

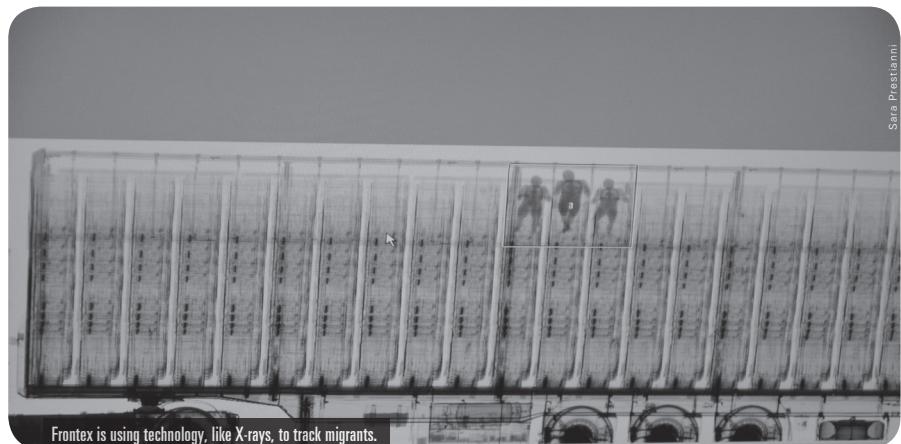
FRONTEX

The armed wing of the EU's migration policies

MIGREUROP EDITORIAL

When Frontex was established in 2005, European policy-makers considered that the agency was meant to support surveillance at the EU's external borders in cooperation with neighbouring states. Asylum was not part of its prerogatives. It is only after being criticised by many politicians, MPs or MEPs, and NGOs that a few progresses were made in 2011. However, the European Council has kept prioritising the allocation of greater powers and controlling means to the agency over the protection of fundamental rights. While the narrative on Frontex has been softened if not sanitised to sound like the agency is operating to "save lives"—particularly because of the shipwrecks that have multiplied since 2013, the reality has shown that, throughout the years, the more intensive the border controls, the greater the death toll at the EU's borders is: below 1,000 deaths per year in the mid 2000s; over 2,000 since 2011. As reminded by the Frontexit campaign, presented in this brief, "Never a policy geared at combating "clandestine" migration will be a policy that respects the rights of people".

GREATER CONTROLS HIGHER DEATH TOLL



Frontex is using technology, like X-rays, to track migrants.

Sara Prestianni

For over a decade, European migration policies have focused on a security-led approach rather than on the protection of migrants and refugees, thereby leading to an increased use of border control devices by the member states of the European Union (EU).

On the one hand, European states deploy military means and policing devices to foster control around the Schengen area. On the other hand, they pressure so-called countries of origin (mostly African and Eastern European states) so that migration controls occur before departure. This way, the EU externalises border control. Through the signature of agreements¹, non-European states agree to readmit their nationals (or other non EU-nationals who have transited through their

1. See Migreurop brief "Readmission agreements. Using "cooperation" to deport migrants" http://www.migreurop.org/IMG/pdf/note_de_migreurop_062012_accords_de_r_r_admission_version_anglaise_web_version.pdf

territory) deported from Europe, and adopt legislation that sanction migrants and aim to prevent their departure. In 2005, the European Commission has created a tool to monitor and control the EU's external borders: the Frontex agency. This agency, equipped with a quasi-military apparatus, coordinates operations that aim to remove foreign nationals from the territory of the EU.

Frontex, whose headquarters is based in Warsaw, is directed by a management board made of representatives of EU member states and of the Commission. Its surveillance operations are deployed at sea, land and air borders. At sea, the agency patrols the territorial waters of



Mirador, in Melilla, the Spanish enclave in Morocco.

member states, international waters but also the territorial waters of non-EU states. In airports, it controls migrants based on their origin. Joint return flights are also organised. Some of them could be associated with collective expulsions, although the latter are prohibited by the EU Charter of fundamental rights. At land borders, Frontex is mostly deployed at the Greek-Turkish border.

FRONTEX: “surveillance” is not compatible with “watching over”

Frontex is in charge of administrating the European surveillance system at European external borders that brings together the surveillance and detection means of EU members. This 24/7 device has been deployed at the EU’s maritime borders and will ultimately cover all Schengen borders as well as the borders of some non-EU countries, for example Libya. Equipped with radars, satellites and, in the futures, with drones, the system facilitates exchange of information between member states and with Frontex.

The agency also conducts punctual operations based on “risks analyses” to identify the routes which are the most used by migrants.

Since 10 October 2011, Frontex has gained a greater budgetary and decisional autonomy after its mandate was amended. The new regulation makes it obligatory for European states to commit to the agency so the

latter can rely on predictable material and human resources: an annual pool of border guards detached by member states, technical equipment and means made available. Moreover, the agency can now buy its own equipment, which ensures more autonomy vis-à-vis the states.

