall as far as possible attend the individual contact talks of the escort leader, his deputy or other escorts with the returnee(s). The observations made during the contact talks should provide the
monitor with important information as to which returnee(s) may require more attention during the return operation.

- **Positioning of the Monitor**

During the contact talks, the monitor shall be positioned in the background so as not to obstruct proceedings. He/she is not to intervene during the meetings but may ask questions and should take notes to be included in the report that follows. The monitor may ask questions after the contact talk but no discussions between the escort leader and the monitor should take place in the presence of the returnee(s). If the monitor is unclear about something he/she should ask the escort leader, escorts or the returnee(s) (depending on the matter) after the meeting.

- **What to observe**

Special attention should be paid to whether:

- the contact talk served the purpose of informing the returnee(s) about the return operation as well as serving the purpose of making a decision on the risk assessment;
- the language of the escort leader was respectful and was understood by the returnee(s);
- the escort leader was supported by adequate interpretation services if needed;
- the escort leader’s behaviour towards the returnee(s) was accommodating as far as possible on a return operation;
there was sufficient time to clarify questions concerning the return operation;

specific needs in preparation for the return were addressed, such as:

- a phone call to inform someone in the country of return about the return and estimated time of arrival in order to arrange a pick up;

- the returnee(s) is/are able to transport their luggage or personal belongings (during JROs a limit of 20-30kg per returnee is usually applied);

- the returnee(s) is/are in possession of or can obtain specific clothing from the luggage for the return.

4.2.2. Step 2: Briefing by the Escort Leader for the National Escort Team

Positioning of the Monitor

No specific position of the monitor is required. The monitor should participate in the briefing where information about the upcoming return operation (destination, time of arrival, operation plan, risk assessment etc.) is shared. He/she should introduce him/herself to the escort leader(s), escorts and other participants in the return operation.
What to observe

The monitor shall participate in the briefings of escort leader(s) and escorts prior to the return operation, in order:

- to be introduced to the escort leader and the team by name and role;
- to be informed about the outcome of the risk-assessment of the returnee(s) and the operation itself; the monitor shall request information on the returnee(s), especially regarding alleged hunger strikes, self-injuries, threats against escorts or aborted removals;
- to be informed about the list of authorised and forbidden coercive measures and restraints (including certain materials that might be forbidden);
- to gather information on whether particular attention has been given to the concerns of vulnerable persons among the returnees;
- to acquaint themselves with the operational plan and to receive sufficient information regarding the means of transportation (e.g. type of aircraft/bus/train/ship used, seating plan, final number of returnees and participating Member States etc.).

4.2.3. Step 3: JRO: Physical Security check

See information provided in the pre-departure phase.
4.2.4. **Step 4: JRO: Transfer from the holding area to the port of departure**

See information provided in the pre-departure phase.

4.2.5. **Step 5: JRO: Transportation of returnees to the holding/waiting area at the JRO hub**

See information provided in the pre-departure phase.
5.1 Description of the Phase

The pre-departure phase covers the period from leaving the (temporary) facility until shortly before or just at the moment of embarkation. In this phase, a physical security check (body search) of the returnee(s) is usually conducted, the escort team is briefed (JRO) and the returnee(s) may stay in a holding/waiting/detention facility at the place of embarkation. The pre-departure phase ends shortly before or just at the moment of embarking the means of transportation for the return operation (aircraft/bus/train/ship).

Main steps in the Pre-Departure Phase

The pre-departure phase mainly covers the following actions:

- **Step 1.** Physical security check of returnee(s);
- **Step 2.** Transfer of returnee(s) from the holding/detention facility to the port of departure (airport/bus or train station/seaport). In JROs this applies only to the returnee(s) of the OMS as the PMS returnees have already arrived at the port of departure;
- **JRO, Step 3.** Briefing of the escort leaders (by the head of the operation/mission);
- **Step 4.** Waiting in a specific area at the port of departure (e.g. airport/bus or train station or seaport facilities);
JRO, Step 5. Meeting of the national monitor and European (JRO) monitor;

Step 6. Additional security check at the airport, if applicable;

Step 7. Transport of returnee(s) e.g. with the airport bus or coach to the means of transportation used for final removal.

For a national forced return operation steps 1, 2, 4 and 6 apply. In the case of JROs, all 7 steps apply for the organising MS (OMS). The participating MS (PMS) returnees, who have already arrived at the port of departure at the hub, will usually only go through steps 3-7.
Main challenges in the Pre-Departure Phase

In this phase the returnee(s) might realise that return is imminent, which may lead to growing tension and unforeseen situations. This is probably the most complex phase of the monitoring.

If a returnee attempts to impede his/her legally sanctioned effective removal, the following actions may occur: self-harm, lack of cooperation with escorts, physical resistance. This situation usually occurs after the returnee(s) is/are informed of the imminent return and usually ends with the take-off. Consequently, the use of coercive measures and their appropriateness may play a major role in this phase.

5.2 Monitoring during the Pre-Departure Phase

5.2.1. Step 1: Physical Security Check

■ Positioning of the Monitor

The monitor should if possible, be present while the returnee(s) is/are undergoing a physical security check, so as to gather information about incidents e.g. medical problems, self-harm, that may have occurred since the returnees were informed about the return procedure and how they have been treated.
What to observe

The monitor shall observe whether:

- The physical security checks were explained by the escorts before they commenced. The security check of a returnee is conducted with appropriate regard to privacy – especially if the returnee is requested to remove his/her clothes completely. Physical security checks are to be carried out by officers of the same sex (i.e. female returnee – female officer; male returnee – male officer);

- If of a different sex than the returnee, the monitor should at least be allowed to hear what is going on during a body search, e.g. with the door kept ajar;

- As a potentially escalating situation is often indicated by dispute, shouting and screaming, the door to the room where the security check takes place should not be closed completely but remain ajar;

- In addition to personal belongings that have to be taken away for security reasons, (e.g. a belt), valuable items such as money and jewellery, are collected by the escorts, and a protocol listing the items is prepared. The returnee should sign the list and the package containing his/her personal belongings should be marked with his/her name. The returnee should be informed about the procedure with regard to his/her personal belongings: who will keep them during the flight and when will

28 The physical security check takes place to ascertain any risks and to ensure the returnee does not carry any objects that could be used to harm themselves or others.
they be returned to the returnee. Precautions have to be taken so as to ensure that personal belongings of different returnees are clearly marked to avoid getting mixed up or lost.

The monitor should closely observe:

- A high level of security needs to be ensured by the escorts for the operation. The monitor has to observe and report on potentially degrading behaviour or verbal abuse, while a body search is undertaken. Attention has also to be paid to the behaviour of the returnee;

- The monitor should take note whether the escorts are dealing with such a situation calmly, professionally and respectfully. Unnecessary gatherings of spectators, use of inappropriate language e. g. swearing in front of returnees, unprofessional (juvenile) behaviour of staff and any photos taken for private reasons should be reported and the escort leader should be informed.

In case coercive measures are used, the monitor has to report (using a separate form), whether the decision was well-founded and reasonable, what techniques were used and if they were conducted professionally and to a high standard, and if the duration was kept as short and as moderate as possible.
5.2.2. Step 2: Transfer to the Port of Departure

- Positioning of the Monitor

The monitor shall be present when the returnee(s) is/are picked up by escorts from the holding/ waiting/detention facility and ride in the same vehicle as the returnee(s).

