



FRONTE

## Compliance with fundamental rights obligations

*Summary of the decision on own-initiative inquiry OI/5/2012/BEH-MHZ concerning the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex)*

In 2011, Regulation 1168/2011/EU, requiring Frontex to put in place certain administrative mechanisms and instruments to promote and monitor compliance with its obligations as regards respect for fundamental rights, entered into force. Simultaneously, civil society kept raising concerns about the human rights implications of Frontex's activities. In these circumstances the Ombudsman decided to launch an own-initiative inquiry in order to check how Frontex implements the 2011 Regulation provisions. He asked Frontex for clarification as regards the Fundamental Rights Strategy, Codes of Conduct, the Fundamental Rights Officer, European Border Guard Teams, and Coordinating Officer, and the termination of joint operations and pilot projects.

The Ombudsman submitted Frontex's reply for comments to the Fundamental Rights Agency and also for public consultation in which international organisations, NGOs, a national Ombudsman, and private persons took part.

After having analysed all contributions and Frontex's opinion, the Ombudsman made a detailed draft recommendation as to how Frontex could improve and render more effective its mechanism to monitor respect for fundamental rights in all its activities.

While Frontex responded positively to the Ombudsman's recommendations concerning (a) the Fundamental Rights Strategy, Action Plan, Codes of Conduct, termination/suspension of operations, and the Consultative Forum, it failed to take on board the Ombudsman's



recommendation that (b) the Fundamental Rights Officer should consider dealing with complaints on infringements of fundamental rights in all Frontex's activities submitted by persons individually affected by infringements and also in the public interest.

The Ombudsman therefore decided to close the inquiry and consider the aspects under (a) as settled by Frontex and to make a special report to the European Parliament as regards aspect (b).