Frontex presents and legitimates its border control activities based on the need to rescue migrants at sea, to fight against terrorism as well as trafficking in human beings. In fact, by closing the possible and legal migration channels one by one, it leads thousands of migrants and refugees to use increasingly dangerous migratory routes. “Surveillance” is not compatible with “watching over” human lives! Frontex has deployed a quasi-military apparatus to stop migrants from reaching European borders, and cannot, in the meantime, look after their well-being and their safety as it pretends to do.

WATCH THE MED

Watch the Med is a network made of researchers and organisations advocating for migrants’ rights. It aims to document shipwrecks based on the analyses of witness reports, enquiries, and the use of sophisticated technology. Its goal is to establish responsibilities to support legal action.

THE MEANS OF FRONTEX

With a 97 million Euros budget in 2014, Frontex is the most financed operational agency of the EU. This does not include some operations involving Frontex which are not counted in the budget, as it is the case with the EUBAM mission in Libya¹,

A military arsenal :

- 21 aircrafts
- 27 helicopters
- 116 ships
- Mobile night vision detectors
- Air surveillance tools
- Patrol vehicles
- Heart-beat detectors

The acquisition of this equipment is supported by the industrial lobby, deeply involved in the development of high-tech surveillance equipment².

FRONTEXIT



AN AWARENESS-RAISING AND DENUNCIATION CAMPAIGN ON THE ACTIVITIES OF FRONTEX

Launched in March 2013, Frontexit is a Euro-African campaign led by NGOs. The objectives are four-fold: data collection, training and awareness-raising, litigation, and actions addressed to policy-makers. The campaign denounces the agency’s lack of transparency, the violation of fundamental rights and the dilution of responsibilities that characterises Frontex’s actions. Frontexit members call for the annulment of Frontex regulation, as long as Frontex’s activities will remain incompatible with the effective respect of human rights,

More information on www.frontexit.org

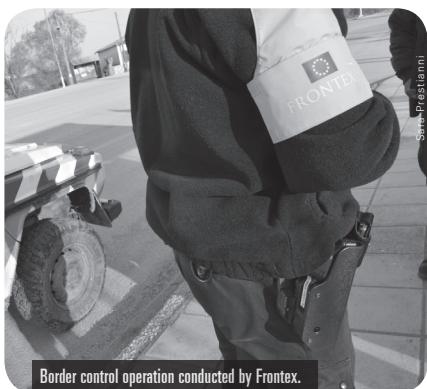
1. 1. <http://www.statewatch.org/news/2013/oct/eu-eeas-military-plan.pdf>

2. See Claire Rodier : Xénophobie Business. A quoi servent les contrôles migratoires ?

Paris, La Découverte, 2012.

FRONTEX : BEYOND RIGHTS AND LAWS !

Frontex operations jeopardise the respect of migrants' and refugee fundamental rights: refoulements (push-backs), violation of the right to seek asylum, transmission of personal data.



Border control operation conducted by Frontex.

Frontex's surveillance operations during which migrants may be intercepted out of European waters, are in breach of the principle of non-refoulement enshrined in international law. Indeed, it is strictly prohibited to remove a person to countries where his/her rights may be violated. However, migrants who are removed upon interception cannot be granted international protection although they should be able to claim asylum pursuant to the 1951 Geneva Convention on the status of refugees.

It is extremely difficult to clearly identify who is responsible when such violations occur: the agency, its officers, the European Union, member states? This makes any legal action impossible.

Frontex lacks transparency. It is not easy, even for parliamentarians, to be informed in detail of the way

surveillance operations are conducted, and in which conditions (location, purpose, duration, budget, states involved etc.). The new regulation adopted in 2011 was meant to improve transparency on operations, but no real progress has been made so far in this respect.

The situation at the Greek-Turkish border

Several thousand Euros have been spent in 2012 by Greece and the EU to prevent migrants and refugees - escaping Afghanistan, Egypt, Iraq or Syria - from reaching Europe. Greece has thus spent three million Euros in the construction of a 10.5 km wall at the crossing point that was the most used by migrants arriving from Turkey; 200 extra border guards have also been deployed. Nevertheless, despite the reinforcement of border control, the Greek-Turkish border has remained an entry gate to Europe, whether at the land border, in the Evros region in the north, or by crossing the Aegean Sea in the south. Yet, crossing into Greece does not, by far, guarantee the respect of the human rights of migrants and refugees. For several years, it is one of the countries where the living conditions of migrants have been the most concerning in Europe.

Moreover, the Poseidon operation conducted by Frontex since 2010

to stop migrants – either coming or who transited through Turkey – from reaching Greece is quite worrying in many respects. The operation is contributing to the violation of fundamental rights. Besides, Frontex is taking part in "push-back" operations where vessels, often unseaworthy, are sent back to the Turkish border. Numerous cases of violence, theft and humiliations against migrants were reported involving Greek security guards during these maritime operations. These elements were reported by some Frontex officers to the agency's Fundamental Rights Officer¹ but no measure was taken in consequence to our knowledge.

