FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

INVESTIGATING ALLEGED ILL-TREATMENT AT THE EUROPEAN UNIONS' EXTERNAL BORDERS

2025 UPDATE

REPORT

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Key findings

For years, human rights actors have been reporting serious, recurrent and widespread rights violations against migrants and refugees during border management.

In July 2024, the European Union Agency for Fundamental Rights (FRA) identified systemic gaps in investigating such allegations. Few cases of ill-treatment and other serious allegations of rights violations were investigated, and when they were, they were closed at the pre-trial stage. The Agency published the Guidance on investigating alleged ill-treatment at borders, which suggests concrete steps to promote effective national investigations. FRA also called for more transparency in investigations.

A year later, FRA has not observed any structural changes aimed at improving the effectiveness of national investigations of ill-treatment allegations at borders.

On a positive note, more incidents of loss of life and alleged ill-treatment during border management are being brought to the attention of judicial authorities. Between 2020 and 2024, 12 Member States at the EU's external land or sea border opened at least 135 criminal investigations. Judicial authorities in Greece and Italy pressed charges in relation to the deadly shipwreck incidents in Pylos (June 2023) and Cutro (February 2023).

At the same time, most cases continue to be archived at the pre-trial stage. The number of convictions remains low, compared to the widespread reports of rights violations. From 2020 to 2024, there were a total of four convictions: three in Hungary and one in Spain.

From 2020 to 2024, at least 161 cases were subject to disciplinary investigations. Out of these closed cases, 13 led to sanctions: seven in Croatia and six in Hungary.

The European Border and Coast Guard Agency (Frontex) reviews more complaints and serious incidents involving alleged fundamental rights violations in their area of operation, recommending preventive and protective measures for Frontex operations. These procedures do not replace national investigations to restore justice for the victims. However, national authorities often fail to follow up with effective national investigations when Frontex concludes that fundamental rights violations have occurred.

The European Court of Human Rights (ECtHR) continues to play an important role in providing victims with access to justice. In the last four years, it issued six judgments in which it found that national investigations into migrants' rights violations at borders were ineffective. As at 1 July 2025, some 30 cases were pending before the ECtHR in Strasbourg.

Introduction

Article 47 of the Charter of Fundamental Rights of the European Union provides that everyone whose rights and freedoms guaranteed by EU law are violated has the right to an effective remedy before a tribunal. The way Member States organise and run their justice systems is primarily a matter of national law. EU law relies on functioning national justice systems.

National investigations must be prompt and effective, respecting the requirements set out by the ECtHR. The Guide on the case-law of the European Convention on Human Rights – Immigration describes the requirements flowing from the European Convention on Human Rights (ECHR). There is no specific case-law by the Court of Justice of the European Union on investigations of fundamental rights violations at EU borders.

In July 2024, FRA published the Guidance on investigating alleged ill-treatment at borders. The Agency analysed criminal and disciplinary investigations into incidents of loss of life and alleged ill-treatment that occurred during border management at the EU's external borders between 2020 and 2023. The publication covered allegations of failure to rescue people in distress, physical ill-treatment and other forms of inhuman and degrading treatment that puts migrants' life and physical integrity at risk.

FRA concluded that national investigations need to be more effective and called for more transparency on the number of cases investigated and on their results. Ineffective judicial protection against widespread rights violations poses a risk to the respect of the rule of law as enshrined in Article 2 of the Treaty on European Union [1].

As a follow up to its 2024 publication, in the spring of 2025, with the support of its national liaison officers, FRA requested the 16 Member States at the EU's external borders to update the information on pending and closed judicial and disciplinary investigations, covering the period until 31 December 2024. The data collection covered Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Greece, Hungary, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Spain. FRA received replies from courts, public prosecutors or responsible ministries and law enforcement bodies in 12 Member States in total (nine Member States provided updates on judicial proceedings and 10 on disciplinary procedures). In Member States where FRA did not receive information from the competent authorities, it requested input from legal actors.

With this publication, FRA provides an update on the state of play of investigations of alleged ill-treatment at borders up to the end of 2024, covering both judicial and disciplinary investigations. In addition, this update reflects developments related to Frontex and the ECtHR.