During a JRO this applies to the returnee(s) of the OMS at the JRO hub, as the PMS escorts usually arrive with their returnee(s) (and the monitor(s)) directly at the port of departure of the JRO.\(^{29}\)

When possible, the monitor should be in the same vehicle as the returnee(s). If more than one vehicle is used to transfer the returnee(s), the monitor, following the instructions of the escort leader, shall ride with those returnees evaluated to be of a higher risk of resistance or with vulnerable returnees.\(^{30}\)

- What to observe

At this stage the monitor shall observe whether:

- The returnee(s) is/are properly dressed. In case a belt has to be removed for security reasons it has to be guaranteed that trousers will stay up without having to be held by hand. If

\(^{29}\) In instances, e.g. if a PMS national feeder to the hub was by air, and the JRO is implemented by train or bus or sea, the transfer however would also apply to PMSs and their returnees.

\(^{30}\) The monitor shall be seated in the best position to be able to see and hear adequately during the transfer. The decision on where to sit will be taken by the escort leader, who is best suited to assess the situation.
shoelaces have to be removed, the returnee(s) should still be able to walk normally and not lose their shoes while walking;

The personal belongings of the returnee(s) are packed in proper bags and boxes and have a nametag, so the returnee(s) can identify his/her/their luggage in the country of return. Depending on the number of returnees, a high number of bags and boxes may have to be prepared for the transfer to the port of departure. The bags and boxes should be of sufficient quality to withstand the journey and be collected upon arrival in the country of return. If a returnee does not have appropriate bags or packaging for his/her belongings, these should be provided by the holding/detention or waiting facility;

Different types of vehicles can be used to transfer returnees from a holding/detention facility to the port of departure. Depending on the outcome of the risk assessment, a returnee may be transferred in a civil vehicle, e.g. a coach or bus, or police secure transport which may be in a police car or van with a specially adapted cell;

The vehicles for transportation of returnees are clean and well maintained;

Depending on the season and weather conditions, the air-conditioning system, if one exists, should be used appropriately. This should equally be applied in the seating area and holding cells;

The time returnees have to spend in cells inside a police coach is limited to the minimum possible;
Cells inside a police coach are not used as waiting areas;

If waiting time cannot be avoided, the doors should stay open, if reconcilable with the risk assessment, and guarded by an escort;

If vulnerable persons are among the returnees, the monitor should observe how they are handled and treated and whether different procedures are used for this specific group. In case of separate transfer, the monitor needs to decide which group he/she accompanies.

In case a family member, such as a parent, resists the removal and has therefore to be separated from the family while transferred to the airport, the monitor should pay attention, whether:

- The family is kept informed about the situation of the resisting family member and vice versa;
- The length of separation is kept as short as possible.

5.2.3. Step 3: JRO: Briefing of escort leaders

- Positioning of the Monitor

No specific position of the monitor is required. If scheduled, the monitor should participate in the briefing of the JRO head of operation with the escort leaders of participating Member States.

31 There might be different practices amongst participating states with regard to the transportation of vulnerable groups to the final means of transportation (they may be brought in a separate vehicle or they may be transported jointly with the whole group of returnees etc.).
The monitor shall introduce him/herself and request information on the returnee(s), especially that relating to incidents on the way to the JRO Hub as well as information regarding the use of coercive measures.

- **What to observe**

The monitor shall participate in the briefing of escort leaders of participating Member States in order:

- to be introduced to the escort leaders by name and role;
- to be informed about the risk-assessment of the returnee(s), the agreed JRO list of authorised/forbidden coercive measures/restraints (if it has not been shared previously) and the operation itself including security, surveillance plans, and seating etc.;
- to monitor whether specific needs of vulnerable persons among the returnees have been considered and taken into account.

### 5.2.4. Step 4: Waiting area at the Port of Departure

During both national forced return operations (FROs) and JROs, returnee(s) wait with their escorts (and the monitor(s)) until the departure of the means of transportation, in an adequate waiting or holding area that allows for supervision and security. The layout of the waiting area may vary, depending on the infrastructure of the waiting facility.
- **Positioning of the Monitor**

The monitor should stay with the returnees if all returnees have to wait in the same room. Otherwise, the monitor should divide his/her time between the different rooms/cells where returnees are waiting. The monitor shall position himself/herself in a strategically located position, which would ensure that he/she is able to observe returnees of higher risk, taking into consideration the results of the risk assessment. The monitor should be able to move around freely (in accordance with the risk assessment outcome) at this stage in the waiting area.

- **What to observe**

At this stage the monitor shall observe whether:

- Depending on the number of returnees, and the risk-assessment, an emergency doctor is present or on call (during JROs, at least one medical doctor should be present, Frontex CoC for JROs, Art. 11 (1));

- Medical staff are checking on returnees with medical problems or special needs;

- Agitated returnees are separated from cooperating returnees to calm the situation and avoid tension;

- Sufficient catering (food, water, non-alcoholic beverages) is offered to the returnees, even in case of unexpected delays (technical problems with the means of transportation, bad weather conditions etc.). It should be considered that due to the schedule of the return operation and the related transfer,
returnees may have missed a meal in the holding/detention facility;

- Returnees are offered the opportunity to use the toilet;
- The needs of smokers are addressed as far as possible;
- Religious needs are addressed as far as possible;
- The waiting facility is equipped properly (e.g. chairs, surveillance camera etc.).

5.2.5. **Step 5: JRO: Meeting of national and European (JRO) Monitor(s) - information exchange**

Monitors that were on a national feeder to the JRO hub might, but do not necessarily continue monitoring the onward journey from the hub to the country(ies) of return of the JRO. European (JRO) monitors from the JRO hub are responsible for monitoring the operation and all returnees. Nevertheless, relevant information on the returnees and previous national feeder operations are also significant to the European (JRO) monitor.

- **Positioning of the Monitor**

National monitors observing a national feeder to the JRO hub will most likely stay with the escorts and the returnee(s) of this participating Member State, in the waiting area at the port of departure at the hub. Therefore, in most cases national monitors and European (JRO) monitors hold a meeting in the waiting area at the port of departure.
What to Observe

The European (JRO) monitor shall introduce him/herself to the national monitor(s) present. The monitors shall exchange information on the status of the return operation, challenges encounter or foreseen and information on vulnerable groups.

5.2.6. (Step 6: Security check at the airport)

As part of a forced return operation by air, both a national FRO and a JRO might include an additional security check of the returnee(s) and each returnee’s luggage at the airport, depending on the requirements of the airport authority and the regulations in the MS. This security check is in most cases undertaken by the official airport security personnel. Step 6 might also happen before step 4.

5.2.7. Step 7: Transport to the means of transportation for the removal

The returnee(s) may regard the transport from the waiting area to the means of transportation (aircraft, bus, train, ship), as a last chance to bring a removal to a halt.

The escorts should accompany the returnee(s), remaining vigilant and taking precautions against possible self-inflicted injuries. If there is reason to believe that a returnee will resist while being escorted onto the coach or bus that is used to transfer returnees and escorts to the final means of transportation (aircraft, bus, train, ship), or when entering an aircraft, bus, train or ship, it is preferable that the escort accompanies the returnee in order to prevent injuries.
Positioning of the Monitor

On the means used to transport the returnee(s) (coach, bus, car etc.), to the means for final removal (aircraft, bus, train, ship), the monitor should, if possible, be assigned a seat either in the middle or at the back so as to have a good overview of the escorts and the returnee(s).

Arriving at the aircraft, bus, train or ship to be used for the removal, the monitor should be one of the first to exit and position him/herself in order to observe how the returnee(s) and escorts leave the coach or bus. In case a returnee refuses to disembark, the monitor should closely observe the situation, without hindering the escorts.

