



Universiteit
Leiden
The Netherlands

Frontex and human rights : responsibility in 'multi-actor situations' under the ECHR and EU public liability law

Fink, M.

Citation

Fink, M. (2017, December 13). *Frontex and human rights : responsibility in 'multi-actor situations' under the ECHR and EU public liability law*. The Meijers Research Institute and Graduate School of the Leiden Law School of Leiden University. The Meijers Research Institute and Graduate School of the Leiden Law School of Leiden University, Leiden. Retrieved from <https://hdl.handle.net/1887/58101>

Version: Not Applicable (or Unknown)

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/58101>

Note: To cite this publication please use the final published version (if applicable).

Cover Page



Universiteit Leiden



The handle <http://hdl.handle.net/1887/58101> holds various files of this Leiden University dissertation

Author: Fink, Melanie

Title: Frontex and human rights : responsibility in 'multi-actor situations' under the ECHR and EU public liability law

Date: 2017-12-13

This thesis examines the legal responsibility for human rights violations that may occur in the context of border control or return operations coordinated by the EU agency Frontex. It does so using two legal frameworks, responsibility under the ECHR on the one hand and non-contractual liability under EU law on the other.

Imagine, for example, that during a border control operation at sea, a vessel forces a boat carrying migrants back to its place of origin, which may be in violation of the rights of persons on that boat. The operation is hosted by State A, coordinated and financed by Frontex, but the vessel in question is from State B. The contributions by State A, B, and by Frontex to the violation vary in nature and degree. But which contribution leads to legal responsibility? In other words, who has to bear the consequences for and remedy the unlawful conduct?

The thesis concludes that direct responsibility for most human rights violations lies with the host state. In addition, participating states who contribute large assets and Frontex will often incur responsibility together with the host state, predominantly on the basis of their obligations to protect or supervise. However, the study also exposes just how difficult it may be for individuals to find a place for bringing complaints against violations of their human rights suffered at the EU's external borders. This casts doubts on whether the current legal framework offers them an effective remedy.

This is a volume in the series of the Meijers Research Institute and Graduate School of the Leiden Law School. This study is part of the Law School's research programme 'The progression of EU law: accommodating change and upholding values'.

Frontex and Human Rights

*Responsibility in 'Multi-Actor
Situations' under the ECHR and
EU Public Liability Law*

M. FINK