1. National judicial investigations

Many Member States do not collect disaggregated data on judicial investigations of alleged ill-treatment at borders. Therefore, in selected Member States where the Agency was aware of cases under investigation, FRA contacted also lawyers, civil society representatives and human rights institutions. The Agency also received information on judicial investigations by law enforcement authorities and ministries. For these reasons, the data that FRA collected is neither comprehensive nor comparable across Member States.

The main updates are the following.

- Although victims rarely report ill-treatment incidents to the competent authorities [2], more cases are being brought to the attention of prosecutors.
- Between January 2020 and December 2024, at least 135 criminal investigations were initiated in 12 Member States.
- Judicial authorities in Greece and Italy pressed charges in relation to the deadly shipwreck incidents in Pylos (June 2023) and Cutro (February 2023).
- Approximately half of the investigations were initiated in Greece.
- Many allegations concern excessive use of force, ill-treatment and theft. In six Member States, there were allegations of homicide. In two Member States, there were allegations of rape.
- Most cases continue to be closed at the pre-trial stage without the pressing of charges.
- The number of convictions remains low. Among the cases closed, there were four convictions: three in Hungary and one in Spain.

Table 2 lists the pending and closed criminal investigations of alleged ill-treatment at EU borders between 1 January 2020 and 31 December 2024. Cases in which the judicial authority found no evidence to start an investigation are not included in the table.

In Latvia, for example, the Internal Security Bureau, which conducts criminal investigations following a complaint, reported to FRA that they reviewed 31 cases. In 19 of them a decision was taken not to initiate criminal proceedings. One case was referred to the public prosecutor and criminal proceedings were initiated. Three cases are still open. Some cases were referred to other bodies, for others the Bureau sent a written reply to the complainant .

Since the previous round of data collection in 2023, a new conviction has been recorded in Hungary concerning physical assault. According to data provided by the Hungarian police, one official was sentenced to one year imprisonment (suspended for three years) and fines were imposed on two other officials [3].

In Greece, the Deputy Prosecutor of the Piraeus Naval Court pressed charges against 17 members

of the Hellenic Coastguard in relation to the shipwreck off the coast of Pylos, which resulted in the death of at least 82 persons and left several hundred others missing (see FRA's report Preventing and responding to deaths at sea – What the European Union can do). The charges include [4]:

1. causing a shipwreck,
2. dangerous interference with maritime transport,
3. failure to provide assistance,
4. and exposure to danger.

The Greek Ombudsman, in its capacity as the National Mechanism for the Investigation of Arbitrary Incidents, had concluded an own-initiative investigation that found serious and reprehensible omissions by the Hellenic Coastguard [5]. The Ministry of Maritime Affairs and Insular Policy accused the Ombudsman of drawing arbitrary conclusions and acting with political motivation [6]. The Greek National Commission for Human Rights expressed deep concern, noting that the Ministry's statement undermined the independence and role of the Ombudsman [7].

In Italy, six officers from the coastguard and the financial police were charged with negligent shipwreck and multiple manslaughter in relation to the Cutro shipwreck, which claimed the lives of at least 94 people, including 35 children, off the coast of Cutro, Calabria, in February 2023 [8].

Few indictments were also issued in other Member States, such as Poland, mainly for causing injuries and harming the health of migrants [9].

During the past year, FRA did not observe any structural changes aimed at improving the effectiveness of national investigations. In 2024, FRA commended Poland's decision to assign all such investigations to a dedicated team of prosecutors in Siedlce (Lublin Voivodship) [10]. However, FRA has not received any update that would enable the Agency to assess the effectiveness of this initiative.

2. National disciplinary investigations

The objectives and scope of disciplinary investigations vary among Member States. Their primary aim is to sanction officers' inappropriate conduct and protect the reputation of law enforcement actors. They do not necessarily intend to restore justice for the victim.

Out of the 16 Member States contacted by FRA, law enforcement bodies or ministries in charge of disciplinary investigations in 10 provided data for the 2025 update. Estonia and Spain had submitted information in 2023 but did not do so for the most recent reporting cycle.