What to observe

At this stage the monitor shall observe whether:

- The escorts are close to the returnee(s) while guiding them from the coach or bus to the means of transportation for their removal without unnecessary use of force;

- Provisions against self-inflicted injuries by the returnee(s) are taken into account, as well as the related infrastructure (e.g. at airports: the use of a covered mobile gangway, number and position of escorts accompanying the returnee(s));

- Only the authorised coercive measures (and materials) are used during the transport and embarkation;
If vulnerable persons are among the returnees, the monitor may observe how they are attended to and whether different ways for embarkation are used for this specific group.
6. Phase 3: In-Flight Phase

6.1 Description of the Phase

The in-flight phase begins upon entering the means of transportation, e.g. aircraft, bus, train, ship, used for the removal and ends with the arrival at the final destination (country of return or, in case of an unsuccessful return, back to the country of departure, including the transit via another country, if applicable).

Main Steps in the In-Flight Phase

The in-flight phase mainly covers the following actions:

- **Step 1.** Embarkation on board the means of transportation for the removal (JRO: at the hub);
- **Step 2.** Stopover, if applicable.

1. Embarkation and transportation of returnee(s) on board the means of transportation for the forced return (aircraft, bus, train, ship)

2. Stopover - if applicable, e.g. to collect other returnee(s) (with their escorts) and/or the country of return for some returnee(s). In case of a stopover, the in-flight phase applies again
Main Challenges in the In-Flight Phase

At this stage, the returnee(s) may have already tried to impede his/her/their removal, e.g. by self-harm or lack of cooperation with escorts. In most cases the agitation stops when the means of transportation starts moving/plane takes off and the returnee(s) understands that return is inevitable.

During the in-flight phase the returnee(s) might become emotional, possibly start crying, insult the escorts, misbehave and might become violent. This situation may last for several hours. If the escorts have to use coercive measures, the space available on board of an aircraft, bus, train or ship is very limited. Other returnees may be in close proximity and could possibly act in solidarity with the returnee(s) concerned. This could possibly escalate tension and make the operation more complex.

The in-flight phase may vary in length, depending on the distance to be covered. It might also involve an overnight flight or bus or train ride. Monitors shall stay awake for the entire duration of the operation.

6.2 Monitoring during the In-Flight Phase

6.2.1. Step 1: Embarkation and transportation to the country of return

Positioning of the Monitor

For the embarkation process, the monitor has to position him/herself at the entrance of the aircraft (in this case the lower end of the
gangway), or the respective door of the bus, train or ship in order to be able to observe the procedure. In case a returnee refuses to embark, the monitor should closely observe the situation without hindering the escorts.

Different types of means of transportation come with different interiors varying from one continuous cabin for passengers to numerous segregated compartments. In general, the monitor should be assigned a seat in the middle or at the back of the cabin (aircraft, train, ship) to observe the escorts and the returnee(s). If a specific returnee has to be observed more closely, the monitor should take a seat in one of the rows close to this returnee.

The monitor should avoid being seated in a place where his/her view or ability to move is restricted. The escort leader should inform the monitor about the seating arrangements (usually during the briefing), and shall address any questions or concerns. When more than one toilet is available, the monitor shall use the toilet designated for the escorts.

Monitors should not remain seated throughout the whole trip. It is advised to move around from time to time to observe the situation.\(^{32}\)

Should two monitors be observing this phase, one monitor should be seated at the back and the other in the middle or the front in order to optimise their view.

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\(^{32}\) In the case of a land operation this does not apply. Monitors shall decide whether to sit at the back or in the middle of a bus (or comply with the seating plan and/or the instructions of the escort leader/head of operation) and shall not move around.
What to observe

At this stage the monitor shall observe whether:

- The escorts accompany those returnees that showed agitation or increasing uncooperative behaviour (or resistance) when disembarking the coach or bus, while escorting them to the means of transportation for removal and onto the aircraft, bus, train or ship without unnecessary use of force;

- The chartered aircraft or bus, or booked cabin on a train or ship meets the requirements of the return operation as well as the needs of returnees, including vulnerable groups, and escorts (relating to availability of seats, toilets, temperature etc.);

- Toilet visits are taking place regularly, in line with the needs of returnees, and are properly conducted;

- Sufficient catering (food, water, non-alcoholic beverages, including specific health and religious requirements) is offered to returnees. Escorts and returnees should be offered the same kind of food and drinks. Hot liquids, e.g. coffee, tea, and cutlery should be avoided. In order to evaluate whether the catering for returnees during the return operation was adequate or not, the monitor should, in case of an operation by air, consume the food and/or drinks provided by the airline. The provision of food during an operation by land differs, and might not be provided to all participants. Thus, the monitor,

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33 Ideal catering would include sandwiches and should only require the use of spoons. Cutlery (knives and forks) should always be avoided.
e.g. for operations by bus, might be asked to take food and water with him/her;

In case coercive measures are used, the escorts check the returnee regularly. The monitor should observe coercive measures for as long as they are in place and document their use, including the exact duration, as accurately as possible. If the monitor has reason to believe that a coercive measure is no longer appropriate, or that the intensity could be reduced, he/she should communicate it to the escort leader and/or head of operation of the JRO;\(^{34}\)

In cases of perceived imminent danger the monitor has to inform the escort leader (JRO: head of operation) immediately;

Access to medical care during the transportation is guaranteed. Should the monitor have any questions, he/she should ask the doctor/paramedic on board. The role of the monitor is not to double check the medical care provided by the doctor but to understand if adequate care is provided;

In case a returnee was cleared to be “fit-to-travel” to a limited extent, the condition of the return operation complies with the medical restrictions throughout the whole flight. The use of sedatives to facilitate the removal is forbidden without prejudice to emergency measures to ensure flight security\(^{35}\).

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\(^{34}\) The decision regarding the use or termination of use of coercive measures, however, remains strictly with the escort leader and the head of operation, in case of a JRO.

6.2.2. **Step 2: Stopover (if applicable)**

If a stopover is not only used for re-fuelling but also to pick up further escorts and returnees, the monitor should observe their embarkation.

In case agitated returnees have to be carried onto the means of transportation and forcefully fixed on their seats, a calm situation could quickly deteriorate if other returnees decide to act in solidarity.

Ideally, the monitor(s) already on board and any newly arrived monitor(s), should have time to brief each other. In case the monitor in charge of the new group of returnees joining the operation does not come on board, the monitor shall discuss with the escort leader in charge of the new group of returnees, to ask for information related to risks and the use of coercive measures, vulnerable groups, etc. Exchange of information shall take place verbally, thus reducing the possibility of misunderstandings and misinterpretation of written information.

In cases of a stopover (overnight), the monitor shall stay in the same accommodation as the escorts. Information about the costs covered will be provided prior to the return operation.

- **What to observe**

At this stage the monitor shall observe whether:

- In case of tension, the escorts try to calm the returnee(s) and keep them seated;
In case of a stopover involving the embarkation of a new group of returnees, seating arrangements are planned in advance so that the new group will not pass in front of already seated passengers while boarding the means of transportation. If any of the returnees that are embarking at this time are agitated and have to be carried onto the means of transportation and forcefully fixed on their seat, a calm situation could deteriorate;

The European (JRO) monitor shall observe the new group of returnees, especially vulnerable groups, and any coercive measures used.
7. Phase 4: Arrival Phase

7.1 Description of the Phase

The arrival phase covers the period starting from arrival at the country of return, and ends when the returnee(s) is/are handed over to the national authorities in the country of return, or (in the case of an unsuccessful return), with the handover to the authorities back at the country of departure.

