

## **Background information on forced return monitoring in Germany**

Independent forced return monitoring (FRM) in Germany has been installed at five German airports: Berlin/Brandenburg (airport BER), Hamburg (airport HAM), Hessen (airport FRA) and North Rhine Westphalia (airports DUS and CGN). The independent monitors observe and document forced returns by air to countries of origin and transfers under the so-called Dublin-III-Regulation. Central guiding principles for the observations are fundamental and human rights of the returnees such as the principle of proportionality. During the execution of the described procedures, the monitors act as contact persons for the returnees and at the same time as intermediaries between all parties involved. The monitors' position in this field, which is characterized by different and oppositional interests, is neutral. All monitors report their observations to so-called 'airport forums' (committees). The members of these state-level forums are sent by governmental and non-governmental institutions, organizations and the regional churches. The airport forums deal with problematic cases and structural problems as well as proposals concerning procedural advancements. The forums' statutes ensure that modifications concerning the execution of forced returns planned by governmental institutions are discussed with human rights groups, charity organizations as well as the catholic and protestant churches. The forums' sessions are closed to the general public. Reports on the monitors' observations and the forums' activities are published regularly (annual reports).

The catalyst for the installation of an independent monitoring system in Germany was the death of the returnee Amir Ageeb during a deportation flight from Frankfurt via Cairo to Khartoum in 1999. His death was followed by multiple accusations directed at the Federal Police concerning abuse during forced return operations. Therefore, the civil society called for an independent control system and more transparency during the execution of forced returns. As a result, the first monitoring project in Europe was planned and initiated at Dusseldorf airport in 2001.

By now, the monitoring of forced return operations is included into European law. The EU directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals, Art.8 (6) claims that all „Member States shall provide for an effective forced-return monitoring system“. The German forced return monitoring does not meet this criteria. The independent monitors observe forced returns only at five out of 28 German airports, while the EU-Monitors (employed by FRONTEX) observe only forced return operations organized and carried out by FRONTEX. Therefore, the monitoring system in Germany is not sufficient and effective.