Table 3 provides an overview of disciplinary investigations opened before the end of 2024. For Member States that did not reply, FRA included cases reported by other sources.

Some of the cases included in Table 3 have been subject to both disciplinary and criminal investigations as the authorities in charge of disciplinary investigations forwarded cases with sufficient evidence of alleged criminal conduct to the public prosecutor.

The main updates on disciplinary investigations are the following.

- Between January 2020 and December 2024, at least 161 cases in 11 Member States were subject to disciplinary investigations.
- The most common accusations concern various forms of ill-treatment and theft. There have also been some allegations of homicide and rape.
- Out of the cases closed between 2020 and 2024, 13 led to sanctions: seven in Croatia and six in Hungary. There have been five new cases of sanctions since FRA's previous round of data collection.

The disciplinary sanctions imposed in Croatia included termination of service, along with conditional or suspended termination of service and fines. The breaches of conduct concerned police brutality and illegal confiscation of assets [11].

The sanctions in Hungary consisted of demotion to a lower grade, termination of service, reprimands and a delay in promotion for two years. The breaches of conduct in most cases concerned assault and abuse [12].

3. Investigations by Frontex

Under Article 111 of Regulation (EU) 2019/1896 on the European Border and Coast Guard, a person whose fundamental rights are directly affected by the conduct of staff involved in Frontex operational activities may submit a written complaint to Frontex. In July 2025, the Frontex fundamental rights officer – who handles such complaints – shared the following data with FRA: from 2016 to 2024, Frontex received 313 complaints, 43 of which were found admissible. Most complaints (84) were filed in 2024, showing an increase compared to the 64 complaints submitted in 2023.

Most complaints are inadmissible since they concern the conduct of national authorities. The planned revision of the rules governing the handling of complaints envisage reinforcing referrals of inadmissible complaints to national complaint handling bodies, subject to the applicant's agreement. The upcoming revision of Regulation (EU) 2019/1896 could introduce, more formally, such a referral mechanism, combined with a duty to inform Frontex and its fundamental rights officer of the outcome of national investigations.

In 2024, the Frontex fundamental rights officer reviewed the substance of eight complaints concerning alleged collective expulsions and ill-treatment of migrants: six from Greece to Türkiye and two from Bulgaria to Türkiye. He recommended to the national authorities that they reinforce preventive measures and strengthen national investigations [13].

Every participant in Frontex operational activities needs to report any situation of potential violation of fundamental rights through a 'serious incident report' [14]. From 2019 to 2024, the Frontex fundamental rights officer handled 262 serious incident reports, 56 of them in 2024, according to the data he shared with FRA in July 2025.

In 2024, the fundamental rights officer closed 48 serious incident reports finding that in three out of four cases (37), a fundamental rights violation either occurred or likely occurred. Only one incident concerned a violation by Frontex. In all other cases, national authorities were responsible for the confirmed or alleged violation, which in many cases entailed inhuman or degrading treatment at borders [15].

Serious incident reports aim to establish whether fundamental rights violations occurred and, if so, to recommend mitigating steps for the future. They do not replace criminal or disciplinary investigations. The Frontex fundamental rights officer noted that national authorities often fail to follow up on cases where allegations of fundamental rights violations by their officers are reported [16].

4. The European Court of Human Rights

When domestic remedies are ineffective or have been exhausted without tangible results, cases are filed with the ECtHR. As shown in Table 1, by 1 July 2025, the ECtHR had communicated some 30 pending cases entailing alleged ill-treatment at the EU's external borders to eight different Member States.

Applicants in these cases allege violence and ill-treatment during apprehension and subsequent summary return by land to the neighbouring country; ill-treatment during summary expulsion at sea; delayed search and rescue; abandonment of people in forest areas at borders without access to basic amenities or exposing applicants to life-threatening situations; and lack of access to legal remedy to challenge their return.

