

Fundamental rights at Europe's southern sea borders EU – Fundamental Rights Agency



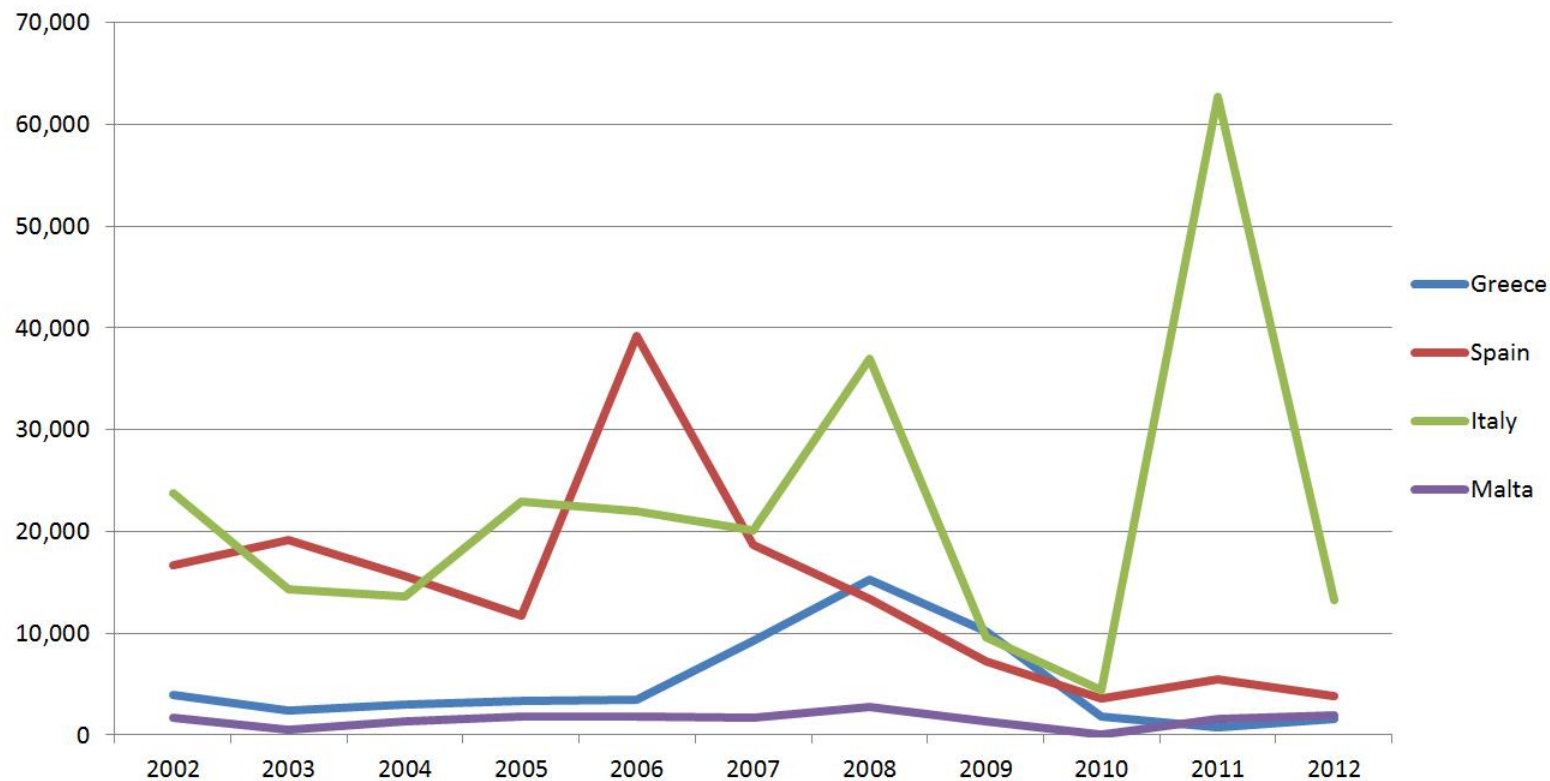
FRA project on sea borders

Key fundamental rights / issues

- Right to live
- Non-refoulement
- Treatment during interception/ rescue
- Maritime surveillance systems (protection of personal data)
- Humanitarian needs upon arrival
- Identification and referral of persons in need of protection



