

COMPLAINT FORM

for potential violations of fundamental rights

General guidance

Who can submit a complaint?

1. You, or a person or party acting on your behalf, may submit a complaint to Frontex, if you believe that you are directly affected by the actions of staff involved in a Frontex activity¹, and you consider that one or more of your fundamental rights have been violated due to those actions. *For a list of fundamental rights as per EU Charter see Appendix I.*
2. You can be represented by any party (e.g. another person, lawyer, organisations, family member, legal guardian, etc.). Any of these parties may file a complaint on your behalf.
3. Cases involving multiple complainants can also be submitted.

How do I submit a complaint?

4. Your complaint must be submitted **in writing**. Your complaint will be handled by the Frontex Fundamental Rights Officer (FRO), an independent expert who monitors and promotes fundamental rights within Frontex. Using this complaint form will help the FRO to process your complaint more efficiently, but you can submit a complaint by other written means of your choice. At any stage of the procedure, the FRO may request you to submit additional information, documentation or clarification to your complaint. For this reason, it is important you add your contact details.
5. Complaints may be submitted in any EU language, and also in Arabic, Pashto, Urdu and Tigrinya. Complaint forms are available in these languages.
6. There is no maximum length for your complaint, but it is preferable that all the information is contained in **no more than 15 pages**.
7. You should submit your complaint within a year from the date on which the alleged violation of your fundamental rights occurred or you were informed or learnt about it or otherwise were able to submit the complaint.

¹ *Frontex activity means a: (i) Joint operation; (ii) pilot project; (iii) rapid border intervention, (iv) migration management support team deployment; (v) return operation or return intervention. For definitions of these activities please consult the Regulation (EU) 2016/1624 of 14 Septemebr 2016, on the European and Coast Guard Agency.*

8. Your complaint can only refer to facts that occurred or whose effects continued after 6 October 2016², otherwise it will be inadmissible.
9. You do not need to go through national procedures before submitting your complaint.
10. If you submit a complaint to Frontex, this does not prevent you from accessing other forms of complaint, such as national or European courts.
11. You should explain the **detailed facts** of your complaint, **identifying the impact** of those actions had on your fundamental rights (see Annex I), to the extent possible.
12. Filing a complaint is **free of charge**.

What happens after I submit my complaint?

13. Frontex and the FRO will treat all complaints as **confidential** unless you explicitly waive your right to confidentiality in this form or in any other written manner.
14. If your complaint refers to actions performed by a border guard participating or deployed in a Frontex activity, your complaint will be referred by the FRO to national authorities who handle individual complaints and to national fundamental rights institutions. The FRO will inform you about which authority(ies) have received your complaint and provide you with their contact details. You need to specifically consent in order for the FRO to forward your personal data to the relevant authorities (see Section 5 in the complaint form).
15. If your complaint is declared inadmissible, the FRO will inform you in writing about the reasons for the inadmissibility and, if possible, provide you with further options for addressing your concerns.
16. Any change of address, email or other contact details of the complainant should be notified as soon as possible to the FRO.

Further information on the rules of the Frontex complaint mechanism can be found in the Agency's webpage: www.frontex.europa.eu/complaints

1. Information on the complainant(s)

*You are submitting the complaint as:
(please tick as appropriate)*

Directly affected person(s)

Party representing affected person(s)

² Date of the entry into force of the European Coast and Border Guard Agency Regulation 2016/1624.

DIRECTLY AFFECTED PERSON(S):

Last name(s):
First name(s):
Date of birth:
Place of birth:
Nationality(ies) (if known):
If stateless, please specify the last place of residence:
Sex:
Address for correspondence:
Postcode:
City:
Country:
E-mail:
Tel (please indicate country and area code):
Fax:
Other relevant information:

Note: You must sign at the end of the complaint form.

For cases that involve more than one complainant, please add personal data for each individual.