Table 1 – ECtHR, communicated cases alleging violations of Articles 2 and 3 of the ECHR, as at 1 July 2025

Member State	Number of pending cases	Reference
Bulgaria	1	E.R.A. v. Bulgaria, No 55918/22
Croatia	2	S.B. v. Croatia, Nos 18810/19, 18865/19 and 23495/19; Y.K. v. Croatia, No 38776/21
Cyprus	2	K.P.O. and Others v. Cyprus and E.A.A.E. and Others v. Cyprus, Nos 32295/24 and 5455/25; Kamakwili and Kalonbo v. Cyprus, No 36786/24
Greece	8	Wasim Abonahi v. Greece, No 22920/16; N.A.A. and Others v. Greece and North Macedonia, No 28795/16; G.K. v. Greece, No 51519/19; A.A.N. and Other v. Greece, No 38203/20; N.Y. and Others v. Greece, No 40725/20; L.A. and Others v. Greece and A.A. v. Greece, Nos 12237/20 and 12736/20; S.A.A and Others v. Greece, No 22146/21; K.A. and Others v. Greece and Turkey, and B.A. and Others v. Greece and Turkey, Nos 35090/22 and 38444/22
Latvia	3	H.M.M. and Others v. Latvia, No 42165/21, (relinquishment in favour of the Grand Chamber of the ECtHR); S.S. v. Latvia, No 15408/23; M.A. and Others v. Latvia, No 1134/23
Lithuania	2	C.O.C.G. v. Lithuania, No 17764/22 (relinquishment in favour of the Grand Chamber of the ECtHR); A.S and Others v. Lithuania, No 44205/21
Poland	10	R.A. and Others v. Poland, No 42120/21, (relinquishment in favour of the Grand Chamber of the ECtHR); K.A. v. Poland and M.A. and Others v. Poland, Nos 52405/21 and 53402/21; F.A. and S.H. v. Poland, No 54862/21; H. K. and Others v. Poland, No 12752/22; A.A. and Others v. Poland, Nos 48018/21, 61103/21, 53181/21, 51241/22, 15318/22, 2509/22; A.A. and Others v. Poland and M.A. v. Poland, Nos 15182/22 and 40833/22; A.S. v. Poland, No 15318/22;I.A. and Others v. Poland, No 53181/21; M.M. and Others v. Poland, No 2509/22; A.M. v. Poland, No 33674/22
Total	**30**	

NB: The table does not include cases alleging violations of Articles 2 or 3 of the ECHR upon return to a non-EU country.

Source: FRA (2025) based on hudoc.echr.coe.int.

Since November 2021, the ECtHR has issued six judgments in which it found that national investigations into migrants' rights violations at borders were ineffective or domestic remedies were not available [17]. They concerned allegations of violations of the right to life (Article 2 of the ECHR) and allegations of torture or inhuman or degrading treatment (Article 3 of the ECHR) during apprehension and subsequent summary return.

In A.R.E. v. Greece, the ECtHR ruled that authorities failed to initiate prompt, thorough and

independent inquiries, neglecting to collect and to assess crucial evidence or to interview victims and witnesses, in what has been labelled as a ‘preliminary investigation manifestly insufficient’ (paragraph 199).

Conclusion

FRA's Guidance on investigating alleged ill-treatment at borders suggests concrete steps to promote effective national investigations, including ways to enhance their transparency, to ensure full impartiality and independence of the investigating body from the body involved in the incident and to allow victims' participation or secure evidence.

The implementation of the pact on migration and asylum offers an opportunity to address ineffective judicial protection. Article 10 of Regulation (EU) 2024/1356 introducing the screening of third-country nationals at the external borders expressly obliges Member States to adopt relevant provisions to investigate allegations of non-respect for fundamental rights in relation to the screening. Member States must ensure, where appropriate, referral for the initiation of civil or criminal justice proceedings in cases of failure to respect or to enforce fundamental rights, in accordance with national law.

Although this provision concerns alleged violations that emerge during the fundamental rights monitoring of the screening, it is likely that monitors will be confronted with information and evidence of incidents that concern migrants' apprehension or their rescue at sea. When setting up their national mechanisms to monitor fundamental rights under the pact on migration and asylum, Member States should ensure that designated monitoring bodies are allowed to trigger investigations and to monitor their progress, also when they concern events reported during their monitoring of the screening, but which occurred prior to the screening itself. The European Commission should remain vigilant to this.

