

Immigration

Human rights: Ombudsman asks Frontex for explanations

By Nathalie Vandystadt | Tuesday 13 March 2012

By 31 May, Frontex will have to answer a number of detailed questions about its implementation of the fundamental rights obligations laid down in the new mandate adopted by the EU in late 2011. In the context of an enquiry, European Ombudsman P. Nikiforos Diamandouros has asked the EU border surveillance agency, which has been assigned a more important role, to explain its fundamental rights strategy and its codes of conduct for its operations, notably expulsions.

In the wake of entry into force of the Lisbon Treaty, the European Charter of Fundamental Rights has become legally binding on Frontex. Since then, a number of civil society organisations have questioned whether the agency is complying with this text, “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,” notes the ombudsman in a statement. “This agency coordinates joint operations by member states and works increasingly with third countries to stop persons trying to enter the European Union illegally. These are often people fleeing persecution, but there is no evidence that Frontex operations identify them,” points out the European Council on Refugees and Exiles.

The reform discussed at length was approved in September 2011 by the European Parliament, despite opposition by the radical left. In the face of member states’ reluctance, the EP obtained the designation by Frontex of a ‘fundamental rights officer’ and the creation of a ‘fundamental rights advisory forum’ to assist the agency’s Executive Board. Another guarantee is that in cases of human rights violations, Frontex will suspend or terminate its missions. It must assist EU countries in humanitarian emergencies or “rescues at sea”. Lastly, Frontex is bound by the UN principle of ‘non-refoulement’ of migrants where their life is in danger and must draw up codes of conduct to guarantee respect for human rights in all its operations, notably returns.

The ombudsman therefore asks the agency three questions on these points. He also wishes to know who is or will be the fundamental rights officer (FRO) responsible for European border guard teams. What duties will this person have and will the FRO be competent to receive complaints from individuals against Frontex or member states? What actions will Frontex consider if it detects violations of fundamental rights?

He also wishes to know who is or will be the fundamental rights officer (FRO) responsible for European border guard teams