

A reinforced Frontex agency EU turns a deaf ear to NGO's warnings

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More powerful than ever and enjoying complete impunity, the EU border management agency has a new name with a reinforced mandate. The European Union has indeed opted for an increase in the means allocated to deportation, control and external cooperation activities, with no regard for the rights of migrants and refugees.

By reshaping Frontex's mandate - now the "European Border and Coast Guard Agency" – to reinforce the agency's capacities, the European Union (EU) disrespects fundamental human rights and still does not address the challenges it faces, which the European migratory context has exposed in the past two years.

While the number of deaths and disappearances keeps growing at European borders – among whom many people in need of international protection^[1], Frontex will now be able to deploy its forces more rapidly at the EU's external borders to block those intending to cross. This will only result in making migrants' journeys more dangerous.

Moreover, the agency can disembark intercepted people in a "port of safety", including in non-EU countries; this provision contradicts the rulings of the European Court for Human Rights and the *non-refoulement principle*.

Frontex also has greater means allocated to external cooperation (operations and information exchange) with a growing number of countries, some of which notoriously do not respect human rights.^[2] Yet the European Parliament has no oversight on Frontex's external cooperation.

Not only are the means of the agency reinforced, but the new mandate also maintains a system where responsibilities between Member States and Frontex are diluted, enabling the latter to act in total impunity. For instance, when it was accused of having made excessive and near-systematic use of force (including fire arms) when deployed in the Aegean Sea in late August 2016, Frontex denied responsibility and shifted the blame to the Greek authorities^[3]. However, following an investigation conducted at national level, the Greek coast-guards ended up not being sanctioned.

Furthermore, the complaint mechanism established in the new mandate, and which the EU Ombudsman has called for since 2012, remains insufficient to make the agency and/or its staff accountable before an independent court. Victims of human rights violations during the agency's operations still cannot access redress mechanisms.

Yet, the agency continues to put a number of rights at risk ^[4] : first and foremost, the right to leave any country including one's own; but also the right

to seek asylum and the *principle of non-refoulement*, the right to personal data protection and the right to an effective remedy.

Although the approval of the new mandate by the Council of the EU comes as no surprise, the green light given by the European Parliament leaves a bitter taste. The Parliamentary assembly has thereby legitimised and set in stone the absence of democratic control over a number of Frontex operations, in particular those conducted outside of the EU.

Frontex is emblematic and is the armed wing of EU policies aimed to fence off European borders. Consequently, member organisations of the Frontexit campaign call for its suppression and for the EU to finally opt for policies that respect fundamental rights, in particular the “right to leave any country including one’s own”.

Europe is at war against an imaginary enemy

www.frontexit.org

[1] As of September 2016, estimated figures on the number of deaths and disappeared already outnumbered record numbers reached in 2015 (see latest estimated by the International Organisation for Migration / [Missing Migrants Project](#))

[2] Frontex has, to date, signed 19 external cooperation agreements. Find out more on the map [10th anniversary of Frontex – 10 measures that put human rights at risk](#)

[3] The Intercept, [Shoot First: coast guard fired at migrant boats, European border agency documents show](#), 22 August 2016

Le Point, [Frontex a-t-elle tiré sur des migrants?](#), 1 September 2016
<http://www.rfi.fr/europe/20160902-poseidon-frontex-mediterranee-tirs-bateaux-migrants-questions>

[4] Violations documented by Frontexit in 2013 at the Greek-Turkish border ; [internal « incident reports](#)” publicly released by the investigation magazine *The Intercept* in August 2016 ; [complaint to the Irish Ministry of Justice in 2011](#) ; Human Rights Watch, “[The EU’s dirty hands](#)”, in 2011.