

FRONTEX [EXIT]

A European border-guards and a coast-guards agency Concerns about proposed mandate for a « new Frontex »

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Since 2004, Frontex, which coordinates border control management at the European Union (EU)'s external borders, has benefited from a constant increase in its competences: deployment of rapid border intervention teams (2007), administration of the EU border surveillance system EUROSUR (2012), possibility to intercept people at sea and disembark them outside of the EU (2014), increase of its budget by 13 times in ten years. These developments were **not associated with independent control over its activities or mechanisms to hold the agency accountable in case of human rights violations.**

Despite numerous criticism in relation to the risk for human rights violations, including those expressed by the United Nations or European human rights bodies (Council of Europe, European Fundamental Rights Agency, EU Ombudsman, and European Data Protection Supervisor), the EU has maintained its policy **thereby ensuring the agency a complete impunity that contrasts with its growing action and deployment capacity.** The creation of a “new” agency will strengthen this security-oriented trend, through the use of quasi-military equipment (satellites, radars, helicopters, possible use of drones) almost with no oversight.

Once again, Europe is fencing off to keep away those it wrongly identifies as a threat: men, women and children who try to escape war, persecution and misery. This is unacceptable for the member organisations of the Frontexit campaign which demand that the agency, which is incompatible with the respect of fundamental rights, is not reinforced but suppressed.

Unaccountability and impunity

In November 2015, the European Parliament stressed that [“the coordinating role of Frontex should not limit its responsibility under international and EU law”](#). However, the inclusion in the proposed mandate of a complaint mechanism as put forward by members of the European parliament seems to be an empty shell: only administrative procedures may be undertaken internally against Frontex officers. No liability can thus be assumed before an independent body despite recorded cases of human rights violations during the agency's operations and as its maritime operations may, according to the EU Court of Justice, [“interfere with the fundamental rights of the persons”](#) intercepted.

Simplistic and hostile amalgams

In November 2015, the Council of the EU announced that Frontex would contribute to fight against terrorism with no further detail. This contributes to fuelling mistrust against migrants who are associated with terrorists and to stirring-up xenophobia and racism among the general public.

The proposed new mandate enshrines this amalgam between migration and terrorism: the new agency will be able to collect personal data of people suspected of participating in terrorist activities as well as of any person involved in “cross-border crime”. Cooperation with Europol will intensify in this respect.

Increased deployment beyond Europe with no control ([see map](#))

Since its establishment, Frontex is empowered to sign “technical” agreements with non-EU countries and, since 2011, to deploy liaison officers there. This cooperation aims to help States to better control “irregular” migration, and allows for the exchange of data to analyse migration “risks” and routes. These actions can conflict with the right to leave any country, the right to seek asylum, and the obligation of non-refoulement. Yet, no parliament controls (be it in or outside Europe) is exerting control. 18 agreements have been signed, others are planned; data is exchanged with over 40 countries, including some where human rights violations are systemic and documented. The proposed mandate does not question the relevance of such cooperation and the European parliament remains definitely excluded from the control of both the terms and the impact of it. “Mixed” border control and deportation operations bringing together Frontex and non-EU officers are also envisaged pursuant to a working arrangement being signed, despite risks of human rights violations (as noted by the [EU Ombudsman](#)).

Risk of chain *refoulement*

The proposed mandate would allow the agency to facilitate the deportation of people facing a removal order issued by a State signatory of the European Convention on Human Rights. In concrete terms, the agency would be empowered to remove people from Serbia or Turkey basing on a deportation order which does not match EU standards and with no guarantee that people removed will not face inhumane or degrading treatment upon arrival.

For over 10 years, by reinforcing its quasi-military apparatus, the EU has shown how incapable it was to address the reception and international protection needs, thereby endangering the lives of migrants and refugees with no regard for law or even the value it pretends to stand for. This new mandate is a strong political signal emblematic of an obsession with security based on the rejection of foreigners and racist prejudice.

Europe is at war against an imaginary enemy

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