Annex: Data on national investigations of alleged ill-treatment at borders

Judicial investigations

The following table lists the pending and closed national criminal investigations of alleged ill-treatment at borders between 1 January 2020 and 31 December 2024. Cases in which the judicial authority found no evidence to start an investigation are not included in the table.

Table 2 – Judicial investigations opened in 16 Member States from 2020 to 2024

Member State	Reply by judicial authority	Other replies	Number of cases	Number of convictions	Alleged conduct (selected)
Bulgaria	√	civil society	4	0	excessive use of force and theft during apprehension and summary removal to Türkiye
Croatia	(in 2023)	Ministry of the Interior; civil society	18	0	torture; inhuman or degrading treatment; rape; robbery; unlawful deprivation of liberty; abuse of position of authority
Cyprus	√	UNHCR and civil society	0	0	—
Estonia	√	—	0	0	—
Finland	√	—	0	0	—

Member State	Reply by judicial authority	Other replies	Number of cases	Number of convictions	Alleged conduct (selected)
France	x	civil society	6	0	manslaughter and non-assistance to people in danger (drowning in the English Channel); ill-treatment and abandonment of people unable to protect themselves
Greece	x	Reply of the Greek authorities to the Council of Europe Commissioner for Human Rights; Hellenic Police; Hellenic Coastguard; National Human Rights Commission	68	0	ill-treatment; physical injury; torture; rape; theft; homicide; illegal use of firearms
Italy	√	legal actors	1	0	negligent shipwreck; multiple negligent manslaughter
Latvia	√	Internal Security Office	2	0	unlawful confiscation of property
Lithuania	√	civil society	2	0	severe health impairment; abuse of authority
Malta	x	civil society	1	0	wilful homicide and attempted wilful homicide (delayed rescue)
Poland	x	civil society; border guards; police	5	0	causing damage to health; unintentional manslaughter
Romania	√	border police	3	0	abusive behaviour and theft
Slovakia	(in 2023)	—	0	0	—

Member State	Reply by judicial authority	Other replies	Number of cases	Number of convictions	Alleged conduct (selected)
Spain	x	Ministry of the Interior; civil society and open sources	4	1	homicide by gross negligence; denial of assistance; beating causing loss of vision; excessive use of force
Total			135	4	

NB: The table includes only cases that FRA could identify and is therefore not comprehensive. FRA did not receive any new information for Malta, Slovakia and Spain. For Italy, FRA received a reply by its national liaison officer. For Croatia, some cases may have been counted twice, as FRA could not verify whether cases reported by the authorities and by civil society were the same. For Lithuania, FRA reassessed a 2022 case that was not covered in FRA's 2024 report and included it in this update.

√ = FRA received information from prosecutorial or judicial authorities
x = FRA did not receive information from prosecutorial or judicial authorities
UNHCR = Office of the United Nations High Commissioner for Refugees

Source: FRA (2025), based on an exchange of information with prosecutorial or judicial authorities or publicly available sources

Disciplinary investigations

The following table provides an overview of national disciplinary investigations opened before the end of 2024. For Member States that did not reply, FRA included cases reported by other sources.

Table 3 – Disciplinary investigations opened in 16 Member States from 2020 to 2024

Member State	Reply to FRA request	Number of reported cases	Number of cases in which sanctions were imposed	Alleged conduct (selected)
Bulgaria	x	1 (*)	n/a	violent pushback
Croatia	√	20	7	police brutality; illegal confiscation of assets
Cyprus	√	0	0	—
Estonia	(in 2023)	0	0	—