Main steps in the Arrival Phase

The arrival phase mainly covers the following actions:

- **Step 1.** Arrival in the country of return;
- **Step 2.** Handover of the returnee(s) to authorities in country of return;
- **Step 3.** Stopover (if applicable);
- **Step 4.** Return to the country of departure (JRO: hub);
- **Step 5.** Debriefing.
Main challenges in the Arrival Phase

Before a forced return operation is conducted, the country of departure and the country of return cooperate closely to ensure that the respective returnee(s) will be admitted by the national authorities in the country of return. Nevertheless, the readmission of a returnee can be refused by the national authorities of the country of return. This may be the case when documents are not accepted, there are doubts with regard to the nationality of the returnee or the returnee is in need of specific medical care and the country of return does not want to provide it, or is not in a position to provide such care.

The number of such refusals is normally low, especially in Joint Return Operations. It can be expected that the returnee will be calm and shall not discuss the reason for his/her non-acceptance of readmission and is therefore cooperative. Alternatively, the returnee could vent his/her anger about the attempted removal or there could be tension between the returnee and escorts.

Monitoring shall take place as long as a returnee is present and is brought back to the country of departure safely and with dignity.
Catering and medical support, if required, has to be provided. The monitoring responsibility ends the moment the escorts hand over the returnee(s) to the national authorities in the country of return, or back to those in the country of departure.

Monitoring of the treatment of the returnee(s) by the local authorities upon arrival is not within the scope of the duties of the forced return monitor as defined in these Guidelines. However, if the monitor witnesses any mistreatment, the monitor should include such details in the monitoring report and gather as much information as possible from the escort leader/head of operation (JRO).

7.2 Monitoring during the Arrival Phase

7.2.1. Step 1: Arrival in the Country of Return

- Positioning of the Monitor

When the returnee(s) are handed over to the local officials inside the means of transportation, the monitor should be seated in one of the front rows/close to the entrance, where he/she has a good view and is within hearing range.

If the aircraft is returning immediately after the hand-over, the monitor should watch from the window seat or if possible from the platform of the gangway, to observe how the luggage was delivered to and collected by the returnee(s), as well as how they were treated by local police or border guards. Observed incidents or mistreatment should be documented in the monitoring report. In preparing further return operations to this country of return, consideration should be
given as to how to safeguard correct treatment of the returnee(s) after arrival.

- **What to observe**

At this stage the monitor shall observe whether:

- Remaining hand-cuffs, body-cuffs or other restrictions are removed after arrival, if possible;

- All personal belongings, which were taken away because of security reasons, are given back to the right returnees;

- Validated complaints of returnees, e.g. concerning lost or damaged luggage, money or documents), are handled efficiently by the escorts. The monitor should include details of other complaints, e.g. against escorts, in the report.

### 7.2.2. Handover to Authorities in the Country of Return

The escort leader(s) of the organising Member State and each participating Member State shall hand over the returnee(s) to the authorities of the country of return, with their luggage and any other items.

- **Positioning of the Monitor**

After arriving in the country of return, the monitor should stay close to the returnee(s) and observe the handover to national authorities.
What to observe

At this stage the monitor shall observe whether:

- Remaining hand-cuffs, body-cuffs or other restrictions are removed for the handover, if possible (if not done previously);

- All personal belongings, which were taken away for security reasons and the luggage of the returnee(s), are handed over to the returnee(s) or representatives of the local authorities (e.g. police) (If not done previously);

- The returnee(s) is/are handed over to the national authorities by the escort leader in a calm and professional way, especially if they caused trouble during the return operation or complain to the national authorities about the treatment received during the return;

- The luggage is still in good condition and returned to the returnee(s) in an organised way;

- In case a returnee´s arrest is observed during the hand over procedure, information about the reasons for the arrest should be gathered from the escort leader if possible;\(^{36}\)

- A representative of a monitoring system for human rights from the country of return (ombudsman, national prevention mechanism against torture, NGOs, etc.) is present.

---

\(^{36}\) In the case of land operations the monitor shall, if possible, step out of the bus to observe the handover of the returnee(s).
7.2.3. **Step 3: Stopover (if applicable)**

- See *Monitoring the in-flight phase*. All relevant steps apply again.

7.2.4. **Step 4: Return to the Country of Departure**

- **Positioning of the Monitor**

As the number of refused returnees, if any, on a monitored return operation will be low, the monitor should remain close to the returnee(s) all the way back.

- **What to observe**

- See *Monitoring the in-flight phase*. All relevant steps apply again;

- Depending on national procedures, either the same escorts remain responsible for an unsuccessfully returned individual, or a backup team of escorts, if available, might be responsible for the returnee(s) on the flight back to the country of departure.

7.2.5. **Step 5: Debriefing**

Monitors shall participate in the debriefing of escort leader(s) and escorts. They shall note who was present, when and where the debriefing was held and provide a brief account of the main findings/observations to the escort leader, in particular when an incident is to be reported. The monitor shall inform the escort leader about any incidents that he/she will mention in the report. Feedback from the escort leader, if any, shall be mentioned objectively in the monitoring report.
8.1 Reporting

The monitor shall draft the monitoring report based on the template provided and submit it to the Secretariat within seven working days. An oral debriefing with the Secretariat, in case of a serious incident, shall take place as soon as possible after the monitor has returned from the return operation.\(^{37}\)

The forced return operation shall be fully documented, particularly taking into account:

- any significant incidents that occurred;
- any means of restraint used in the course of the operation;
- any complaint against any alleged ill-treatment that took place during the operation.

Differences between factual (own) observations and reports from secondary sources should be made clear and differentiated between in the monitoring report.

Positive remarks and best practices identified, as well as any differences between the countries’ procedures of the return operation, should be included so as to benefit the practices of other MSs.

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\(^{37}\) For more information on reporting refer to the document: “Framework for the European Pool of Forced Return Monitors”.
9. Monitoring Tools

9.1 Preparatory Check-List

Preparatory Check-List

Travel documents

- Carry a valid passport and visa (if required) even if JROs often do not involve border controls;
- Monitors should bring along the ID card that connects him/herself with the letter of appointment;
- Certificate of vaccination (if required);
- Details regarding visa arrangements shall be provided by the Secretariat.

Packing

Besides necessary personal belongings, the monitor shall take the following things:

- It is recommended to use a backpack in order to facilitate movement and to keep both hands free;
- Waterproof clothing with a headpiece or cap. An umbrella is not to be used, as it impedes movement and observation;
- Pocket sized notepad (instead of A4);
- Mobile phone for personal use with the approval of the escort leader.
Dress Code

- Civilian clothes (high heels, neck tie, etc. should be avoided);
  Pack an extra set of clothes, irrespective of whether a stopover
  is planned or not, as the schedule might change;

- The specific reflective vest, identifying the person wearing it as
  a “MONITOR” and ensuring easy identification for access to
  restricted areas, such as the airfield, should be worn while on
  duty. The reflective vest is to be worn in all weathers over the
  coat (see Monitoring Tool Kit to be provided by the Secretariat
  above);

- Sleeping masks, headphones and earplugs are not permitted
  during a monitoring mission (with the exception of successful
  returns and an empty flight back to the country of departure).

Documentation

- See Monitoring Tool Kit above.

