27 June 2023

Dear Commissioner Johansson,

We welcome the Commission’s repeated assertions that member states’ border control must be compliant with fundamental rights. As this has been shown to not be the case in a number of member states we would like to ask you to take appropriate measures to ensure compliance with relevant international and EU law. We are mindful that pushbacks constitute not only grave human rights abuses for their victims but a significant threat to the rule of law and the founding values of our union as laid out in Article 2 of the Treaty on the Functioning of the European Union.

Serious action in both the immediate and the long term is thus required. In this regard, the Commission’s proposal as part of the New Pact on Migration and Asylum for each member state to have an independent border monitoring mechanism is a positive step. We would like to support making that mechanism as robust as possible. This means informing and involving relevant civil society and following the guidance of the Fundamental Rights Agency in its establishment, ensuring that each border monitoring mechanism has the necessary scope, mandate and expertise to investigate pushbacks and removing any limits on when and where the monitoring can take place.

In the more immediate term, allegations of pushbacks must be investigated and perpetrators held accountable. A helpful step would be to enhance the monitoring role of the European Union Asylum Agency (EUAA) and establish a complaint mechanism under the supervision of the Fundamental Rights Officer, to report any evidence of violations of EU and international law at the EU’s external borders.

Given the increase in both the number and the severity of violence involved in pushbacks in the past three years, there is a danger that without urgent action pushbacks will become normalised thus undermining the rule of law. We reiterate our support for urgent action to address this issue.

The evidence of pushbacks at the EU’s borders continues to mount with new reports emerging each month. In March, the Greek Council for Refugees published a report detailing 11 pushbacks from Greece to Turkey for which they have taken cases to the European Court of Human Rights (ECHR) and/or the Greek Public Prosecutor. Between 16 March and 22 October 2022 GCR successfully obtained interim measures by the ECHR for 21 groups of asylum seekers that arrived in the Evros region. Said requests for interim measures were submitted because appeals to the Greek authorities for the search and rescue of these groups had been unsuccessful. Despite the Court’s orders to the Greek government not to remove the asylum seekers from the country’s territory, most of these people were eventually pushed back to Turkey. The report shows pushbacks to be systematic and organised, a conclusion also reached by UN Special Rapporteur on Migrants, Felipe Gonzalez Morales who stated that “In Greece, pushbacks at land and sea borders have become de facto general policy.” Greek Council for Refugees reported that in all cases of pushbacks the survivors were strip searched and held in informal detention and in many cases border guards used physical and/or sexual violence.

Also in March, The Council of Europe’s Committee for the Prevention of Torture’s annual report found that during pushbacks at European borders, guards use “inhuman and degrading treatment such as firing bullets close to the persons’ bodies while lying on the ground, pushing them into rivers, removal of their clothes and shoes and forcing them to walk barefoot, even fully naked, across the border. The use of unmuzzled dogs to threaten or even chase foreign nationals and deprivation of food and water for prolonged periods”.

These reports of the systematic and violent nature of pushbacks add to an existing robust body of evidence gathered by the EU’s Fundamental Rights Agency, UNHCR, the Council of Europe’s Committee on Migration and several INGOs including Oxfam, Médecins Sans Frontières (MSF), Amnesty International and Human Rights Watch.

We, as Members of the European Parliament, would like to call on you to address these rule of law violations as a matter of urgency.

Your sincerely,

Barry Andrews
Renew Europe, Fianna Fáil

Deirdre Clune
The European People’s Party, Fine Gael

Clare Daly
The Left - GUE/NGL, Independents for change

Frances Fitzgerald
The European People's Party, Fine Gael

Luke Ming Flanagan
The Left - GUE/NGL, Independent

Billy Kelleher
Renew Europe, Fianna Fáil

Seán Kelly
The European People’s Party, Fine Gael

Chris MacManus
The Left - GUE/NGL, Sinn Féin

Colm Markey
The European People's Party, Fine Gael

Grace O’Sullivan
Group of the Greens/European Free Alliance, Green Party

Mick Wallace
The Left - GUE/NGL, Independents for change

Maria Walsh
The European People's Party, Fine Gael