

**EUROPE IS AT WAR**

**AGAINST AN**

**IMAGINARY ENEMY**

**FRONTEX [EXIT]**



# EUROPE IS AT WAR AGAINST AN IMAGINARY ENEMY

For more than a decade, an exclusively security-oriented approach has prevailed in European migration policy: restrictive visa policies, the construction of walls and fences, militarised control of land, air and sea borders by the Frontex agency, forced return to countries of origin, the subcontracting of migration control to undemocratic States in exchange for retribution...

Yet Europe is not at threat of invasion: the proportion of international migration has remained stable throughout the last 50 years, and the majority of migration takes place between countries in the global South.

Yet the Universal Declaration of Human Rights enshrines freedom of circulation, proclaiming the right of each individual to leave any country, including his own, and to return to his country.

Yet international conventions exist to protect migrants, refugees and asylum seekers against any mistreatment or violation of their rights.

**Does the European Union respect its commitments with regard to migrants' fundamental rights when implementing its migration policy?**

**Is the European policy of closing its borders to migrants out of touch with current international migration issues?**

**We offer you the opportunity to deconstruct a number of popular myths by answering 'true' or 'false' to 10 statements.**

**[WWW.FRONTEXIT.ORG](http://WWW.FRONTEXIT.ORG)**

# WHAT IS [FRONTEX]?

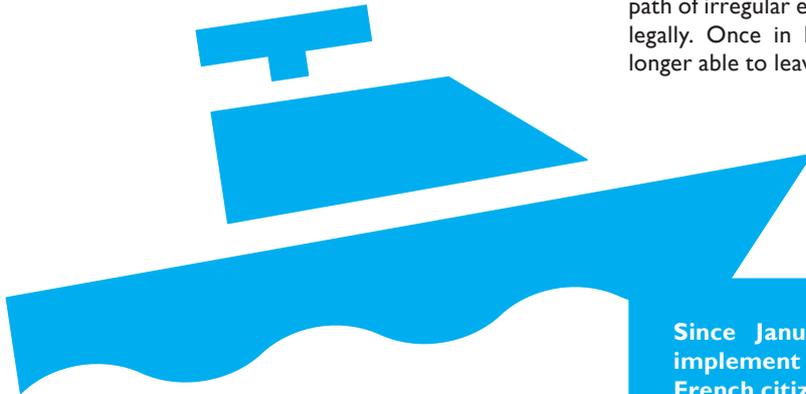
In order to prevent access to its 42,000 km of coastline, 9,000 km of land borders and 300 international airports, the European Union created the 'European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union' in October 2004. The agency is known as Frontex and is based in Warsaw.

Some years later, Frontex has become the key actor in European migration policy. Its role is increasingly important, as **the evolution of its annual budget (€19 million in 2006, €118 million in 2011), its allocated military resources and its autonomy** testify. Indeed, Frontex has legal personality: it can sign agreements with third countries and, following the revision of its mandate in October 2011, it can initiate border control operations.

However, the fundamental question of the agency's responsibility is unclear: who is responsible in the case of migrant rights violations? Is it the agency itself, the State hosting the operation or the State of which the agent who has committed the violation is a citizen? What effective mechanisms are in place to guarantee migrants' access to their rights? What guarantee does the agency give in terms of respecting the principle of non-refoulement, especially in the context of maritime operations? These are some of the many questions which the Frontexit campaign raises and wishes to pose to the relevant institutions.

In June 2009, Italian coastguards, assisted by a German helicopter as part of Frontex's Operation Nautilus IV, turned over 75 boat people intercepted off the coast of the Italian island of Lampedusa to a Libyan coastal patrol unit. In this particular case, the deputy director of Frontex considered the agency to bear no responsibility for the risks faced by the refouled individuals, and that it could not confirm that the right to asylum and human rights were respected in Libya. Despite this, it returns migrants to this country.