9.2 Monitoring Report - Template

To standardise the reporting of monitoring missions, the monitors
will have to use a template for their monitoring report. The template
is provided in the following and will be sent to the monitor by the
Secretariat before monitoring missions.
# GENERAL INFORMATION

0. MONITORING
0a. Monitor's family name
0b. First name
0c. Monitor's nationality
0d. Signature
0e. Date of submission of report
0g. Monitor hired for
0f. Submission to
0h. FRO departure date
0i. JRO departure date
0j. JRO departure hub
0k. Return #1 country
0l. Return #1 city
0m. Return #2 country
0n. Return #2 city
0o. Return #2 city
Commercial □ Charter □ □ (mark applicable)

<table>
<thead>
<tr>
<th>0p. Participants:</th>
<th>OMS</th>
<th>Retuees</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PMS</td>
<td>Retuees</td>
</tr>
<tr>
<td></td>
<td>PMS</td>
<td>Retuees</td>
</tr>
<tr>
<td></td>
<td>PMS</td>
<td>Retuees</td>
</tr>
<tr>
<td></td>
<td>PMS</td>
<td>Retuees</td>
</tr>
</tbody>
</table>

0q. Head of operation/Escort leader
(name, country)

0r. Other monitor(s) present
(name, countries/organisation and country of origin of returnees they are monitoring)

0s. Interpreter(s)
(name, languages)

0t. Was an interpreter(s) present throughout the full return operation?
YES □ NO □ partly □

If NO or partly—how did the escorts ensure that the returnee(s) understood the procedure?
(did the escorts explain, were the language skills sufficient...?)

0u. Medical staff
(name, function: doctor, nurse, paramedic...?)

0v. Administrative staff
(name, phase in which he/she was present, function: case worker, detention counsellor, ministry representative, embassy official, etc.)

0w. Other participants
(if applicable, name, function)

# RETURNEE NUMBERS

<table>
<thead>
<tr>
<th>Country of Return #1</th>
<th>Country of Return #2</th>
</tr>
</thead>
<tbody>
<tr>
<td>M</td>
<td>F</td>
</tr>
<tr>
<td>Adults</td>
<td></td>
</tr>
<tr>
<td>&lt;18 years (accompanied)</td>
<td></td>
</tr>
<tr>
<td>&lt;18 years (unaccompanied)</td>
<td></td>
</tr>
<tr>
<td>&lt;5 years</td>
<td></td>
</tr>
<tr>
<td>&gt;50 years</td>
<td></td>
</tr>
<tr>
<td>Family groups</td>
<td></td>
</tr>
</tbody>
</table>

Key: FRO = national forced return operation; JRO = joint return operation; MS = Member State; OMS = organizing MS; PMS = participating MS;
1g. Total no. of returnees

2. ESCORT MONITOR RELATIONS
2a. Did the escort leader introduce him/herself and the team to the monitor? [YES ☐ NO ☐]
   (Comments/explanations, if applicable)
   (if NO, give details)

2b. Was the escort leader responsive to questions from the monitor? [YES ☐ NO ☐]

2c. Were the escorts proactive in providing information? [YES ☐ NO ☐]

3. SUMMARY
   (mandatory: short summary of the full return operation, findings)

4. RECOMMENDATIONS
   (organisational recommendations for other operations, good practices in deescalating conflicts, etc.; indicate to whom directed)

5. PREPARATION OF MISSION
   (any remarks regarding the preparation process, was all relevant information provided...?)
### GUIDELINES AND MONITORING TOOLS FOR FORCED RETURN MONITORING

#### PRE-RETURN PHASE

<table>
<thead>
<tr>
<th>Question</th>
<th>YES</th>
<th>NO</th>
<th>Comments, if applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monitor covers the phase?</td>
<td></td>
<td></td>
<td>(If NO, still hand in the empty form)</td>
</tr>
<tr>
<td>0a. Monitor’s family name</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0b. First name</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0c. Monitor’s nationality</td>
<td></td>
<td></td>
<td>Use int. code</td>
</tr>
<tr>
<td>0d. Signature</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### RETURN OPERATION

<table>
<thead>
<tr>
<th>Question</th>
<th>YES</th>
<th>NO</th>
<th>Comments, if applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>0e. Holding/Detention facility name and address</td>
<td></td>
<td></td>
<td>(Comments, if applicable)</td>
</tr>
<tr>
<td>1. CONTACT TALK(S)</td>
<td></td>
<td></td>
<td>(pls. provide reason and who else monitored, if…)</td>
</tr>
<tr>
<td>1a. Was the monitor present at the contact talk(s)?</td>
<td>YES</td>
<td>NO</td>
<td>If NO,pls. provide reason</td>
</tr>
<tr>
<td>1b. Was the returnee able to understand the information provided?</td>
<td>YES</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>1c. Was an interpreter (speaking the relevant language) present/offered to the returnee?</td>
<td>YES</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>1d. Was the returnee provided with a possibility to communicate with someone in the country of return?</td>
<td>YES</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>1e. Was detailed information provided on the operation (date, route, proceedings with luggage etc.?)</td>
<td>YES</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>1f. Did the returnee agree to cooperate during the forced return?</td>
<td>YES</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>1g. (If NO in 1f.) Did the escort inform the returnee that no remedies will stop the forced return operation?</td>
<td>YES</td>
<td>NO</td>
<td>n/a</td>
</tr>
<tr>
<td>1h. Did the returnee have special requests and were they met?</td>
<td>YES</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>1i. Did the returnee show signs of nervousness or voice worrying statements and require preventive measures (such as secure cell) to prevent self-harm?</td>
<td>YES</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>Other comments/observations (if applicable):</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 2. ESCORT BRIEFING

<table>
<thead>
<tr>
<th>Question</th>
<th>YES</th>
<th>NO</th>
<th>Comments/Explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>2a. Did the monitor participate in the briefing by the escort leader/escorts?</td>
<td>YES</td>
<td>NO</td>
<td>(If NO, give reasons) (Comments/explanations) (details, how monitor ensured information)</td>
</tr>
<tr>
<td>2b. Did the briefing include a risk assessment/outcome of the risk assessment?</td>
<td>YES</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>2c. Did the escort leader give a timetable for the operation?</td>
<td>YES</td>
<td>NO</td>
<td>(If NO, give details)</td>
</tr>
<tr>
<td>2d. Did the briefing clarify the allocation of returnees to escorts?</td>
<td>YES</td>
<td>NO</td>
<td>(If NO, give details)</td>
</tr>
<tr>
<td>2e. Did the briefing provide a seating plan (so that the monitor can anticipate his/her position)?</td>
<td>YES</td>
<td>NO</td>
<td>(If NO, give details)</td>
</tr>
<tr>
<td>2f. Were (sufficient) female escorts allocated to accompany children and female returnees?</td>
<td>YES</td>
<td>NO</td>
<td>n/a</td>
</tr>
<tr>
<td>2g. Did the briefing identify especially vulnerable persons?</td>
<td>YES</td>
<td>NO</td>
<td>n/a</td>
</tr>
<tr>
<td>2h. Were special needs discussed?</td>
<td>YES</td>
<td>NO</td>
<td>n/a</td>
</tr>
<tr>
<td>2i. Was the list of authorised/forbidden restraints provided?</td>
<td>YES</td>
<td>NO</td>
<td>n/a</td>
</tr>
<tr>
<td>2j. Where required, were all returnees cleared by a doctor fit-to-travel prior to departure?</td>
<td>YES</td>
<td>NO</td>
<td></td>
</tr>
</tbody>
</table>

Further information and observations:

Key: FRO = national forced return operation; JRO = joint return operation; MS = Member State; OMS = organizing MS; PMS = participating MS;
### PRE-DEPARTURE PHASE (use form also when reporting on national feeder to JRO hub)

<table>
<thead>
<tr>
<th>0a. Monitor's family name</th>
<th>0b. First name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>0c. Monitor's nationality</th>
<th>Use int. code</th>
<th>0d. Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### OPERATION

<table>
<thead>
<tr>
<th>0e. Holding/Detention facility name and address</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

### 1. PHYSICAL SECURITY CHECK

1a. Was a physical security check/body search carried out?

