



Monitoring of forced-returns in Finland



NON-DISCRIMINATION

OMBUDSMAN

YHDENVERTAISUUSVALTUUTETTU
DISKRIMINERINGSOMBUDSMANNEN
OVTTAVEARDÁSAŠVUODÁÁITTARDEADDJI



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The task of the Non-Discrimination Ombudsman



- To advance equality and to prevent and tackle discrimination
- Independent and autonomous authority
- Special tasks: supervision of removal from the country and the National Rapporteur on Trafficking in Human Beings



Legal framework for monitoring

- Return Directive (2008/115/EC) 8.6art:
Member States shall provide for an effective forced-return monitoring system.
- Alien's Act 152b:
The Non-Discrimination Ombudsman's task is to monitor the enforcement of the removal in all its stages
- The Police Act and National Police Board's instructions
- Frontex - Code of Conduct
- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment – CPT's recommendations
- The Committee of Ministers of the Council of Europe - Twenty guidelines on forced return



The main recommendations of the international human rights organisations

- 1) Preparing for removal: returnee should be informed about the forced return operation early enough
- 2) State of health/ medical examination
- 3) Use of coercive measures
- 4) Documentation
- 5) Training of escorts

Monitoring



- 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.
- Monitoring involves observation of and reporting on forced-return operations without powers of intervention.
- External and independent monitoring strengthens transparency in forced returns operations
- Reduces prejudice against police
- Protects also escorts against false accusations

Monitoring



Ethics of monitors

independency, neutrality, professionalism & confidentiality

Key monitoring standards

access to information, interaction between monitors & escort leaders, documentation



Monitors in field work

Until now monitors have taken part in 20 return flights

- Frontex joint return operations (Nigeria, Albania, Kosovo)
- National return operations (Albania, Kosovo, Italy, Iraq)
- Individual forced returns by scheduled flights (Morocco, Angola)

In addition, monitors observe departures of returnees from Metsälä and Joutseno detention centers (some of them until the returnee is seated in the aeroplane)

Observations by monitors



- Finnish police is highly skilled and escorts perform mainly in professional manner
- escorting is a special task and therefore training is essential
- Accurate police reports of forced returns are important (especially if coercive methods have been used)
- reception centers play important role in preparing returnees for departures
- some legal advisors seem not to follow ethical standards of the legal profession
- Sometimes decision making in cases of vulnerable persons seems to cause unreasonable consequences (e.g. Dublin decisions for Nigerian female asylum seekers who end up back in prostitution after return to Italy)