# [1] EVERYBODY HAS THE RIGHT TO MIGRATE



## [TRUE]

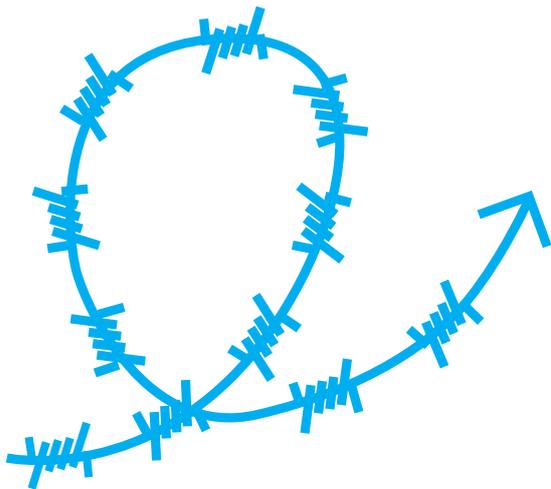
The Universal Declaration of Human Rights (1948) enshrines the right to “leave any country, including one’s own, and to return to one’s own country”

(article 13). In fact, only citizens of countries in the global North and wealthy citizens of the global South can truly exercise this right. Whereas overseas experience is always valued in the North (for study, tourism, professional experience, etc.), the movement of people originating from countries of the South is subjected to drastic conditions, and is therefore hindered.

Many people who see their visa applications refused abandon their planned trips in the face of this blatant injustice. Others choose the path of irregular entry as a result of having been unable to enter Europe legally. Once in Europe, they become “undocumented” and are no longer able to leave.

Since January 1st 2013, Senegal has decided to implement visa reciprocity with France. As such, French citizens who wish to travel to the country have to make a visa application and pay a fee. This is a way for the government to make a point following successive refusals of visa applications made by Senegalese public figures which have clashed with public opinion.

# [2] MIGRATION FLOWS ARE FROM POOR COUNTRIES TO RICH COUNTRIES



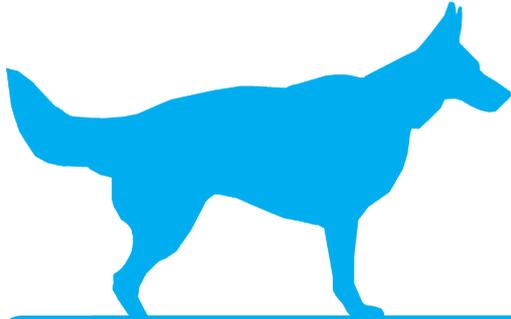
# [FALSE]

The majority of people who migrate for economic reasons or in search of protection do so within the borders of their own country. Furthermore, international migrants number 200 million people, or 3% of the global population. Amongst them, only one third have migrated from a developing country to a developed country. 60% of migration takes place between countries at the same level of development (between developed countries or between developing countries). Moreover, it is not the poorest populations who migrate, because migration is costly: only the wealthier manage to fulfil their migration projects.

*(Statistics: United Nations Development Programme, 2009)*

Fear of the “pull effect” is often used by European governments to justify restrictive migration policy. But rather than the migration policy implemented by the host State, it is the economic, political or ecological situation of the countries of origin which is the primary cause of migration. Moreover, the major difference in levels of development between the North and the South is primarily due to the neo-liberal policies put in place by Northern institutions (the International Monetary Fund, the World Bank): structural adjustment programmes, deregulation of agricultural markets, forced liberalisation of whole swathes of the economy and illegitimate debt have impoverished the countries of the South.

# [3] EUROPE ALREADY RECEIVES LOTS OF REFUGEES!



A refugee is a person who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country (...)”. A refugee has thus crossed an international border.

*(Source: Geneva Convention, 1951)*

# [TRUE]

The European Union is a place of refuge for 1.6 million people (2011) coming mainly from Serbia, Kosovo, Iraq and Turkey.

