Treating People as Objects? – Interview, Fundamental Rights Agency (FRA)

**Questions –**

**Cooperation with Frontex/Fundamental Rights Strategy/ Training**

How would you define the **‘fundamental rights strategy’** of border management?

FRA reply to European Ombudsman in Oct 2012 (on Frontex Fundamental Rights (FR) strategy and code of conduct) stressed an overall goal of **mainstreaming** FR in Frontex activites and a **‘FR training concept’** – how successful is this mainstreaming? How do you define the ‘concept’?

This response doc also hinted at the existence of an organizational culture (within Frontex) which suggests that **FR and border management are in tension** … do you think this is the case?

What do you see as the **most serious FR risks/challenges** at the border?

**Solidarity/ Common Response/ Crisis**

How is it possible to instill a **‘common response’** to migration and border management (as stressed by Commission Policy Plan on Asylum 2008 + Commissions’ Agenda on Migration 2015 – which refers to a ‘consistent and clear common policy’)?

… How do you negotiate/manage rights at **different types of borders**? For instance, how do you negotiate a slick site such as Heathrow with the rudimentary beaches of Lesbos?

How do you understand the **principle of solidarity** – referred to in the Treaty and in Comm Policy Plan on Asylum 2008 as ‘both within the EU and with Third countries’? What is ‘solidarity with Third Countries’ (called ‘genuine solidarity’ in the Policy Plan)?

Is **solidarity about rights**? Is it in tension with rights? How are they connected?

… What about **solidarity *with migrants***? (ref Cecilia Malstrom) … Do we perhaps need to attach an element of **‘care’** to solidarity?

Does **‘crisis’** demand a different kind of response?

How would you define the current situation (EU-Turkey, Greece) – a **‘migrant crisis’**?

**Migrant/ refugee identity – an object?**

Individuals who cross borders are no longer called ‘illegal migrants’ (after UN Special Rapporteur on HR of Migrants pointed to this as a damaging label) … now **‘irregular migrants’** … do you see anything damaging in the ‘irregular’ label?

**Data protection**

Have you seen any tensions emerging between fundamental rights of migrants and the increased use of **technology** to track and trace them (eg Eurodac) – FRA has a project on biometric data in large EU IT systems and its FR implications … what are these implications?

Are **automation and rights protection** constantly in tension? (eg coercive fingerprinting measures – failure to provide fingerprints – affects right to asylum)

**Finally/ General on FRA** –

Is the **right to asylum an ‘absolute right’**?

What is your **‘solution’ the ‘crisis’**?

What do you see as the **most serious FR risks/challenges** at the border?

Since its inception in 2007, FRA has grown at a rapid and impressive rate – now a new ‘Director’ - would you say **FRA is the ‘human rights arm’** of the EU? (NB FRA objective is ‘assistance and expertise’ to EU and MS as per FRA Regulation 168/2007 art 2)

If I said to you that **FRA ‘governs through rights’** – via training, code of conduct based in rights, via reading for example frontex activities through a ‘FR lens’ – how would you respond? Ie duties go beyond ‘assistance and expertise’ to a kind of government/governing/govern(mentality)?

… Does it govern rights – ie determines *how to do rights properly* (training, deciding what areas to focus on in projects – eg migration detention of children, etc)