



FRONTEX



FUNDAMENTAL RIGHTS

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What is the meaning?

Human Rights

Fundamental Rights

Fundamental Human Rights

Human Rights?

- Are **universal rights**, they exist independently of legal norms.
- Human rights are “**world-wide**” and are based on international conventions.
- Protect **all people** and **everywhere** from severe political, legal and social.

Fundamental Rights?

This term is applied by “the EU as institution”

More in to detail

Legal basis (treaty of Lisbon)

Universal Declaration of Human Rights

Art 5:

No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment

Charter of Fundamental Rights of the EU

Art 4:

No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment

Universal Declaration of Human Rights

Art 4:

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms

Charter of Fundamental Rights of the EU

Art 5:

- 1.No one shall be held in slavery or servitude
- 2.No one shall be required to perform forced or compulsory labour
- 3.Trafficking in human beings is prohibited

Fundamental Human Rights?

- They are **absolute rights with no exception**, such as Freedom from torture and degrading treatment, or freedom from slavery and forced labor.
- The Fundamental Human Rights **can never be limited by** a court or anybody else.

Frontex Code of Conduct:

■ Article 4 Fundamental Rights

participants in Frontex activities shall:

Promote and **respect** human dignity and fundamental rights of every individual

Non-refoulement

”No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion”

What does it mean in practice?

No forcible return
until the claim for asylum has been
thoroughly assessed

Frontex Code of Conduct:

■ Article 5 International protection

participants in Frontex activities shall:
Promote in full compliance with the principle of non refoulement that persons seeking international protection are recognized

Frontex Code of Conduct:

- Article 5 International protection participants in Frontex activities shall:

Provide persons in their custody with proper access to health care.

give special attention to particularly vulnerable groups of people

The role of Return Officers / Escort Leaders

Make sure that the return flight is in line with
the Fundamental Rights and the Code of
Conduct

and

Take care of the rights of your staff

Code of Conduct for Joint Return operations coordinated by Frontex

- Article 4 :
Respect Fundamental Rights

Code of Conduct for JRO

- Article 4.1 and 4.2 :

JRO's are to be conducted in a humane manner in compliance with fundamental rights

No discrimination

Code of Conduct for JRO

■ Article 4.3 :

Respecting the dignity of returnees but safety of themselves, others and crew.

Code of Conduct for JRO

- Article 4.3 JRO interrupted:

Unsafe flight considered by the Capt
or
Head of operation
(2004/573/EC annex point 3.1d)

Code of Conduct for JRO

- Article 4.3 JRO interrupted:

Violations of the fundamental rights
of a serious persistent nature