With 52,100 requests made in

2011, France receives the third highest number of asylum claims in the world after South Africa and the United States.

# [FALSE]

Of the 15 million refugees in the world, four-fifths find refuge in developing countries. Indeed, the majority of refugees live

next to the countries which they have fled, hoping to be able to return.

Thus, it is Pakistan which had received the highest number of refugees in the world in 2011 (1.7 million refugees), followed by Iran and Syria.

Sub-Saharan Africa receives a quarter of the world's refugees. The European Union, by contrast, receives 15% of the world's refugees, and only 5000

of the 80,000 refugees resettled each year by UNHCR. The number of asylum claims made in Europe has fallen from 680,000 in 1992 to

301,000 in 2011.

*(Statistics: United Nations High Commission for Refugees (HCR), 2012 and Eurostat, 2012)*

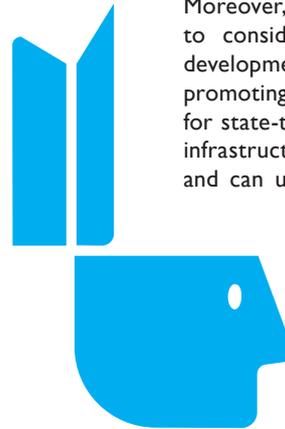
The internally displaced are people or groups of people who have been forced or obliged to flee or leave their homes for reasons which may be similar to those of refugees (armed conflict, generalised violence, human rights violations or natural disasters) but who have not crossed the internationally recognised borders of a State.

# [4] IF THE COUNTRIES OF THE SOUTH WERE DEVELOPED, PEOPLE WOULDN'T LEAVE

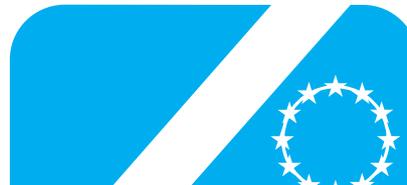
## [FALSE]

Studies show that development causes migration movements in the first instance. Indeed, wealthier members of

the population are able to organise their migration project. Thus, transforming development aid into a way of “fixing” people in place stems from an incorrect analysis. Development is an end in itself and should not be linked to migration policy. However, some European countries and stakeholders use development aid and funds allocated for development to finance actions to combat immigration. In Mauritania, the 10th European Development Fund has served to finance the training of border police.



Moreover, some states, including France, tend to consider migrant remittances to be part of development aid. These remittances, despite promoting local consumption, are not a substitute for state-to-state aid whose aim is to develop heavy infrastructure (schools, transport, medical care, etc.) and can under no circumstances exempt European countries from their responsibility with regards to development aid.

