

9th September 2025

European Commission  
Directorate-General Migration & Home Affairs  
Home.B.1 Schengen & External Borders

Submission to the European Commission's call for evidence "European Border and Coast Guard/Frontex – standing corps on the new Recast Regulation"

Since the last call for evidence *on the review and evaluation of the European Border and Coast Guard/Frontex Regulation*, submitted by I Have Rights on 22 September 2022, Frontex (henceforth 'the Agency') **has failed to apply**, once again, **Article 46 of the Regulation**, expanding the implementation gap between the intention the Regulation and the Agency's current practice in Greece.

**Key message:**

Currently, Greece has 12 Serious Incident Reports (SIRs) under review by the Fundamental Rights Office, spanning from 2023 until 2025, all pertaining to alleged forced collective removals by Greek border authorities at land borders and at sea in contravention to the principle of non-refoulement and the 1951 Refugee Convention<sup>1</sup>. **Amidst internal investigations, national judicial proceedings, and calls for accountability from civil society**, the Executive Director announced expectations for recommendations to be implemented by the Greek authorities with repercussions "to reduce or cut funds for co-financed assets", referring to a number of HCG vessels<sup>2</sup>. However, no real action by either party has been taken in this regard, failing to comply with the obligations set out in Article 46(4) of the Regulation. Instead, the Agency continues to cooperate with the HCG in Greece.

For this reason, and as proposed in the previous 'Have Your Say Initiative' submission by IHR in 2022, this paper briefly underlines the urgency to:

- Include civil society monitoring to enhance the independence and transparency of investigations, pursuant to Article 46(6) of the Regulation, and to include this proposal in the Recast Frontex Regulation.
- and **calls for the suspension rather than expansion of the Agency's operations in Greece.**

---

<sup>1</sup> April 2025. Reuters. EU border agency reviewing 12 cases of potential rights violations by Greece. Url: [https://www.reuters.com/world/europe/eu-border-agency-reviewing-12-cases-potential-rights-violations-by-greece-2025-04-08/?utm\\_source=chatgpt.com](https://www.reuters.com/world/europe/eu-border-agency-reviewing-12-cases-potential-rights-violations-by-greece-2025-04-08/?utm_source=chatgpt.com)

<sup>2</sup> April 2025, Politico. EU border agency threatens to slash Greek funding amid alleged illegal pushbacks of migrants: <https://www.politico.eu/article/eu-border-agency-frontex-greece-pushbacks-migration/>

## Pylos Shipwreck - Lack of Accountability

The Agency's standing corps on the island of Samos and in Greece more broadly, in cooperation with the Hellenic Coast Guard (HCG), have in fact come under further and more serious public and international scrutiny since our last submission in 2022. This scrutiny stems from the continued **lack of independent monitoring of the systematic and unlawful pushbacks** carried out by Greek authorities with the involvement of Frontex. The most notable and deadly event being the Pylos shipwreck in which over 600 people died.

While the national judicial proceedings on Pylos are still ongoing, the EU Ombudsperson criticised the agency for failing to take a "[more active role](#)" and concluded that Frontex was ill-equipped to uphold the European Union's values. After the shipwreck, in December 2023, the Fundamental Rights Officer (FRO) found that the Greek authorities had used "insufficient and inappropriate resources" to rescue the people aboard the *Adriana* and only when it was "too late to rescue all the migrants". In the FRO's Serious Incident Report of December 2023, they advised the Executive Director to "trigger article 46(4) of the Regulation". I Have Rights reiterates that no steps have been taken to suspend the Agency's operations in Greece.

Meanwhile, an own inquiry by the Greek Ombudsperson published in February 2025, recently confirmed that "the actions and omissions of the implicated officers during the handling of the incident on 13 and 14 June 2023 **constitute the offences of deadly exposure to danger, as well as exposure to endangering the life, health and physical integrity** of those on board the *Adriana* fishing vessel, punishable under article 306 of the Criminal Code"<sup>3</sup>. As a most recent development, in May 2025, Refugee Support Aegean announced that 17 senior officials of the HCGs were referred for **main investigation** by the competent Prosecutor of the Naval Court on felony charges "including **causing a shipwreck and exposing individuals to mortal danger** resulting to the death of hundreds of people."<sup>4</sup>

In line with both the letter and the spirit of Article 46(4) and (6) of the Regulation, "the Executive Director **shall take into account relevant information** such as the number and substance of registered complaints that have **not been resolved by a national competent authority**" when deciding whether to suspend the Agency's operations in Greece. Given the ongoing national criminal prosecution on felony charges against 17 senior officials of the Hellenic Coast Guard, *I Have Rights* stresses the seriousness of this unresolved national proceeding and urges the Commission to refrain from expanding the Agency's responsibilities in light of the Member State's continued impunity and lack of accountability.

