



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels
HOME.B.1

Dear Petitioner,

I am contacting you with regard to your message to Commissioner Johansson, which was assigned to the Directorate-General for Migration and Home Affairs for reply.

In your message, you allege that “Fundamental human rights are being violated at the external borders of the European Union” and that the European Border and Coast Guard Agency (Frontex) is involved in “violent and dangerous pushbacks”.

In this respect, I would like to provide you with the following information:

Respect for human dignity and fundamental rights are core values of the European Union. The Commission is fully committed to respecting, protecting and defending these values, as well as ensuring that our Member States and agencies uphold these core principles.

With regard to your allegations of involvement of Frontex in illegal pushbacks at the Union’s external border, please note that there have been several investigations into similar allegations as the request of the Commission. I invite you to review the report of the working group convened by the Frontex Management Board (which consists of representatives of each Member State and of the Commission) that looked into these. The final report is available [here](#). The European Parliament has established a working group and has adopted a Report on these issues, which has been warmly welcomed by the Commission¹.

As concerns alleged wrongdoing by national border guards, I would like to draw your attention to Commissioner Johansson’s statement in the European Parliament’s plenary session on 19 January 2021, where the Commissioner stressed that the Commission takes very seriously all allegations of crimes against or mistreatment of human beings seeking to cross the external borders of the European Union. At the same time, the Commission has no investigative powers when it comes to allegations of fundamental rights violations by national border guards. We trust that the national authorities in charge of investigating allegations such as the ones you describe will continue to do so thoroughly and that if any wrongdoing is found, it will be corrected swiftly. I encourage you to report any suspected wrongdoing to the appropriate national authorities.

Under Union law, border guards must fully respect human dignity and comply with all relevant fundamental rights obligations. While Member States must strive to prevent and

¹ https://www.europarl.europa.eu/cmsdata/238156/14072021%20Final%20Report%20FSWG_en.pdf.

discourage unauthorised crossing of our external borders, the measures taken to accomplish this must be proportionate to the objective pursued and in full respect of fundamental rights and the dignity of all people. Any actions exposing people to inhuman and degrading treatment are illegal.

The Migration and Asylum Pact² places a strong emphasis on the obligations of Member States to guarantee the right of access to asylum procedures and to safeguard fundamental rights. In the context of the Screening Regulation³, the Commission has proposed obliging Member States to establish an independent monitoring mechanism in relation to the screening of third country nationals on the Union's external borders, which envisions independent observers able to report objectively on the situation at the external borders and thereby allow shortcomings to be identified and corrected quickly. The Commission is engaging with the Fundamental Rights Agency with a view to establishing the guidance and criteria that Member States should take into consideration when establishing such independent monitoring mechanisms once the co-legislators adopt the Regulation. A key factor for the monitoring to work well will be that both government and civil society trust in the neutrality and objectivity of the observers. If the independent observers are trusted as reliable points of reference, their presence will lead to a triple win: for Member State authorities, for civil society and for migrants.

The European Union is, at its heart, a peace project, endeavouring to offer its citizens an area of freedom, security and justice. Democratic engagement and civic activism from citizens like you is crucial to ensuring the realisation of this vision. As such, I thank you for your message and for your advocacy for our common values.

Yours sincerely,

(e-signed)

Monique PARIAT

² See https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1706.

³ COM(2020)612 final, <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52020PC0612>.