POST-RETURN REALITIES AND HUMAN RIGHTS MONITORING

Report

Summary of the Report

This report examines whether and how human rights are protected after return from the EU and assesses the current absence of systematic, legally grounded post-return human rights monitoring. It responds to growing concerns that, while return procedures are increasingly regulated and operationalised within the EU, the human rights situation of returnees after arrival in countries of return remains largely unaccounted for. The report opens with a set of recommendations addressed to EU institutions, Member States, human rights bodies in returning countries/countries of return, and other relevant stakeholders. These recommendations aim to support and motivate the establishment of legally grounded, independent, and joint post-return rights-monitoring frameworks that strengthen protection, accountability, and contribute to evidence-based policymaking in EU return governance.

The overall analysis shows that existing approaches primarily focus on reintegration monitoring and programme performance, rather than on the independent assessment of returnees' human rights conditions and their access to complaint mechanisms post-return, which is critical for assessing "fairness" and rights compliance. Important risks and violations occurring after return, and in direct connection with processes initiated pre-return (i.e., the treatment of rejected asylum seekers, the use of diplomatic assurances, and the return of vulnerable individuals), remain insufficiently documented. The report highlights the legal, political and practical barriers that currently prevent the development of post-return monitoring, including a lack of legal mandates, and a disregard for commitments to the rights outcomes of returned individuals, especially from returning states.

Importantly, the report highlights a range of existing approaches and policy discourses that already engage, directly or indirectly, with post-return monitoring, including selected post-return handover arrangements, the contribution of academic research, and the reporting activities of international and non-governmental organisations on the human rights situation of returnees in countries of return. It also points to an expanding policy space in which post-return monitoring is increasingly recognised and assessed as a necessary component of return governance. While these emerging practices and forms of engagement already constitute an initial foundation, they require further development, formalisation and integration within policy. Taken together, they create a favourable context for addressing current monitoring gaps, especially given the potential human rights implications of the recently revised EU return-related legislative framework. **The report also maps existing tools and practices that could be further developed and adapted to support post-return monitoring, and outlines practical options for operationalisation, impact and remedial powers.**

Building on desk research and legal and policy analysis, the report identifies concrete pathways for establishing post-return monitoring frameworks, including an expansion of legal mandates, structured institutional cooperation, and the involvement of multiple actors - from local stakeholders to independent national human rights institutions in both the EU and countries of return. At the same time, **monitoring arrangements should be grounded in principles of shared responsibility (with even greater responsibility for the EU) and should not result in countries of return bearing a disproportionate burden for the consequences of EU return policies**.

The report concludes with three country annexes on Georgia, Iraq, and Nigeria, drawing on qualitative fieldwork (33 stakeholder interviews across the three countries and two additional interviews at EU level), legal analysis, and stakeholder perspectives to examine the practical relevance, opportunities, and challenges of post-return monitoring. Together, these case studies demonstrate why post-return rights-monitoring matters for accountability and the prevention of risks and violations, and thus provides fact-checking guidance on the implementation of EU return policies.

Key Findings from the EU

- EU return policies continue to be evaluated primarily through return rates and quantitative indicators, rather than through independent verification of returnees' rights, safety, and long-term outcomes.
- There is currently no systematic post-return human rights monitoring framework for all types of returns from the EU, despite longstanding calls from human rights institutions and researchers for the EU to address and identify and address protection outcomes post-return.
- Existing monitoring mechanisms focus largely on EU pre-return procedures and return operations, ending at immediate arrival/handover in the country of return, therefore leaving a significant "*accountability gap*" regarding what happens after return.
- At present, structured post-handover monitoring remains relatively limited, with notable examples emerging in Italy and Switzerland. These initiatives, and other recommended approaches, highlight the potential for closer collaboration between National Preventive Mechanisms in EU+ countries and corresponding institutions in countries of return.
- Recent developments, including the revised EU Return Regulation and the Pact, expanded cooperation with third countries, as well as debates around "return hubs", increase the need for post-return monitoring due to lower safeguards and admissible return to a wider range of destinations (countries of origin, transit and third countries of return).
- Responsibility for rights-compliant returns should be understood as *shared* between the EU, Member States, and countries of return, rather than being treated as the sole responsibility of countries of return through responsibility-shifting practices.
- Reintegration monitoring systems already generate useful information but are not designed to systemically identify, document, or remedy human rights violations, making them complementary mechanisms to dedicated post-return monitoring.
- A lack of political will remains one of the principal obstacles to establishing post-return monitoring because such mechanisms could expose shortcomings and violations occurring both in EU return procedures and in countries of return, therefore limiting the conduct of returns from the EU. Effective complaint mechanisms *ex-post* remain strongly underdeveloped.

Key Cross-Country Findings (GEORGIA, IRAQ, and NIGERIA)

Across Georgia, Iraq, and Nigeria, stakeholders consistently reported that:

- There is a lack of post-return human rights monitoring frameworks, with current systems monitoring for reintegration outcomes rather than verifying and redressing rights.
- Many post-return vulnerabilities, risks and potential violations stem from a combination of pre-return experiences in the EU and post-return conditions, with reintegration challenges exacerbating human rights conditions post-return.
- Post-return monitoring would require national ownership, close cooperation with rights-institutions and civil society, and EU coordination and engagement in *sharing responsibility* for return outcomes. It should remain independent from broader migration externalisation objectives, enabling genuine transnational cooperation on human rights protection.