ANY PARTY REPRESENTATIVE:

Last name(s):
First name(s):
Relationship to the complainant:.....
Name of the Organisation, where applicable:
Address for correspondence:
Postcode:
City:
Country:
E-mail:
Tel (please indicate country and area code):
Fax:
Other relevant information:

Note: The affected person must sign at the end of the complaint form to demonstrate her/his consent to being represented.

If the complainant is unable to sign the complaint form due to justified reasons (e.g., deceased, missing, detention incommunicado, health reasons, illiteracy, etc.) or there are

other compelling reasons for the complainant not to give a written authorization for your representation, please explain the reasons:

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2. Information on the potential violation(s) of fundamental rights

Please provide information on the potential violation(s) of fundamental rights including dates, places, a description of the action(s) or failures to act and staff involved. Please explain how you believe these actions affect your fundamental rights or those of the person(s) you are representing:

- a) Approximate date and time of the event(s):.....
- b) Location/country:.....:

In case the exact location is unknown, please provide a detailed description of the location where the event took place:

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- c) Detailed description of the person(s) you are complaining against. Describe, to the best of your knowledge, whether the complaint refers to actions performed by (tick all that apply):
 - a. Person(s) with a light blue Frontex armband
 - b. Person(s) with Frontex identification cards
 - c. Person(s) wearing national uniforms of the location where the activity takes place
 - d. Other persons, such as interpreters, drivers, etc

Provide information about the person(s) involved (e.g., name, clothing description, language spoken, physical appearance, what job or functions she/he was doing, etc.):

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- d) Detailed description of the event, in a chronological order if possible (attach additional pages if necessary). If the potential violation is still ongoing, please specify:

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- e) Detailed description of how the event described above has affected you and how you consider that it violates your fundamental rights (*for a list of fundamental rights see Annex 1*):

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3. Submission of your complaint to other authorities

Note: You do not need to complete national procedures of any kind before submitting your complaint to Frontex.

- 1) Have you already submitted your complaint to any court (e.g., national, European, etc.)? Please specify which court, the current status and the outcome of the procedure, if known:

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- 2) Have you submitted your complaint to any other institution (e.g., a national ombudsman, a national human rights institution, etc.)? Please specify which institution, the current status and the outcome of the procedure, if known:

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4. Copies of supporting documents

- 1) Please provide **copies** of all available supporting documents related to your complaint. **Examples** of these documents could be:
- a copy of your ID, passport or other form of identification;
 - copies of any documentation, pictures, videos, reports, certificates, witness statements, medical records or other supporting documents relevant to your complaint;
 - if you have submitted your complaint to other courts or institutions (see Section 3), copies of complaint forms, pleadings, or decisions related to these procedures.

2) If you cannot provide supporting documentation, please explain:

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Note: Please do not submit originals as they will not be returned to you

5. Confidentiality and personal data

By submitting this complaint, you consent to the processing of your personal data by Frontex and FRO³.

Complaints are dealt with confidentially by Frontex and the FRO. If your complaint is declared admissible, it will be referred to national authorities for follow up, including those competent to deal with violations of fundamental rights. Please confirm that **you explicitly authorise the FRO to disclose your identity and personal data included in Section 1 with the relevant national authorities and fundamental rights institutions.** If you decide not to share your personal data, the complaint might be rejected by the competent national authorities and human rights institutions.

³ Within the meaning of point (d) of Article 5 of Regulation (EC) No 45/2001

I hereby consent to the sending of my personal data to the national authorities, including those competent for fundamental rights in the relevant authorities of the State concerned (please tick):

Yes

No

6. Redress

If your complaint is substantiated, what in your view could Frontex or other institutions do to address the harm caused?

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7. Submission of your complaint

You can submit your complaint and the necessary attachments via email (complaints@frontex.europa.eu); the Frontex website; directly to Frontex staff where the activity takes places; or by post:

Frontex Fundamental Rights Officer, Complaints
Frontex
Plac Europejski 6
00-844 Warsaw
Poland

Date:

Signature of the complainant

Date:

Signature of any party representative, where applicable