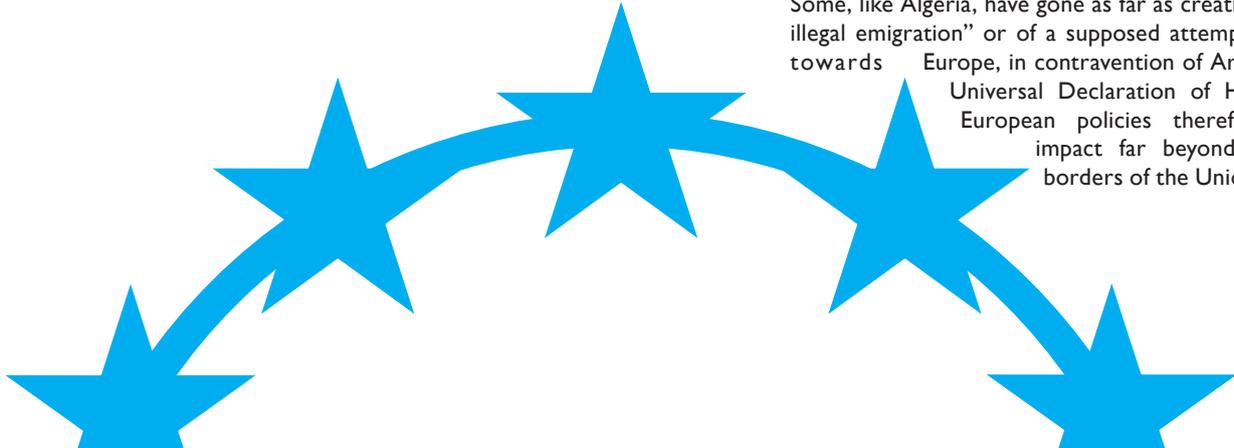


# [5] THE EUROPEAN UNION IS JUST CONTROLLING ITS OWN BORDERS

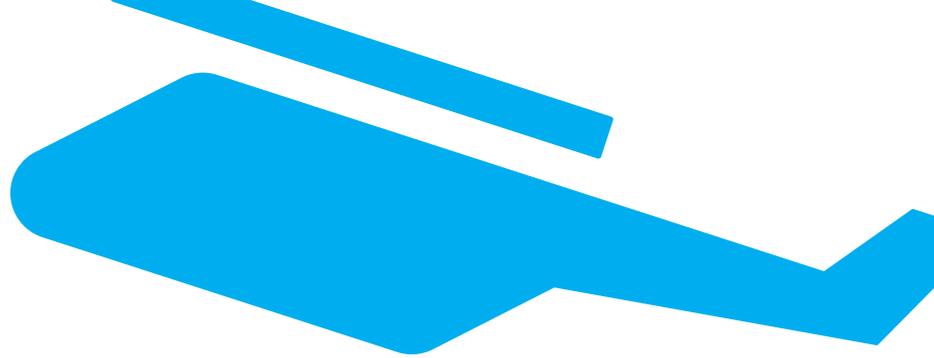
For several years, the European Union has been implementing a policy referred to as “externalisation” which involves delocalising border controls and outsourcing management of migration flows to countries bordering the EU. Thus, readmission agreements are signed with third countries so that the latter readmit not only their own citizens who have been removed from Europe, but also citizens of other States who have transited their territory before being intercepted in Europe. These agreements allow people to be returned to countries from which they do not originate and with which they have no link at all!

**[FALSE]**

Moreover, the European Union does nothing to ensure that people removed in this way will be properly treated upon their arrival, even though they are returned to countries which sometimes do not possess the legal framework or democratic tradition which would ensure the respect of human rights. Besides readmission, the European Union encourages countries in the South, even those which do not border the Union, to implement strict control of their own borders. Some, like Algeria, have gone as far as creating a “crime of illegal emigration” or of a supposed attempt to emigrate towards Europe, in contravention of Article 13 of the Universal Declaration of Human Rights. European policies therefore have an impact far beyond the physical borders of the Union.



# [6] WITH THE ECONOMIC CRISIS, THE EUROPEAN UNION IS SAVING PUBLIC MONEY



The Frontex agency's budget has increased constantly since its creation: from €19 million in 2006, the budget reached €118 million in 2011. €32 million was released in 2011 to respond to departures from Tunisia and Libya. Moreover, in 2009, Frontex had available 21 planes, 27 helicopters, 116 boats and multiple resources: mobile radar units, mobile night vision detectors, drones, patrol cars and heartbeat detectors. This is a situation in which military technology is being applied to the control of Europe's borders. Industrial lobbies, which benefit from the development of technological equipment used for migration control, have a strong influence on the security-oriented approach taken in European policy.

