

## EVENT REPORT BÖLL LUNCH DEBATE 25 May 2011

### Does Europe's respect for Human Rights end at its borders? Presentation of a study<sup>1</sup> about FRONTEX<sup>2</sup>

Migreurop's study "Frontex Agency: which guarantees for Human Rights?", initiated by the members of the Green group in the European Parliament Ska Keller, H el ene Flautre, Barbara Lochbihler and Ulrike Lunacek, assesses the role and the implementation of Human Rights in the work of the EU's external border security agency. For the occasion of the study's publication, the Heinrich-B oll-Stiftung invited international civil society organisations, scholars, MEPs and members of the European External Action Service to discuss with the initiators the obligation of Frontex to guarantee, protect and promote fundamental rights on its missions. Marie Charles, legal adviser at the Federation of Human Rights presented the three focus points of the study: first, past violations of fundamental rights by Frontex, second, Frontex' legal framework favouring weak responsibility assumption and third, the impact of planned regulation 2007/2004 amendments on the implementation of Human Rights.

The following key ideas were expressed during the discussion:

- Given the high degree of **autonomy** Frontex enjoys (e.g. the right to conclude legal agreements with non-EU countries), **responsibility** must be taken accordingly without claiming the member states to be the only accountable actor.
- The **cleavage between theoretical acceptance** (e.g. support for human rights standards among the Frontex' staff) and the practical application/**actual implementation** of these standards must be addressed by introducing legal obligations for Frontex.
- Given the lack of information on Frontex' actions (e.g. border control or joint return operations), **internal transparency** must be increased.
- Similarly, an **external monitoring** mechanism is urgently needed to ensure the supply of independent information on Frontex' actions which are currently only provided by the media, NGOs or individual witnesses.

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<sup>1</sup> The study "Frontex Agency: Which Guarantees for Human Rights?" has been written by Migreurop in the light of the revision of the Frontex mandate by the EU.

<sup>2</sup> FRONTEX is the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

- The person **consulting** Frontex in Human Rights issues should be **independent** from the agency in order to guarantee its neutrality.
- The probably most effective way of holding Frontex accountable for its actions would be the introduction of an **individual complaint procedure** rather than a one-dimensional, centralised monitoring instrument.
- A closer cooperation with **more involvement of the European Parliament** is imaginable and desirable in the follow up of potential future monitoring instruments.
- Given the rapid change of the situation at European borders, it would be desirable to see a more **regular reporting** mechanism than the current single annual report.
- In particular when **interacting with non-EU countries**, Frontex should be obliged to report on these interactions and on the progress of their negotiations.
- It is more than questionable that Frontex, who has already seen an incomparably high rise in its **budget** in the past few years, is likely to continue to receive increased budgets in the future without any political instance (e.g. the EP) being able to influence or even monitor the usage of this budget.
- The way **personal data** is processed (e.g. within Frontex' administration but also data transfer to other bodies like Europol) is clearly illegal and even where theoretically foreseen, regulations are not practically implemented because concerned people often do not receive an answer when asking which personal data of them are being processed.

For more detailed information please see the report "Frontex Agency: which guarantees for Human Rights (HR)?" in English:

<http://www.migreurop.org/IMG/pdf/Frontex-PE-Mig-ENG.pdf>

or in French language:

[http://www.migreurop.org/IMG/pdf/dossier\\_frontex-FR.pdf](http://www.migreurop.org/IMG/pdf/dossier_frontex-FR.pdf)