



Press release No. 17/2013

Ombudsman calls on Frontex to deal with complaints about fundamental rights infringements

14 November 2013

The European Ombudsman investigates complaints about maladministration in the EU institutions and bodies. Any EU citizen, resident, or an enterprise or association in a Member State, can lodge a complaint with the Ombudsman. The Ombudsman offers a fast, flexible and free means of solving problems with the EU administration.

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The European Ombudsman, Emily O'Reilly, has called on Frontex to establish a mechanism for dealing with complaints about fundamental rights infringements arising from its work. Frontex co-ordinates the co-operation between EU Member States in the field of border security and illegal immigration. The Ombudsman conducted an investigation, including a public consultation, about how Frontex complies with human rights standards. Frontex complied with most of the Ombudsman's recommendations, but refused to set up a complaints mechanism. Accordingly, the Ombudsman submitted a Special Report on this issue to the European Parliament.

Emily O'Reilly stated: "Against the backdrop of the Lampedusa tragedy and other recent humanitarian catastrophes at EU borders, it is vital that Frontex deals directly with complaints from immigrants and other affected persons. I do not accept Frontex's view that human rights infringements are exclusively the responsibility of the Member States concerned."

Investigation into Frontex's fundamental rights implementation

In 2009, the Charter of Fundamental Rights became legally binding on Frontex, which is based in Warsaw. Since then, a number of civil society organisations as well as [the Parliamentary Assembly of the Council of Europe](#) have questioned whether Frontex is doing enough to comply with the Charter. One example given was its deployment of EU border guards to Greece where migrant detainees were kept in detention centres under unacceptable conditions.

In 2011, the European Parliament and the Council of the EU adopted a [Regulation](#) setting out specific additional fundamental rights obligations

for Frontex. In 2012, the Ombudsman asked Frontex a number of questions about how it is fulfilling these obligations and launched a public consultation which gathered [contributions](#) from citizens, human rights NGOs and other organisations.

Frontex replied that it had taken several measures, including the creation of a fundamental rights strategy, a fundamental rights officer and codes of conduct for its operations. The Ombudsman found that, in general, Frontex was making reasonable progress in addressing fundamental rights issues. She recommended, however, that Frontex establish a complaints mechanism.

Frontex rejected this [recommendation](#) with the argument that individual incidents are the responsibility of the respective Member State. Emily O'Reilly disagreed and submitted a Special Report to the European Parliament, asking for its support in persuading Frontex to review its approach.

The Special Report is available at:
<http://www.ombudsman.europa.eu/en/cases/specialreport.faces/en/52465/html.bookmark>