**[FALSE]**

*(Statistics: Frontex)*

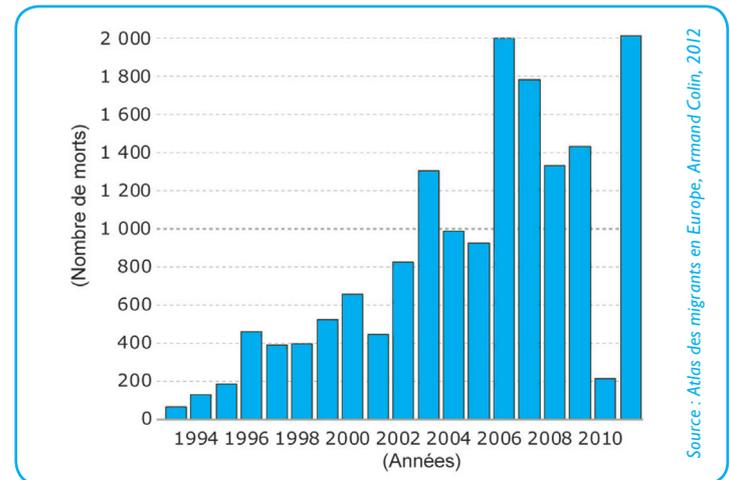
# [7] MIGRATION POLICY HAS FATAL CONSEQUENCES

## [TRUE]

Migration policies do not stop those people who want to leave from doing so. Instead they force them to take more and more dangerous routes. The

construction of walls, the development of military measures to control borders and attempts to block migrants before they have even left their country provoke human dramas each year. In this way, at least 1,500 people drowned or disappeared while attempting to cross the Mediterranean in 2011. Thousands of others are locked up without legal assistance in Libyan prisons, victims of inhumane and degrading treatment despite the fall of Gaddafi's dictatorship. On the border between Greece and Turkey, almost 1,000 people have died since 1993 trying to cross the river Evros. In total, since 1993, at least 16,000 people have died trying to reach Europe.

(Statistics : HCR, 2012 and Migreurop, 2012)



# [8] THE ARAB SPRING HAS CHANGED IT ALL



## [FALSE]

Is the time when Europe supported dictatorships over, to be replaced by win-win partnerships? Not really... Since 2011 and in response to the Arab Spring, the European Union has been putting in place “mobility partnerships” with countries in the southern Mediterranean. Initiated without consultation with the countries concerned and offering no room for negotiation, these “partnerships” remain defined by the idea that migration from the South must be controlled for the benefit of an ageing Europe.

The partnerships offer a number of “benefits” – including the facilitation of visa procedures, labour migration, capacity-building with regards to asylum, an effort to reduce the costs of money transfers and measures to strengthen the protection of migrant rights – in exchange for numerous “compensations”: the conclusion of readmission agreements, signing agreements with Frontex, cooperation with surveillance operations in the Mediterranean and the strengthening of controls (securing documents, fighting trafficking). Nothing has changed in European migration policy.

**[9] FRONTEX  
DOES NOT  
RETURN  
ANYBODY TO  
A COUNTRY  
WHERE THEIR  
LIFE COULD BE  
IN DANGER**

**[FALSE]**

On the pretext that rights violations cannot be predicted, Frontex has included no appropriate preventive measures in its

fundamental rights strategy. Not even in favour of especially vulnerable people such as minors or asylum seekers. The agency considers that it is not its responsibility to confirm that human rights are respected in a given country. No measure is thus taken to ensure that migrants will not be subjected to inhumane or degrading treatment during operations carried out with countries who have signed agreements with Frontex.



The risk analysis, which is undertaken in collaboration with liaison officers present in these countries, relates only to the “migration risk” and in no way to the situation of human rights in the countries of return. This is particularly worrying insofar as, following the revision of its mandate, the agency can sign agreements with third countries without any control from the European Parliament.