<table>
<thead>
<tr>
<th>YES □</th>
<th>NO □</th>
</tr>
</thead>
</table>

1b. Was the physical security check/body search carried out...

- Clothed □ Unclothed □

1c. If uncloth, was the person carrying out the actual physical check of the same sex as the respective returnee?

<table>
<thead>
<tr>
<th>YES □</th>
<th>NO □</th>
<th>n/a □</th>
</tr>
</thead>
</table>

1d. Was the monitor, if of different sex, outside the room with the door kept ajar?

<table>
<thead>
<tr>
<th>YES □</th>
<th>NO □</th>
<th>n/a □</th>
</tr>
</thead>
</table>

1e. Were any dangerous/forbidden goods found during the physical security check?

<table>
<thead>
<tr>
<th>YES □</th>
<th>NO □</th>
<th>n/a □</th>
</tr>
</thead>
</table>

1f. Did any of these constitute a possible danger to the health and safety of the returnee(s)/escorts/participants?

<table>
<thead>
<tr>
<th>YES □</th>
<th>NO □</th>
<th>n/a □</th>
</tr>
</thead>
</table>

1g. Were returnees informed about the luggage packing arrangement/organisation of non-dangerous belongings/luggage?

<table>
<thead>
<tr>
<th>YES □</th>
<th>NO □</th>
</tr>
</thead>
</table>

1h. Was baggage adequately packed and labelled?

<table>
<thead>
<tr>
<th>YES □</th>
<th>NO □</th>
</tr>
</thead>
</table>

### Other comments/observations:

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
</table>

### 2. TRANSFER OF RETURNEES

2a. Were there sufficient seats to enable returnees to wait in comfort at the holding/detention facility?

<table>
<thead>
<tr>
<th>YES □</th>
<th>NO □</th>
<th>n/a □</th>
</tr>
</thead>
</table>

2b. Were there sufficient seats for all returnees in the vehicle used for transportation to the waiting area?

<table>
<thead>
<tr>
<th>YES □</th>
<th>NO □</th>
<th>n/a □</th>
</tr>
</thead>
</table>

2c. Which type of vehicle was used for the transfer?

<table>
<thead>
<tr>
<th>(give details, e.g. secure police van, police car, usual mini van/bus etc.)</th>
</tr>
</thead>
</table>

2d. Were returnees able to use the toilets in the holding/detention facility without being prevented or delayed?

<table>
<thead>
<tr>
<th>YES □</th>
<th>NO □</th>
<th>n/a □</th>
</tr>
</thead>
</table>

2e. Was the transport to the waiting area clean, ventilated and without excessive cold or heat?

<table>
<thead>
<tr>
<th>YES □</th>
<th>NO □</th>
</tr>
</thead>
</table>

### RETURNEE/ESCORT RELATIONS

2f. Did any returnee offer physical resistance to being moved or searched?

<table>
<thead>
<tr>
<th>YES □</th>
<th>NO □</th>
</tr>
</thead>
</table>

2g. Did any returnee offer verbal resistance?

<table>
<thead>
<tr>
<th>YES □</th>
<th>NO □</th>
</tr>
</thead>
</table>

2h. Were coercive measures applied?

<table>
<thead>
<tr>
<th>YES □</th>
<th>NO □</th>
</tr>
</thead>
</table>

2i. Did escorts and officials answer returnees’ questions?

<table>
<thead>
<tr>
<th>YES □</th>
<th>NO □</th>
<th>n/a □</th>
</tr>
</thead>
</table>

2j. Did escorts and officials answer courteously?

<table>
<thead>
<tr>
<th>YES □</th>
<th>NO □</th>
<th>n/a □</th>
</tr>
</thead>
</table>

2k. Was an interpreter(s) present and used, where relevant?

<table>
<thead>
<tr>
<th>YES □</th>
<th>NO □</th>
<th>n/a □</th>
</tr>
</thead>
</table>

Key: FRO = national forced return operation; JRO = joint return operation; MS = Member State; CMS = organizing MS; PMS = participating MS;
2L. Were family groups kept together when they were moved?  
- **YES**  - **NO**  - **n/a**  - *(if NO, give details)*

2m. Did any returnee voice a complaint (e.g. to the escort leader, an escort, the monitor)?  
- **YES**  - **NO**  - *(if YES, give details)*

**Other comments/observations:**

### 3. JRO - BRIEFING OF ESCORT LEADERS
3a. Did the monitor participate in the briefing by the escort leader?  
- **YES**  - **NO**  - **n/a**  - *(if NO, give reasons and details, how the monitor ensured the information)*

3b. Did the briefing include a risk assessment/outcome of the risk assessment/revision of previous risk assessment?  
- **YES**  - **NO**  - **n/a**  - *(if NO, give details – e.g. reasons. If YES, what it entailed)*

3c. Did the briefing give a timetable/security and surveillance/operation plan?  
- **YES**  - **NO**  - **n/a**  - *(if NO, give details)*

3d. Did the briefing clarify the allocation of returnees to escorts?  
- **YES**  - **NO**  - **n/a**  - *(if NO, give details)*

3e. Did the briefing provide a seating plan (so that the monitor can anticipate h/s position)?  
- **YES**  - **NO**  - **n/a**  - *(if NO, give details)*

3f. Were (sufficient) female escorts allocated to accompany children and female returnees?  
- **YES**  - **NO**  - **n/a**  - *(if YES, how many escorts for how many children/female returnees; if NO, how many children/female returnees?)*

3g. Did the briefing identify especially vulnerable persons?  
- **YES**  - **NO**  - **n/a**  - *(if YES, give details)*

3h. Were special needs discussed?  
- **YES**  - **NO**  - **n/a**  - *(if YES, give details)*

3i. Was the list of authorised/forbidden restraints provided?  
- **YES**  - **NO**  - *(if NO, give details)*

**Other comments/observations:**

### 4. WAITING AREA AND COMFORT
4a. Were there sufficient seats to enable returnees to wait in comfort at the waiting area prior to boarding?  
- **YES**  - **NO**  - *(if NO, give details)*

4b. Was any returnee prevented or delayed in using the toilets in the waiting area?  
- **YES**  - **NO**  - *(if NO, give details)*

4c. Did escorts accompanying returnees to the toilets allow them privacy?  
- **YES**  - **NO**  - *(if NO, give details)*

4d. Were there any incidents when returnees from different MSs met?  
- **YES**  - **NO**  - *(if YES: give details)*

4e. Was adequate food and drink provided for returnees, taking into account the time of day, and were the needs of smokers addressed?  
- **YES**  - **NO**  - *(if NO, or only in parts, give details)*

4f. Were any returnees unable to benefit from the food and drink offered because of dietary or religious prohibitions?  
- **YES**  - **NO**  - *(if YES, give details)*

4g. Were medical problems observed?  
- **always**  - **part-time**  - **NO**  - *(in case of cases observed, give details)*

4h. Was a doctor present?  
- **always**  - **part-time**  - **NO**  - *(Comments, if applicable)*

4i. Were medical staff present (nurse, paramedic)?  
- **always**  - **part-time**  - **NO**

4j. Were all medical interventions with the returnees’ consent?  
- **YES**  - **NO**  - **n/a**  - *(if NO give details)*

**Other comments/observations:**

### 5. JRO - MEETING OF MONITORS (NATIONAL/EUROPEAN (JRO))
5a. Was a meeting (even informal) of national and European (JRO) monitors held?  
- **YES**  - **NO**  - *(if NO, provide reasons)*

Key: FRO = national forced return operation; JRO = joint return operation; MS = Member State; OMS = organizing MS; PMS = participating MS;
5b. Where was the meeting held?