Irregular arrivals by sea, data trends, 2001–2012, four EU Member States



Identification and referral of persons in need of protection: Four groups

Refugees

Minors

Victims of
THB

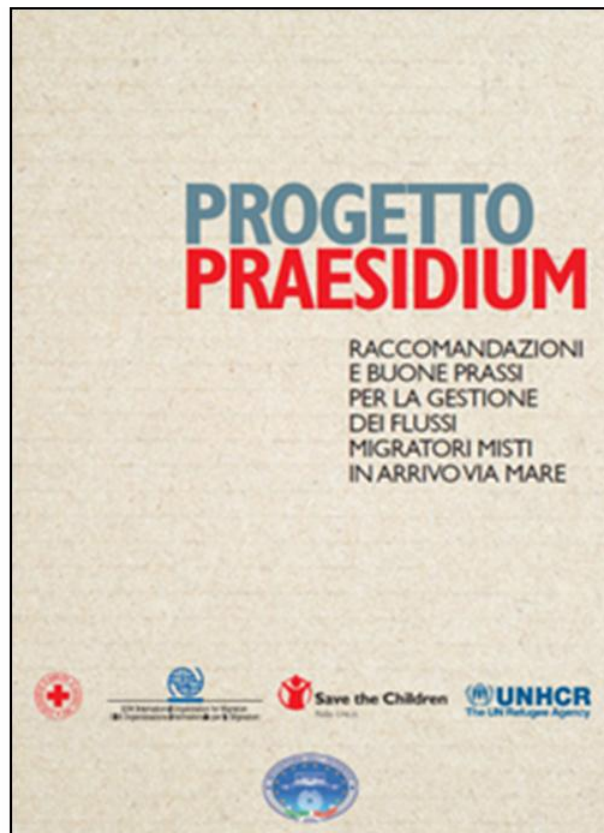
Victims of
serious crime

Typically all persons are held in closed facilities upon arrival

Applicability of the Return Directive (2008/115/EC) and its safeguards against arbitrary detention (Art. 15) to persons apprehended in the context of border crossing, 10 EUMS



THB victims: Promising practices



Spanish Red Cross
Emergency Immediate
Response Teams

*Equipo de Respuesta
Inmediata en Emergencias
(ERIE)*

Every woman and minor
arriving at the pier is first
seen by the Red Cross in their
office

