

EU agency Frontex charged with illegal pushbacks

Amsterdam, October 20, 2021 - Frontex, the European Border and Coast Guard Agency, is being held accountable for illegally pushing back a Syrian family. The family was illegally deported to Turkey by Frontex in October 2016, shortly after arriving in Greece. It is the first time that Frontex through an action for damages is held responsible before the EU General Court for illegally deporting people and violating fundamental rights. Reports of similar pushbacks by Frontex have been piling up over the past years. The Syrian family is being represented by law firm Prakken D'Oliveira Human Rights Lawyers. Prakken D'Oliveira is supported by the Dutch Council for Refugees, BKB, Sea-Watch Legal Aid Fund and Jungle Minds.

The Syrian family, with four young children between the ages of 1 and 7, applied for asylum in Greece in October 2016. Their request was registered by the local authorities. Eleven days later, the family was nonetheless deported by Frontex and Greek authorities and taken onto a plane to Turkey without any access to an asylum procedure. Nor was an official expulsion order presented. During the flight arranged by Frontex and with their staff present, the four young children were separated from their parents. More so, they were ordered not to speak to each other. In Turkey, the family was immediately imprisoned. After release, they had no access to basic services and were unable to sustain themselves. Fleeing onwards, the family are now living in northern Iraq.

Violations of fundamental rights

With the deportation, the family became victims of a so-called pushback, in which people are deported to a non-EU country without prior procedure. As a result, the family have been denied the fundamental right to apply for asylum by Frontex. Moreover, Frontex have violated the principle on non-refoulement, a basic principle of international law that prohibits returning asylum seekers or refugees to a country in which they fear persecution or risk inhumane treatment. Both are fundamental rights that apply in the European Union, as also stated in the EU Charter of Fundamental Rights. By separating children from their parents during the flight in addition, Frontex violated the rights of the child as it placed the children in a traumatic situation.

Undermining the values on which the EU is built

Despite a complaint procedure about these events, there has been no substantive response from Frontex on its responsibility for the pushback since the deportation, now five years ago. Meanwhile, reports of illegal pushbacks by Frontex are piling up. Prakken D'Oliveira Human Rights Lawyers now holds Frontex responsible for the violations of fundamental rights on behalf of the Syrian family: "Breach of fundamental rights of the European Union by an EU agency is seriously undermining the values on which the Union is founded. We are therefore holding Frontex and the EU accountable and are urging them to restore the rule of law." It is the first time that Frontex is held responsible before the EU General Court for illegally deporting people and violating fundamental rights in this way.

"Every week, men, women and children fleeing war and violence are illegally deported from Europe's borders. People have been killed, others were attacked or mistreated. Frontex plays a major role in these human rights violations. With this lawsuit and campaign, we as European citizens hold the EU accountable and demand an immediate end to human rights violations and oppression at our external borders."

International campaign

With the submission of the case, the Dutch Council for Refugees, BKB, Sea-Watch Legal Aid Fund, Jungle Minds, and Prakken D'Oliveira Human Rights Lawyers are launching the international campaign #notonourborderwatch. At www.notonourborderwatch.com concerned citizens are offered the opportunity to send a message to the European

Commission urging European Commissioner Johansson, responsible for migration policy, to immediately end the violations of fundamental human rights at the EU's external borders. This campaign is supported by NGOs across Europe.

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Note to the press:

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More about the illegal pushbacks by Frontex:

- [EU Grensagentschap Frontex keek bewust weg bij pushbacks](#). Source: Groenlinks
- [European Border Force Complicit in 'Illegal' Pushbacks](#). Source: Bellingcat
- [How Frontex helps haul migrants back to Libyan torture camps](#). Source: Spiegel
- [Frontex accused of collusion with Libyan coast guards](#). Source: infomigrants.net
- [Fundamental rights, accountability and transparency in European governance of migration: the case of the European border and coast guard agency Frontex](#). Source: Respond Migration
- [The EU borders agency plays a direct role in the Libyan coast guard's interception operations contrary to previous denials](#). Source: Lighthouse reports
- [Brief Council of Europe Commissioner for Human Rights to Greece](#).
- [Ombudsman opens inquiry to assess European Border and Coast Guard Agency \(Frontex\) 'Complaints Mechanism'](#). Source: European Ombudsman
- [UNHCR warns of mounting refugee and migrant deaths in the Central Mediterranean](#). Source: UNHCR
- [EU watchdog opens investigation into border agency Frontex](#). Source: Politico