---

<sup>3</sup> April 2025. *Commissioner for Human Rights of the Council of Europe*. Memorandum on Migration and Border Control in Greece, Following His Visit to the Country from 3 to 7 February 2025, <https://rm.coe.int/memorandum-on-greece-on-migration-and-border-control-following-visit-t/1680b5a661>

<sup>4</sup> 23 May 2025. Refugee Support Aegean, "Pylos Shipwreck: Criminal prosecution for felonies against 17 members of the Coast Guard, including senior officers of its leadership" <https://rsaegean.org/en/pylos-shipwreck-criminal-prosecution-for-felonies-to-17-members-of-the-coast-guard/>

## **Violations of objectives laid out in Regulation (EU) 1896/2019 -**

The term ‘fundamental rights’ is mentioned 212 times in the Regulation. However, the Agency does not fulfil its obligations to protect fundamental rights. Instead, the Agency directly engages in and facilitates systematic fundamental rights abuses.

In 2024, a total of 508 illegal pushback incidents were reported in the Aegean Sea, carried out by the HCG, resulting in pushbacks of 14,482 people. Of these incidents, 205 were so-called drift-backs: where the HCG transferred people into life rafts and left them adrift at sea, impacting 5,882 people<sup>5</sup>. Despite a reported recent ‘official’ decrease in pushbacks especially from the Aegean islands of Lesbos and Samos, in the CoHRs visit to Samos in February 2025, he heard “from legal professionals as well as representatives of civil society organisations, national human rights structures and international organisations that ‘summary returns’ to Türkiye continue to take place”<sup>6</sup>. **The Agency is also complicit in violations of fundamental rights committed by the HCG.** The modus operandi of the HCG of leaving people adrift at sea, is also reflected in the FROs Serious Incident Reports of 2023 to 2024. Of particular concern, between 2023-2024, **the Agency was also involved in pushback operations associated with the HCGs practices**<sup>7</sup>, based on the Aegean Boat Report and I Have Rights documentation of the FRO SIRs.

- *I Have Rights* is aware of 1 incident investigated by the FRO, in the Lesbos operational area, on the 22 of April 2023, concerning the direct involvement of Frontex in an illegal pushback. The boat was reportedly intercepted by the Agency and subsequently turned back to Turkey by its own means, being followed by the Agency's vessel. The HCG took over the boat near the border line and instructed the Agency's crew to leave the scene. **FRO noted that reporting obligations were not fulfilled by the Agency, and the Greek authorities incorrectly reported the incident by omitting the location of the detection inside Greek waters and the Agency's involvement.**
- In September 2024, the NGO Aegean Boat Report published evidence of Frontex's role in a February 2024 pushback in the Aegean Sea. Citing independent findings and a Serious Incident Report from Frontex's Fundamental Rights Office (FRO), the FRO confirmed that a Frontex vessel had encountered the boat and followed the HCG's pushback practices. **It also found Frontex's mission report incomplete and inconsistent with the facts.**

---

<sup>5</sup> 11.11.11, et al. Pushbacks Report 2024, (Feb. 2025),  
<https://11.be/sites/default/files/2025-02/Pushbacks%20Report%202024.pdf>

<sup>6</sup> *Commissioner for Human Rights of the Council of Europe*. Memorandum on Migration and Border Control in Greece, Following His Visit to the Country from 3 to 7 February 2025, (April 2025),  
<https://rm.coe.int/memorandum-on-greece-on-migration-and-border-control-following-visit-t/1680b5a661>

<sup>7</sup> 11.11.11, et al. Pushbacks Report 2024, (Feb. 2025). Ibis.

Alongside reports by Amnesty International, Human Rights Watch and the Greek Council for Refugees, I Have Rights stresses that the FRO lacks the necessary impartiality and scope to conduct transparent and timely investigations to monitor fundamental rights violations.

