



Press release No. 4/2012

Ombudsman investigates Frontex's fundamental rights implementation

13 March 2012

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The European Ombudsman, P. Nikiforos Diamandouros, has opened an inquiry into how Frontex implements its fundamental rights obligations. Frontex is an EU agency based in Warsaw. It coordinates the operational cooperation between Member States in the field of border security. An EU Regulation adopted last year provides for Frontex to put in place a fundamental rights strategy, codes of conduct for its operations, and a fundamental rights officer. Because of the importance of the issues concerned, which are of great interest to civil society, the Ombudsman has asked Frontex to reply to a number of questions about its understanding and implementation of these obligations.

Background

In 2009, the Charter of Fundamental Rights became legally binding on Frontex. Since then, a number of civil society organisations have questioned whether Frontex is doing enough to comply with the Charter, for example, in its deployment of EU border guards to Greece where migrant detainees were transferred to detention centres and kept under conditions which have been criticised by the European Court of Human Rights.

In October 2011, the European Parliament and the Council adopted a new Regulation which explicitly provides that Frontex shall fully comply with the Charter and sets out additional specific fundamental rights obligations. The Ombudsman's inquiry asks Frontex questions concerning the agency's obligations to draw up a fundamental rights strategy and codes of conduct applicable to its operations, and to devise an effective mechanism for monitoring respect of fundamental rights in its activities. The Ombudsman also

requests information about the fundamental rights officer, about who takes responsibility for European border guard teams, and about the actions Frontex envisages in case it detects violations of fundamental rights.

The Ombudsman has asked Frontex to submit an opinion by 31 May 2012.

To read the letter opening the inquiry, please go to:

<http://www.ombudsman.europa.eu/en/cases/correspondence.faces/en/11316/html.bookmark>