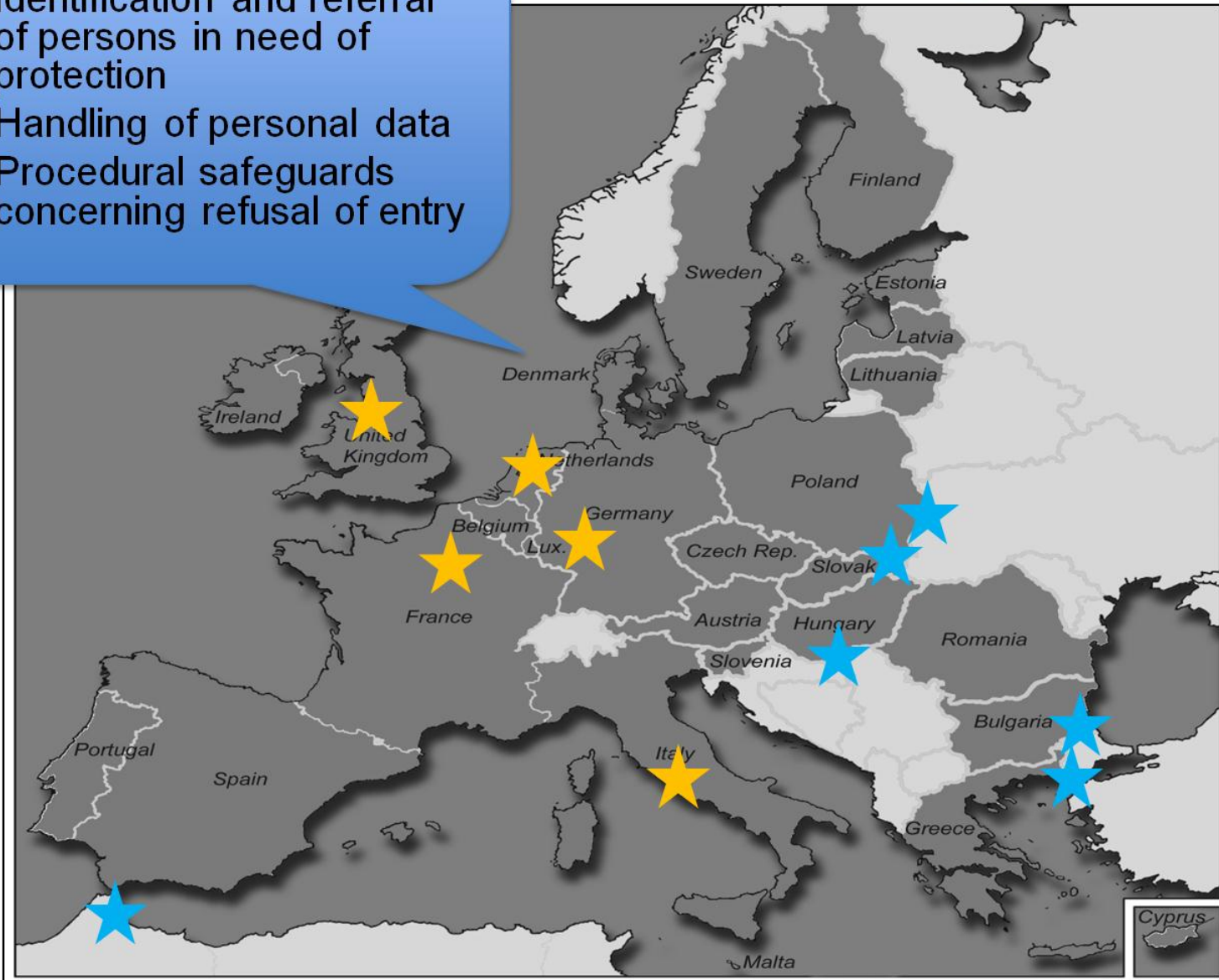
Frontex Common Core Curriculum: subjects on THB

Subject	Knowledge	Skill
1.3.3 Identification of psychologically vulnerable persons	Border guard (BG)* is able to identify behavioural patterns which indicate that a person could be a victim of trafficking suffering trauma.	BG is able to channel appropriate care for psychologically vulnerable persons.
1.7.8 Identification and Referral of Victims of Trafficking	BG is able to identify potential victims of human trafficking including children [and to] recognise the needs of the victims [...].	BG is able to, according to international and national standards and legislation: apply, as appropriate, child- and gender-sensitive techniques and ethical principles in conducting victim-centred interviews; refer (potential) victims to specialised service providers; [...].
1.7.9 Protection of children	BG is able to list specific protection needs of children as well as key rights, such as the protection of the family and specifically from separation from parents, the best interests of the child and the presumption against detention of children.	BG is able to apply appropriate measures, including referral to appropriate structures for the following groups of children in need of protection: unaccompanied and separated children, asylum-seeking children, potential victims of trafficking [...], missing children and children abducted by a family member.

FRA project at border crossing points (2013)

Key fundamental rights

- Respect of human dignity
Non-discrimination
- Identification and referral of persons in need of protection
- Handling of personal data
- Procedural safeguards concerning refusal of entry



★ Airports

★ Land border crossing points

Thank you for your attention!

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