### **Suspension rather than expansion of Frontex operations in Greece**

- **Inability to comply with Regulation (EU) 1896/2019**

IHR submits that the Agency has so far failed to comply with its obligations under Article 46, for two reasons. Firstly, the sources and reporting mechanisms mentioned in Article 46(6) do not function as intended and must in turn include civil society external monitoring; and secondly, due to lack of political will for the executive director to perform their duty as per Article 46(4) we call for **the suspension rather than expansion of responsibility of the Agency** in Greece.

Firstly, Article 46 of the Regulation provides clear rules on the conditions under which activities of the Agency shall be suspended, terminated or not launched.

*Article 46(4.) The executive director **shall**, after consulting the fundamental rights officer and informing the Member State concerned, withdraw the financing for any activity by the Agency, or suspend or terminate any activity by the Agency, in whole or in part, if he or she considers that there **are violations of fundamental rights or international protection obligations** related to the activity concerned that are of a serious nature **or are likely to persist**. [emphasis added “to persist”]*

As evidenced in the aforementioned section, supported by data from the IOM’s [Missing Migrant Project](#), and despite the FRO’s latest annual report, pushbacks and coordinated pullbacks by the Turkish Coast Guard in the Aegean Sea and Evros region continue to take place, with no indication that the Greek authorities intend to cease exposing people to life threatening interceptions and to inhumane and degrading treatment. Even though the article is not ‘discretionary in nature’ and reads “the executive director **shall**”, implying an obligation to act after consultation with the FRO and informing the Member State, it is clear that this obligation has not been met.

In this regard, I Have Rights proposes that the obligation to trigger Article 46(4) or any future likeminded article on the seizure of the Agency’s operations, **should reside with another EU body which is independent from the Agency**. The Committee on Civil Liberties, Justice and Home Affairs (LIBE) could be a well suited actor for this role.

Secondly, Article 46(6) provides that:

*The decisions referred to in paragraphs 4 and 5 shall be based on duly justified grounds. When taking such decisions, the executive director shall take into account*

*relevant information such as the number and substance of registered complaints that have not been resolved by a national competent authority, **reports of serious incidents**, reports from coordinating officers, **relevant international organisations and Union institutions, bodies, offices and agencies in the areas covered by this Regulation**.* [Emphasis added].

While I Have Rights continues to file freedom of information requests, we remain concerned by the clear discrepancy between the frequent monitoring and documentation of pushback incidents by IOM, ABR, and the Turkish Coast Guard, and the apparent absence of reporting by the Greek authorities on maritime operations in Samos and Izmir. IHR has had access to SIRs from 2016 until February 2025, though with delays in information sharing. Notably, **there has not been a single Category 1 SIR**, which concerns “situations of potential violations of fundamental rights or international protection obligations.” Considering the eight open cases of pushback operations by Greece before the ECtHR, **along with consistent reporting by independent media on systematic pushbacks**, IHR finds it alarming that our archived SIRs contain no reference to ‘pushbacks’ from Samos. We therefore question the reliability of the Fundamental Rights Officer, and specifically the SIR as an appropriate indicator of serious and persistent fundamental rights violations under Article 46 of the Regulation.

I Have Rights also calls into **question the validity of Union institutions in registering complaints**, and pursuing appropriate channels of accountability when pushbacks are reported to them by people on the move. On Samos, EUAA caseworkers assist the Greek Asylum Service by conducting interviews. In one case archived by IHR, an applicant described a possible pushback to an EUAA caseworker, but they ignored the account and did not follow up. This illustrates the under-reporting by Union institutions and the EUAA’s failure to investigate reports of illegal pushbacks against applicants for international protection.

The above outlined shortcomings in the reporting mechanisms show the necessity to include external sources, such as independent media reports or reports from civil society, in the list of relevant information for decisions referred to in Article 46(4).

## **Conclusion**

IHR therefore concludes that:

1. Article 46(6) be amended to include independent media and civil society as relevant information for assessing possible “violations of fundamental rights or international protection obligations [...] that are of a serious nature and are likely to persist”.
2. It is evident that Regulation (EU) 1896/2019 is not working as intended. Alarmingly, an expansion of the Agency’s presence in a Recast Regulation under a context of impunity, contravenes Article 46(4). **IHR calls for the suspension of the Agency’s activities in Greece.**