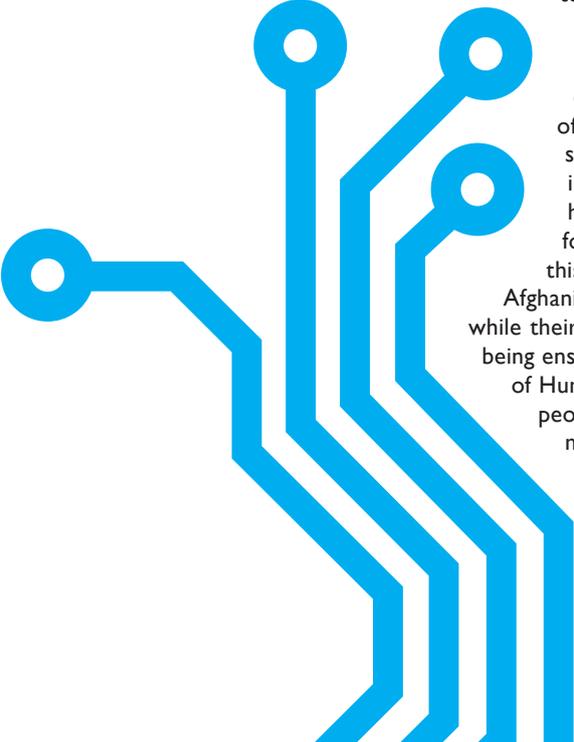
# [10] THE RIGHT TO ASYLUM IS NOT GUARANTEED DURING FRONTEX OPERATIONS

## [TRUE]

Frontex operations are high-risk for migrants, and especially for asylum seekers who are protected by the 1951 Geneva Convention which prohibits

the refoulement of people seeking protection. There have been proven witness statements of the violation of the principle of non-refoulement during a Frontex operation in 2009 (75 boat people were intercepted off the Italian coast and turned over to a Libyan maritime patrol). Moreover, Frontex congratulates itself for having reduced from 250 to

60 the number of daily irregular entries to Greece via Turkey in 2011.



But amongst the people who did not cross the border for fear of being arrested and locked up, some may have been in need of international protection and could have legitimately made a claim for asylum (people intercepted at this border are primarily citizens of Afghanistan, Pakistan and Bangladesh). And while their right to leave any country, despite being enshrined by the Universal Declaration of Human Rights, has been violated, these people may have chosen to take even more dangerous routes in an attempt to access European territory.

# [FRONTEXT CAMPAIGN]

Frontexit is a campaign led by associations from both north and south of the Mediterranean on the initiative of the Migreurop network.

The campaign aims to inform civil society and political institutions (both national and regional) in European and African countries about the legal opacity which surrounds Frontex's activities and the threat which the agency poses to migrants' fundamental rights through a broad campaign of awareness-raising and advocacy.

Through actions of investigation, litigation, awareness-raising and political lobbying, this campaign aims to obtain:

- transparency surrounding the mandates, responsibilities and actions of Frontex ;
- the suspension of those activities of the agency identified as violating human rights;
- the cancellation of the ruling creating the Frontex agency, if it is proven that the agency's mandate is incompatible with the respect of fundamental rights.

migreurop

ABCDS  
جمعية ابي بكر بن خلدون للتشبيك والتنمية والتنمية  
Association Ben Khaldoun pour la Culture, le Développement et la Solidarité



A.R.A.C.E.M.



CIRÈ  
coordination et initiatives  
pour réfugiés et étrangers

CNGD 11.11.11  
UN COMBAT DE PLEINS DROITS

fasti

GADEM  
Groupe antiraciste  
d'accompagnement  
et de défense  
des étrangers  
et migrants

gisti, groupe  
d'information  
et de soutien  
des immigrés



Justice Sans Frontières pour les Migrants et Migrants  
Justice Without Borders for Migrants  
Justicia Sin Fronteras para los y las Migrantes

la Cimade  
L'humanité passe par l'autre

LA LIGUE  
DES DROITS  
DE L'HOMME

PROGRESS  
LAWYERS NETWORK  
WWW.PROGRESSLAWYERS  
ADVOCATEN | AVVOCATI | LAWYERS



FOR MORE INFORMATION ABOUT THE CAMPAIGN AND ITS ACTIVITIES

**[WWW.FRONTEXIT.ORG](http://WWW.FRONTEXIT.ORG)**

with the support of



**OPEN SOCIETY  
FOUNDATIONS**