Member State	Reply to FRA request	Number of reported cases	Number of cases in which sanctions were imposed	Alleged conduct (selected)
Finland	√	1	0	pressure and threats in order to provide information
France	x	11 (*)	0	deliberate violence; exposure to risk of death or injury; insulting language
Greece	√	81	0	ill-treatment, torture, rape and theft during apprehension and summary removal to Türkiye; homicide; illegal use of firearms
Hungary	√	20	6	abuse; use of dogs against migrants
Italy	x	n/a	n/a	—
Latvia	√	3	0	—
Lithuania	√	4	0	unnecessary use of coercive measures; discrimination; abuse of power
Malta	x	n/a	n/a	—
Poland	√	13	0	harassment; misappropriation of personal belongings; causing damage to the health of migrants; unintentional manslaughter
Romania	√	5	0	abusive behaviour; physical aggression; theft
Slovakia	√	0	0	—
Spain	(in 2023)	2	0	physical injuries; assault
Total		161	13	

NB: FRA did not receive any new information from Bulgaria, Estonia, France, Italy, Malta and Spain.(*) = The cases were reported for FRA's 2024 report by FRA's multidisciplinary research network FRANET after consultations with national human rights bodies, organisations providing support or legal aid to refugees and migrants, and lawyers.

Source: FRA (2025), based on an exchange of information with enforcement bodies and ministries in charge of disciplinary investigations.

Endnotes

[1] FRA, Submission by the European Union Agency for Fundamental Rights to the European Commission in the context of the preparation of the annual Rule of Law Report 2023, Vienna, 2023, p. 42.

[2] FRA, Guidance on investigating alleged ill-treatment at borders, 30 July 2024, pp. 11–12.

[3] Information provided by the Hungarian police in April 2025.

[4] Network of Social Support for Refugees and Migrants, Hellenic League for Human Rights, Greek Council for Refugees, Initiative of Lawyers and Jurists for the shipwreck of Pylos, Refugee Support Aegean et al. – Press release, 'Pylos Shipwreck: Criminal prosecution for felonies against 17 members of the Coast Guard, including senior officers of its leadership', 23 May 2025.

[5] Greek Ombudsman – Press release, 'Findings of the Greek Ombudsman in relation to the Pylos shipwreck', 3 February 2025.

[6] Ministry of Maritime Affairs and Insular Policy, 'Statement of the Ministry of Maritime Affairs and Insular Policy in relation to the press statement of the Ombudsman', 4 February 2025.

[7] Greek National Commission for Human Rights, 'GNHRC Statement for the need to respect the constitutionally enshrined supervisory role of the Independent Authorities', 19 February 2025.

[8] Information provided to FRA by legal actors in May 2025. See also ECRE, 'ITALY: Opening of Cutro shipwreck trial – Court orders Italy to pay compensation to people held on coastguard vessel – Journalists' union launches legal action against government over spyware hacking – NGOs condemn 'illegitimate' detention centres in Albania', 13 March 2025.

[9] Information provided by the Polish authorities in April 2025.

[10] FRA, Guidance on investigating alleged ill-treatment at borders, 30 July 2024, p. 22.

[11] Information provided by the Croatian authorities in May 2025.

[12] Information provided by the Hungarian authorities in April 2025.

[13] Frontex, The Fundamental Rights Officer – Annual report 2024, July 2025, Section 3.2.

[14] For a short overview, see Frontex, 'Fundamental rights at Frontex'. The serious incident reporting is based on the requirement set out in Article 38(3)(h) of Regulation (EU) 2019/1896. Fundamental rights violations are one of four categories of serious incidents.

[15] Frontex, The Fundamental Rights Officer – Annual report 2024, July 2025, Section 3.1.

[16] Ibid.

[17] See Judgment of the First Section of the ECtHR of 18 November 2021, M. H. and Others v. Croatia,

Nos 15670/18 and 43115/18; Judgment of the First Section of the ECtHR of 7 July 2022, Safi and Others v. Greece, No 5418/15; Judgment of the First Section of the ECtHR of 2 February 2023, Alhowais v. Hungary, No 59435/17; Judgment of the Third Section of the ECtHR of 16 January 2024, Douaa Alkhatib and Others v. Greece, No 3566/16; Judgment of the First Section of the ECtHR of 5 October 2023, Shahzad v. Hungary (No 2), No 37967/18; Judgment of the Third Section of the ECtHR of 7 January 2025, A.R.E. v. Greece, No 15783/21.

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