

## Frontex, 15 years of impunity: The outlaw agency must disappear!

The European coastguard and border guard agency Frontex is accused by various media<sup>1</sup> of knowledge of or complicity in the pushback of at least six boats of migrants in the Aegean Sea between March and September 2020 as part of Operation Poseidon. For the first time, the agency has been summoned to explain itself to the European Commission and Parliament. It was about time!

### Numerous and recurrent accusations

For ten years now, multiple actors have been documenting the incompatibility of Frontex's mandate and activities with the respect for fundamental rights,<sup>2</sup> and the structural impunity it benefits.

Since 2011, Migreurop has been pointing out the non-respect of rights of which Frontex is guilty: non-respect of the right to asylum, obstacles to the right to leave any country, ill-treatment and acts of violence, discrimination, and lack of transparency in terms of personal data protection.<sup>3</sup> From 2013 onwards, the inter-associative campaign [Frontexit](#) showed how the rise in power of Frontex (budget and autonomy) increased its dangerousness. In 2019, an investigation by a media collective already revealed numerous cases of violence during operations coordinated by Frontex.<sup>4</sup> The agency was also accused of having closed cases of ill-treatment of exiles in Bulgaria, Hungary and Greece, thus making itself an accomplice.<sup>5</sup>

False accusations? What about the numerous "incident reports" made by the agency itself? Since 2012, Frontex's Fundamental Rights Protection Officer has been keeping a record of the complaints it receives, but no action has been taken on them.

### Frontex's disclaimer

With a communication backhand these accusations are systematically refuted by Frontex, whose attitude has never changed: hiding behind the host states of its operations, who are held responsible for their execution, it simply asserts, with the help of non-binding codes of conduct and the training of its agents on "good practices", that it scrupulously respects the fundamental rights of the people on the move.

In addition to this system(at)ic denial of responsibility, a "fundamental rights strategy" has been brandished as a banner by the agency since 2011. However, the monitoring instruments it provides for are very weak, including during deportations,<sup>6</sup> and the complaint mechanism set up to denounce rights violations committed by Frontex itself in the countries where it operates is not effective since it can only give rise to

---

<sup>1</sup> ["Frontex at Fault: European Border Force Complicit in 'Illegal' Pushbacks"](#), Bellingcat, Der Spiegel, 23 October 2020

<sup>2</sup> [Appeal for the cancellation of the Frontex regulation](#), Frontexit Campaign, 2013

<sup>3</sup> ["Frontex: which guarantees for human rights?"](#), Migreurop/Greens/ALE group (European Parliament), 24 May 2011; Migreurop/Statewatch, [Reply to the Ombudsman's request for submission – Frontex fundamental rights strategy](#), 27 September 2012

<sup>4</sup> ["EU border force Frontex accused of allowing abuse of migrants"](#), Euractiv, 6 August 2019

<sup>5</sup> [« Frontex accusée de tolérer des maltraitements sur des migrants »](#), Euronews, 5 August 2019

<sup>6</sup> Council of Europe Committee for the Prevention of Torture, visit Germany 2018, report observation flight return Afghanistan 18 August 2018; ["Deportation Union: Rights, accountability and the EU's push to increase forced removals"](#), Statewatch, August 2020

possible individual disciplinary sanctions, rather than any agency accountability. Worse still, Frontex discourages any desire to bring these grievances to justice.<sup>7</sup>

To date, neither the agency nor any of its agents have ever been implicated, and the overwhelming evidence that has accumulated over the years does not seem to question the constant increase in the agency's resources, staff and decision-making power.<sup>8</sup>

### **Frontex's language elements are no longer sufficient**

These new charges of complicity in cases of pushback in the Aegean Sea add to the concerns raised over the years by the Parliamentary Assembly of the Council of Europe, the EU Fundamental Rights Agency, the Commissioner for Human Rights of the Council of Europe, the LIBE Committee of the European Parliament, the EU Ombudsman of the European Union.

On 10 November 2020, at the request of the European Commission, an internal investigation was opened within Frontex. During an *ad hoc* meeting, the Executive Director of the agency only proposed a reinforcement of the office in charge of fundamental rights and to increase "*the awareness of the operational agents of the legal requirements they have to apply on a daily basis in the field*".<sup>9</sup> There is a stark contrast between these façade safeguards and the seriousness of the accusations against Frontex.

On 1 December 2020, during his Hearing before the LIBE Committee of the European Parliament, the Director presented Frontex as a sentinel of fundamental rights,<sup>10</sup> while equating cases of push back with "prevention of departure" operations, which obviously constitutes an obstacle to the right to leave any country, including one's own, in violation of the international and European standards to which Frontex is still subject. Following this Hearing, some parliamentarians called for a parliamentary commission of enquiry and others called for the resignation of the director of Frontex.<sup>11</sup>

### **The impunity of the agency must end and its mandate must be terminated**

For years,<sup>12</sup> the violent – even fatal<sup>13</sup> – pushbacks of people on the move at the Greek-Turkish border have been well known and documented, including by Frontex. The incompatibility of its activities with the respect of fundamental rights is no longer in doubt. However, its impunity remains total : the European Union and its member states have gradually implemented a strategy of "organised unaccountability" with regard to European migration policy,<sup>14</sup> of which Frontex is one of the key security components.

**Border control is not, and will never be, a variant of mobility. It is urgent that the deadly strategy at the EU's borders be stopped, that Frontex's illegal practices be eventually sanctioned and that the mandate of this European agency, whose impunity has lasted too long, be definitively put to an end.**

Paris, December 8, 2020

---

<sup>7</sup> "[Frontex is taking us to court](#)", Luisa Izuzquiza, Arne Semsrott, 2 December 2020

<sup>8</sup> Revisions to its mandate in [2011](#), [2016](#), [2019](#)

<sup>9</sup> "[Frontex calls for committee to consider questions related to sea surveillance](#)", Frontex, 10 November 2020

<sup>10</sup> « [Refoulement de migrants en mer Egée : le directeur de Frontex se défend devant le Parlement européen](#) », RTBF, 1 December 2020.

<sup>11</sup> "[Lawmakers bash EU border agency over alleged migrant pushbacks](#)", Euractiv, 2 December 2020

<sup>12</sup> "[Frontex between Greece and Turkey, at the border of denial](#)", Frontexit, 5 May 2014

<sup>13</sup> "[Shoot First - Coast Guard Fired at Migrant Boats, European Border Agency Documents Show](#)", The Intercept, 22 August 2016

<sup>14</sup> "[Is the outsourcing of the European migration policy judicially challengeable?](#)", Migreurop, June 2019