



Ombudsman makes suggestions to improve accountability of Frontex's work

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The Ombudsman has made a series of suggestions to Frontex to improve the accountability of its operations and to ensure that people know there is a complaints mechanism they can use if their fundamental rights have been breached.

The suggestions follow a six-month own initiative inquiry assessing how Frontex has implemented new rules - in force since November 2019 - on its complaints mechanism and the Fundamental Rights Officer.

The inquiry showed that the complaints mechanism dealt with a very low number of complaints (22 admissible complaints by January 2021) since it was established in 2016 and none of them concerned the actions of Frontex staff members.

The Ombudsman considered that the low number of complaints could be due to factors such as lack of awareness, fear of negative repercussions or lack of engagement by deployed Frontex officers who could play a more active role in transmitting complaints.

The inquiry also documents the delays in implementing changes introduced in 2019, including the appointment of 40 fundamental rights monitors, as well as poor cooperation between the Fundamental Rights Officer and national authorities.



The Ombudsman noted that when it comes to reports about serious incidences (these have a separate more complex procedure) the role of the Fundamental Rights Officer is less prominent than when it is dealing with complaints lodged with the complaints mechanism.

The Ombudsman found that the Executive Director should act on recommendations by the Fundamental Rights Officer, and noted that decisions by the Executive Director on complaints forwarded by the Fundamental Rights Officer may be challenged before the European Ombudsman.

To introduce more accountability and transparency, the Ombudsman proposed that Frontex make it clear to its officers that they should accept and transmit any complaints they receive, and that Frontex's information materials say that complainants will not be penalised for submitting a complaint.

The Ombudsman also asked Frontex to consider accepting anonymous complaints, and to revise its rules to set out clear and unambiguous steps for dealing with complaints about violations concerning the rules on the use of force.

Frontex has also been asked to improve the information it makes available to the public including publishing all of the Fundamental Rights Officer's annual reports, which in future should include a section on the concrete actions taken by Frontex and Member States in reaction to recommendations by the Fundamental Rights Officer.