

Warsaw, 17 May 2012

Mr. Nikiforos Diamandouros
European Ombudsman

1 avenue du Président Robert Schuman
CS 30403
F-67001 Strasbourg Cedex
FRANCE

Your Ref: S2012-151772
Our Ref: 8329/16.05.2012
(please quote when replying)

Subject: Ombusman own-initiative inquiry OI/5/2012/BEH-MHZ

Dear Mr. Diamandouros,

Thank you for your letter of 6 March. Frontex is happy to update you on the integration of respect of fundamental rights into the performance of its tasks.

At the outset, I would like to note that Frontex, from the very beginning of its work, took the respect of fundamental rights as a *sine qua non* in the performance of all its tasks, and particularly its joint operations. As those operations have become more complex and challenging in recent years and as our staff and budget have grown to current levels, Frontex recognised the need for clear Fundamental Rights and other guidelines for all those taking part in the activities we organize.

For this reason, since 2010 Frontex developed a Fundamental Rights Strategy and related Action Plan, commissioned an external study on the Ethics of Border Security, and developed a binding Code of Conduct for staff and guest officers participating in our activities - well before the amendment of the Frontex regulation. All of these initiatives were consulted with key partners such as FRA, UNHCR and IOM on the basis of Working Arrangements that were signed early on in the development of our agency. Moreover, Frontex has in recent years stated publicly a number of times that it not only respects fundamental rights in all its activities but aims to actively promote them.

As you note, the amended Frontex Regulation, which entered into force at the end of last year, mandates the creation of a number of further mechanisms to ensure the full respect of fundamental rights by the Agency. The most important among them are the creation of the position of independent Fundamental Rights Officer (FRO) reporting directly to the Frontex Management Board, the Consultative Forum (composed of fundamental rights organizations and institutional partners) that will provide strategic Fundamental Rights advice to the Agency, and the development of a mechanism for suspending or terminating joint operations in the event of violations of Fundamental Rights.

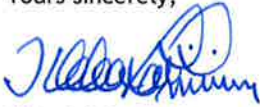
Frontex has been working hard on all these issues since late last year. The position of the Fundamental Rights Officer is currently advertised on our website and will close soon; we expect to issue invitations for

prospective members of the Consultative Forum in the near future; and a “Frontex Standard Operating Procedure to ensure respect of Fundamental Rights in joint operations and pilot projects” has already been drafted and will be approved shortly.

A detailed update of progress on the creation of these positions and mechanisms is contained in our attached reply, together with copies of the relevant documents that are already approved and endorsed.

I remain at your disposal should you have any further questions.

Yours sincerely,



Ilkka Laitinen

Executive Director

List of annexes

Annex 1: Response to specific questions

Annex 2: Frontex Fundamental Rights Strategy

Annex 3: Frontex Fundamental Rights Action Plan

Annex 4: Frontex Code of Conduct

Annex 5: Frontex official press release for Fundamental Rights Officer and Consultative Forum

Annex 6: Vacancy Notice for Frontex Fundamental Rights Officer