

Frontex celebrates 20 years of rights violations with impunity

The European coastguard and border guard agency turns 20 years old on this 26 October 2024¹. It's a sad anniversary for an agency that has been widely blamed for decades for direct and indirect violations of the rights of people on the move². An agency whose aim is to 'protect' Europe's borders, with no regard for the lives and safety of those who try to cross them. An agency that is the symbol of a deadly border regime and the standard-bearer for repressive and ultra-secure migration policies, the dramatic consequences of which have been amply demonstrated.

Powerful, untouchable and indestructible, Frontex is not only still there 20 years on, but its activities have expanded massively³. Despite documented and filmed violations of rights⁴, despite pernicious collaboration with failed⁵ or authoritarian regimes⁶, despite internal malfunctions⁷, despite the relentless efforts of civil society⁸ to shed light on its culpable actions and abuses, and despite - more recently - increased vigilance on the part of the European institutions⁹.

20 years on, in spite of countless damning pieces of evidence of its compromise, complicity or complacency in numerous abuses in the name of the fight against immigration, despite the departure

¹ Council regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004R2007>

² "Frontex, 15 years of impunity: The outlaw agency must disappear!", Migreurop communication, 8 December 2020: https://migreurop.org/article3013.html?lang_article=en&lang_nav=nl

³ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019R1896>

⁴ "Frontex at Fault: European Border Force Complicit in 'Illegal' Pushbacks", Bellingcat, 23 octobre 2020: <https://www.bellingcat.com/news/2020/10/23/frontex-at-fault-european-border-force-complicit-in-illegal-pushbacks/>; « Enquête vidéo : au large de la Grèce, comment Frontex a maquillé des renvois illégaux de migrants », le Monde, 3 mai 2022 : https://www.lemonde.fr/international/video/2022/05/03/enquete-video-comment-frontex-a-maquille-des-renvois-illegaux-de-migrants-au-large-de-la-grece_6124634_3210.html

⁵ "EU: Frontex Complicit in Abuse in Libya - Aerial Surveillance Is Enabling Interceptions, Return of Migrants to Harm", Human Rights Watch Report, 12 December 2022; <https://www.hrw.org/news/2022/12/12/eu-frontex-complicit-abuse-libya>

⁶ "Frontex suspends operations in Hungary over asylum system", Deutsche Welle, 27 January 2021: <https://www.dw.com/en/frontex-suspends-operations-in-hungary-over-asylum-system/a-56364948>; "Frontex suspends operations in Hungary", Statewatch, 1 February 2021: <https://www.statewatch.org/statewatch-database/frontex-suspends-operations-in-hungary/>

⁷ European Anti-Fraud Office Report on Frontex, 2022: https://ec.europa.eu/olaf-report/2022/index_en.html

⁸ See the Frontexit, Frontexplode, Abolish Frontex campaigns and media surveys; Frontex in the Storm: Chronology of accusations targeting the Frontex agency from October 2020 to May 2022, Migreurop: https://migreurop.org/IMG/pdf/complement_d_infos_frontex_dans_la_tempete_oct.20_-_avril_22.pdf

⁹ European Parliament scrutiny of Frontex, November 2023: [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2021\)698816](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2021)698816) ;

"European Ombudsman calls for changes to EU search and rescue rules and a public inquiry into deaths in Mediterranean", 6 April 2024: <https://eubriefs.com/?p=15670>

in 2022 of its controversial resigning Director¹⁰ - who has since joined the ranks of the French far right as an MEP¹¹ - nothing has changed. Because nothing can stop Frontex, which cannot be controlled or held accountable, and whose structural impunity is, in fact, largely organised¹².

Frontex is unreformable, unassailable and irremovable. Its mandate is incompatible with respect for rights¹³, but it was created to be unaccountable. The populist ideology underpinning migration policies has grown stronger in 20 years and has won out over respect for rights in a Europe that now openly flouts them. Not just by circumventing European law, but by freeing itself from it to codify violations of rights¹⁴ and 'legalise the illegal'¹⁵. The bedrock of values and principles on which Europe was founded when it was created, and which it claimed to defend, is crumbling further every day, shrinking to nothing.

How much longer will we have to stand by as helpless observers of a European system that congratulates itself on its macabre performance in managing the Union's external borders in defiance of the law, and that congratulates itself despite common sense and accumulated evidence of abuses¹⁶?

Let's not wait any longer. It is high time to abolish Frontex.

¹⁰ "Head of EU border agency Frontex resigns amid criticisms", The Guardian, 29 April 2022:

<https://www.theguardian.com/world/2022/apr/29/head-of-eu-border-agency-frontex-resigns-amid-criticisms-fabrice-leggeri>

¹¹ "Former Frontex boss joins France's far-right party for the EU elections", Le Monde, 17 February 2024:

https://www.lemonde.fr/en/europe/article/2024/02/17/former-eu-border-agency-chief-joins-france-s-far-right-rassemblement-national_6535328_143.html

¹² "Is the outsourcing of the European migration policy judicially challengeable?", Legal Note Migreuop, 2019:

http://migreuop.org/IMG/pdf/legal_note_en_def.pdf

¹³ 'L'incompatibilité du mandat de Frontex avec le respect des droits fondamentaux', assessment after one year of the Frontexit campaign, June 2014 ; "There is obvious tension between Frontex's fundamental rights obligations and its duty to support Member States in border management control", in "Ombudsman calls for changes to EU search and rescue rules and a public inquiry into deaths in Mediterranean", Press release no. 1/2024, 28 February 2024

¹⁴ « Unis pour laisser crever les migrants », Politis, octobre 2024 : <https://www.politis.fr/boutique/magazines-unite/>

¹⁵ « Des dispositifs mortels, dont l'effet est de tuer pour dissuader », Mediapart, « À l'air libre », 10 April 2024 : https://migreuop.org/article3257.html?lang_article=fr

¹⁶ "First evaluation of the Frontex Regulation delivers overall positive assessment despite challenges", European Commission, February 2024: https://ec.europa.eu/commission/presscorner/detail/en/ip_24_613