Finally, Frontex is operating in Greece's closed centres where detention conditions are appalling: insalubrity, overcrowded sites, violence etc. Frontex is a silent witness of the inhuman and degrading situation while conducting screening operations in these very centres to identify the nationality of migrants and thus facilitate their removal to their country of origin, or to a country through which they may have transited.

1. In the framework of its new mandate (October 2011) and its "fundamental rights strategy", Frontex has appointed an officer tasked with ensuring the respect of human rights during Frontex operations.

FRONTEX DOES NOT RESPECT THE PRINCIPLE OF DATA PROTECTION WHEN COLLECTING MIGRANTS' PERSONAL DATA

During operations, the agency collects information from migrants pursuant to Art. 11 of its mandate (age, nationality, travel route and purpose of the journey etc.). This information is then stored in databases (10 days when collected during a joint return flight, 3 months in other cases) and exchanged with other EU agencies such as Europol if a cooperation agreement was signed to this end (Article 13 of Frontex's mandate). Frontex is thus considering a partnership with Eurojust, as announced in its 2013 work programme. The agency's mandate, in its 2011 amended version, foresees that all data used for risks analyses which are then published shall be de-personalised. However, the mandate does not specify that personal data shall be de-personalised when transmitted to other EU agencies. The exchange of personal data with member states is expressly prohibited in the context of Euros-surveillance, save in exceptional cases which are clearly described in the Euros-surveillance regulation: this vagueness leaves a concerning margin of interpretation regarding the protection of migrants' personal data¹.

1. Frontex plans to exchange personal data with Eurojust as mentioned in its 2013 work programme. <http://Eurojust.europa.eu/Pages/languages/fr.aspx>

For more information



USEFUL LINKS

- › Frontexit
www.frontexit.org
- › Migreurop
www.migreurop.org
- › Statewatch
www.statewatch.org/
- › Watch the med
www.watchthemed.net



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The sole responsibility for the content lies with the author(s) and the content may not necessarily reflect the positions of NEF, EPIM, or the Partner Foundations.

- › ATLAS DES MIGRANTS EN EUROPE, GÉOGRAPHIE CRITIQUE DES POLITIQUES MIGRATOIRES, Migreurop, Armand Colin, 2012.
- › « THE UE'S DIRTY HANDS FRONTEX INVOLVEMENT IN ILL-TREATMENT OF MIGRANTS DETAINEES IN GREECE », Human Rights Watch, Rapport septembre 2011 http://www.hrw.org/sites/default/files/reports/greece0911webcover_0.pdf
- › « VOUS ENTREZ ICI À VOS RISQUES ET PÉRILS. DANGER DE MORT AUX PORTES DE L'EUROPE », Amnesty international, juillet 2013. <http://www.amnesty.fr/AI-en-action/Personnes-deracinees/Migrations-et-droits-humains/Actualites/Grece-vous-entrez-ici-vos-risques-et-perils-8955>
- › « FRONTEX LE BRAS ARMÉ DE L'EUROPE FORTERESSE », CNCD-11.11.11, DLM-Demain Le Monde n°18, Dossier, mars/avril 2013. <http://www.cncd.be/dlm-Demain-le-monde-no18>
- › « CHRONIQUE DE L'EUROPE FORTERESSE », Migrations-magazines n°9, avril 2013, CIRE www.migrations-magazines.be
- › « NAUFRAGES EN MÉDITERRANÉE, UN SOMMET EUROPÉEN POUR RIEN », CIMADE <http://www.lacimade.org/poles/solidarites-internationales/nouvelles/4692-Naufrages-en-Mediterran-e---un-sommet-europeen-pour-rien>
- › « FRONTIÈRES » Dossier paru dans Causes Communes n°77 Juillet 2013 <http://cimade>
- › AMDH Mauritanie <http://lecalame.info/actualites/item/164-lancement-de-la-campagne-frontexit-%C3%A0-nouakchott> <http://rimweb.net/lancement-de-la-campagne-inter-associative-frontexit-a-nouakchott/>
- › « LES SECRETS DE L'EUROPE-FORTERESSE », documentaire de Michael Richter, octobre 2013 <http://www.youtube.com/watch?v=bC7qWaTT8TM>

MIGREUROP

Migreurop is a network of organisations, activists and researchers both from several European Union member states, Sub-Saharan, Maghreb and Near-East countries. It aims at identifying, denouncing and spreading information concerning European policies that marginalise migrants (detention, expulsions, and externalization of migratory controls) as "unwanted" on European territory, and concerning the consequences of such policies for Southern countries. The novelty of this network consists in its effort at promoting synergies between actors from the North and the South, in order to reach a shared vision and analysis of such processes, in particular as concerns the dimensions of the externalization of migratory flows management policies, migrants' detention and the increasing militarization of borders.

Migreurop raises awareness on these issues through campaigns, cartographic and photographic work and annual international meetings aimed at elaborating joint strategies to decode and fight policies and processes that violate migrants' rights.

migreurop
BRIEF

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