5c. What was discussed during the meeting?

5d. Any other observations/comments in relation to the meeting?

6. SECURITY CHECK (airport, if applicable)
   6a. Was the security check carried out by the airport security personnel?  
   YES ☐ NO ☐ n/a ☐ (If NO, give details/ reasons and who did it:)

7. TRANSPORT TO THE MEANS OF TRANSPORTATION
   (Give details, e.g. secure police van, police car, usual mini van/bus etc.)
   7a. What vehicles were used for the transport?  
   YES ☐ NO ☐
   7b. Were sufficient seats available for returnees?  
   YES ☐ NO ☐ (If No, give details)
   7c. Did any returnee physically resist embarking the transport-coach to the means of transportation?  
   YES ☐ NO ☐ (If YES, give details)
   7d. Did any returnee offer verbal resistance?  
   YES ☐ NO ☐ (If YES, give details)
   7e. Were coercive measures applied?  
   YES ☐ NO ☐ (If YES, details in coercive measures form)
   7f. Did escorts and officials answer returnees’ questions?  
   YES ☐ NO ☐ (If NO, give details)
   7g. Did escorts and officials answer them courteously?  
   YES ☐ NO ☐ (If NO, give details)
   7h. Were special needs of returnees taken into account (vulnerable groups, medical conditions)?  
   YES ☐ NO ☐ n/a ☐ (If NO, give details)
   7i. Were families allowed to move together?  
   YES ☐ NO ☐ (If NO, give details)

Further information and observations:

Key: FRO = national forced return operation; JRO = joint return operation; MS= Member State; OMS = organizing MS; PMS = participating MS;
IN-FLIGHT PHASE

0a. Monitor’s family name

0b. First name

0c. Monitor’s nationality
Use int. code

0d. Signature

OPERATION

0e. Type of transport? [AIR] [ROAD] [RAIL] [SEA] [MARK APPLICABLE]

0f. Charter or scheduled public service? [MARK APPLICABLE]

0g. Departure airport/station/seaport

0h. Departure from JRO hub?

0i. Departure date

0j. Time of embarkation

0k. Arrival airport/station/seaport

0l. Arrival at JRO hub?

0m. Arrival date

0n. Time of disembarkation

1. EMBARKATION (FROM THE COACH INTO THE MEANS OF TRANSPORTATION)

1a. Did escorts accompany (escort) their returnees during embarkation?

1b. Were special needs of returnees attended to?

1c. Were there any incidents during the embarkation process?

1d. Were any additional coercive measures applied during the embarkation process?

1. TRANSPORTATION/IN-FLIGHT (ON BOARD THE MEANS OF TRANSPORTATION)

1e. Was the monitor assigned the seat according to the plan?

1f. Did the monitor request another seat than the one assigned?

1g. Were there sufficient female escorts to accompany women & children?

1h. Were family groups kept seated together?

1i. Did any returnee offer physical resistance to being seated?

1j. Were coercive measures used?

1k. Did any returnee offer verbal resistance to being seated?

1l. Did escorts and officials answer returnees’ questions?

1m. Did escorts and officials answer courteously?

1n. Did any returnee voice a complaint (e.g. to the escort leader, an escort, the monitor)?

Other comments/observations:

2. STOPOVER (IF APPLICABLE)

2a. Was there a stopover on the way to the country of return?

2b. Were there any incidents when returnees from different MSs met?

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3. HEALTH AND WELLBEING (on board the means of transportation)  

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>(Comments/explanation, if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3a. Did medical problems occur?</td>
<td></td>
<td>(count incidents)</td>
</tr>
<tr>
<td>3b. Was a doctor present?</td>
<td>always</td>
<td>part-time</td>
</tr>
<tr>
<td>3c. Were medical staff present (nurse, paramedic)?</td>
<td>always</td>
<td>part-time</td>
</tr>
<tr>
<td>3d. Were all medical interventions with the returnees’ consent?</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>3e. Were any sedatives given to a returnee?</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>3f. Were the sedatives agreed to by the returnee in conversation with a nurse or doctor?</td>
<td>YES</td>
<td>N</td>
</tr>
<tr>
<td>3g. Was adequate food and drink provided for returnees, taking into account the time of day?</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>3h. Was any returnee unable to benefit from the food and drink offered because of dietary or religious prohibitions?</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>3i. Was any returnee prevented or delayed in using the toilets on board the means of transportation?</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>3j. Did escorts accompanying a returnee to the toilets allow him/her privacy?</td>
<td>YES</td>
<td>NO</td>
</tr>
</tbody>
</table>

Further information and observations:  

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Key: FRO = national forced return operation; JRO = joint return operation; MS = Member State; OMS = organizing MS; PMS = participating MS;

38 The Frontex CoC for JROs specifies in Article 6 (4) „The use of sedatives to facilitate the removal is forbidden without prejudice to emergency measures to ensure flight security”
**ARRIVAL PHASE**

0a. Monitor’s family name
0b. First name
0c. Monitor’s nationality
0d. Signature

**OPERATION**

0e. Arrival (airport/station/seaport)
0f. Arrival time
0g. Arrival date

**1. ARRIVAL**

1a. Were coercive measures terminated before handover? YES □ NO □ na □ (If NO, provide observation)
1b. Were personal belongings (taken during the security check) returned to returnees before the handover to national authorities? YES □ NO □ (If NO, give details)
1c. Did the escorts ensure the correct luggage was handed over to the actual owner? YES □ NO □ (If NO, give details)
1e. Was any official complaint made by a returnee? YES □ NO □ (If YES, give details)

Other comments/observations (if applicable):

**2. HANDBOVER OF RETURNEES**

2a. Handover of returnees inside the means of transport? YES □ NO □ If NO:
2b. Were family groups kept together when they were handed over? YES □ NO □ (If NO, give details)
2c. Did any returnee offer verbal resistance to being handed over? YES □ NO □ (If YES, give details)
2d. Did any returnee offer physical resistance to being handed over? YES □ NO □ (If YES, give details)
2e. Coercive measures applied by receiving state? YES □ NO □ n/a □ (If YES, give details)
2f. Medical intervention by receiving state? YES □ NO □ n/a □ (If YES, give details)
2g. Duration of handover

2h. Time at completion of handover:

2i. Were any returnees not accepted by national authorities? YES □ NO □ (No. of returnees, reasons)

Other comments/observations (if applicable):

**3. RETURN to the country of departure**

3a. Were any non-accepted returnees present on the way back from the country of return to the country of departure? YES □ NO □ (If YES, please fill in a new in-flight phase form for the return to the country of departure)
3b. Were the non-accepted returned returnees accompanied by the same escorts as on their way there? YES □ NO □ If NO: (give details, e.g. back up team)
3c. Was an overnight stay in the country of return required? YES □ NO □ (give details)

**4. STOPOVER (if applicable)**

4a. Was there a stopover on the way back from the country of return? YES □ NO □ (If YES, give details)

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### 5. DEBRIEFING

5a. Did a briefing take place?  [YES ☐] [NO ☐]  
(If YES, give details)

5b. Where did the briefing take place:

5c. Who was present during the briefing:

5d. What was discussed during the briefing:

5e. What was the contribution of the monitor:

