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Systemic accountability of the European Border and Coast Guard: the legal responsibility of Frontex for human rights violations

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There has never been a more pertinent time to discuss the accountability and the legal responsibility of Frontex, the European Border and Coast Guard Agency, for fundamental rights violations. In a period that hosts the first legal actions vis-à-vis the agency and a series of relevant non-judicial investigations, including by the European Parliament, this dissertation aims to address the main problem underlying these accountability efforts, namely the ‘problem of many hands’. As conceptualised by Dennis Thompson, this problem is where the multiplicity of the actors involved obscures the various responsibilities and creates gaps in accountability.

To address it, this work contests the dominant ways of looking at the concepts of responsibility and accountability, and reimagines them for their optimal function.

It adopts a holistic approach, taking into account not only judicial, but also other forms of accountability, studying not only EU liability law, but also other legal remedies before the CJEU, the ECtHR, and domestic courts, building bridges between international and EU law, and traveling from the empirical to the conceptual, to the normative, and from there to the applied.

It creates the foundations for the accountability of the agency inside and outside courts, within the EU borders and beyond.

This is a volume in the series of the Meijers Research Institute and Graduate School of the Leiden Law School of Leiden University. This study is part of the Law School’s research programme ‘Effective Protection of Fundamental Rights in a pluralist world’.

Systemic Accountability of the European Border and Coast Guard

The legal responsibility of Frontex
for human rights violations

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