5f. Feedback on the observations of the monitor:

Further information and observations:

---

Key: FRO = national forced return operation; JRO = joint return operation; MS = Member State; OMS = organizing MS; PMS = participating MS;
**COERCIVE MEASURES**

*(Ensure to fill one form for each application/returnee for coercive measures/restraints applied)*

<table>
<thead>
<tr>
<th>0a. Monitor's family name</th>
<th>0b. First name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>0c. Monitor's nationality</th>
<th>Use int. code</th>
<th>0d. Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>0e. Measures applied during phase:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Return ✣</td>
<td>Pre-Departure ☐</td>
</tr>
</tbody>
</table>

*(further specification: timing in the phase, e.g. during transfer etc.)*

<table>
<thead>
<tr>
<th>0f. Time of incident</th>
<th></th>
</tr>
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<tbody>
<tr>
<td>h</td>
<td>m</td>
</tr>
</tbody>
</table>

*(comments, if applicable)*

<table>
<thead>
<tr>
<th>0g. Operation</th>
<th>National FRO ☐</th>
<th>JRO ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

### 1. IDENTIFICATION OF PERSONS

<table>
<thead>
<tr>
<th>1a. State applying coercive measures (&lt;== insert country code)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>1b. Returnee family name</th>
<th>1c. First name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1d. Returnee sex</th>
<th>1e. Returnee seat number (if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MALE ☐</td>
<td></td>
</tr>
<tr>
<td>FEMALE ☐</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 2. INFORMATION ON THE INCIDENT

2a. What triggered the necessity to apply force or coercive measures? *(briefly describe the situation)*

<table>
<thead>
<tr>
<th>YES ☐</th>
<th>NO ☐</th>
<th><em>(if NO, give details)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

2b. Were the measures applied proportionate, reasonable and without the use of excessive force? *(if NO, give details)*

<table>
<thead>
<tr>
<th>YES ☐</th>
<th>NO ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

2c. Was it possible for the escorts to inform the returnee of their intention to apply coercive measures before bodily force was applied? *(if NO, give reason as to why this might not have been possible)*

<table>
<thead>
<tr>
<th>YES ☐</th>
<th>NO ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

2d. Did escorts explain briefly why this was necessary? *(if NO, give details)*

<table>
<thead>
<tr>
<th>YES ☐</th>
<th>NO ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2e. Was the escorts’ communication respectful of the returnee? *(if NO, give details)*

<table>
<thead>
<tr>
<th>YES ☐</th>
<th>NO ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2f. Did the returnee respond with verbal attacks? *(if YES, give details)*

<table>
<thead>
<tr>
<th>YES ☐</th>
<th>NO ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2g. Did the returnee respond with (attempted) physical resistance? *(if YES, give details)*

<table>
<thead>
<tr>
<th>YES ☐</th>
<th>NO ☐</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

### 3. APPLICATION OF BODILY FORCE

3a. Location of application of bodily force? *(inside building ☐, outside building ☐, in transport ☐)*

<table>
<thead>
<tr>
<th>INSIDE BUILDING ☐</th>
<th>OUTSIDE BUILDING ☐</th>
<th>IN TRANSPORT ☐</th>
</tr>
</thead>
</table>

3b. If inside transport, what type? *(aircraft ☐, coach ☐, police van ☐, police car ☐, train ☐, ship ☐, other ☐)*

<table>
<thead>
<tr>
<th>AIRCRAFT ☐</th>
<th>COACH ☐</th>
<th>POLICE VAN ☐</th>
<th>POLICE CAR ☐</th>
<th>TRAIN ☐</th>
<th>SHIP ☐</th>
<th>OTHER ☐</th>
</tr>
</thead>
</table>

*if other, indicate:*

3c. Did escorts apply bodily force whilst physical restraints were fitted to returnee? *(if YES, give details and state if proportionate)*

<table>
<thead>
<tr>
<th>YES ☐</th>
<th>NO ☐</th>
<th><em>(if YES, give details)</em></th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

3d. How many escorts applied bodily force? *(describe the technique(s) used and, if possible, attach a drawing of how returnee and escorts were positioned)*

<table>
<thead>
<tr>
<th>YES ☐</th>
<th>NO ☐</th>
<th>n/a ☐</th>
<th><em>(if YES, give details)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

3e. Were the holds on the returnee’s body such as to restrict breathing? *(if NO, give details)*

<table>
<thead>
<tr>
<th>YES ☐</th>
<th>NO ☐</th>
<th>n/a ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3f. Did the returnee protest at pain or complain of difficulty in breathing? *(if YES, give details)*

<table>
<thead>
<tr>
<th>YES ☐</th>
<th>NO ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Key: FRO = national forced return operation; JRO = joint return operation; MS= Member State; OMS = organizing MS; PMS = participating MS;
3g. Was bodily force applied only for the duration necessary to fit physical restraint(s)?

3h. Were children separated in case of use of force on a parent?

**Other comments/observations (if applicable):**

### 4. PHYSICAL RESTRAINTS & ADJUSTMENT

4a. Were handcuffs/slings applied/used (of which material)?

4b. Was there subsequent adjustment to ease pressure on wrists?

4c. Was a body cuff (metal fittings) applied?

4d. Was a body cuff (Velcro fittings) applied?

4e. Was there subsequent adjustment of the body cuff to allow freer arm movement for eating or use of toilet?

4f. Was a leg cuff applied?

4g. Was the returnee still able to walk with the leg cuff?

4h. Was a seat tie applied?

4i. Was there any compression of the chest by seat tie?

4j. Was a spitting mask applied?

4k. Was a helmet applied?

4l. Were the measures applied (including material applied) on the authorised list of restraints/coercive measures?

### 5. SEDATIVE MEASURES

5a. Were any sedatives given to the returnee?

5b. Were the sedatives agreed to by the returnee in conversation with a nurse or doctor?

### 6. RELEASE FROM COERCIVE MEASURES

6a. Did escorts offer to remove coercive measures on condition of calm behaviour by the returnee?

6b. Did the returnee agree to such an offer?

Which coercive measures were removed and when?

<table>
<thead>
<tr>
<th>Measure</th>
<th>h</th>
<th>m</th>
<th>n/a</th>
</tr>
</thead>
<tbody>
<tr>
<td>6c. Handcuffs</td>
<td>h</td>
<td>m</td>
<td>n/a</td>
</tr>
<tr>
<td>6d. Body cuff (metal fittings)</td>
<td>h</td>
<td>m</td>
<td>n/a</td>
</tr>
<tr>
<td>6e. Body cuff (Velcro fittings)</td>
<td>h</td>
<td>m</td>
<td>n/a</td>
</tr>
<tr>
<td>6f. Leg cuff</td>
<td>h</td>
<td>m</td>
<td>n/a</td>
</tr>
<tr>
<td>6g. Seat tie</td>
<td>h</td>
<td>m</td>
<td>n/a</td>
</tr>
<tr>
<td>6h. Spitting mask</td>
<td>h</td>
<td>m</td>
<td>n/a</td>
</tr>
<tr>
<td>6i. Helmet</td>
<td>h</td>
<td>m</td>
<td>n/a</td>
</tr>
</tbody>
</table>

6j. Did escorts refuse to lift the coercive measure?

Key: FRO = national forced return operation; JRO = joint return operation; MS= Member State; OMS = organizing MS; PMS = participating MS;

**Monitoring Tools**

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Further information and observations:

*Please complete an extra form on coercive measures if, either, additional coercive measures are applied to the same returnee, or, the same coercive measures are re-applied to the same returnee.*

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