

**Monthly report
October 2023**

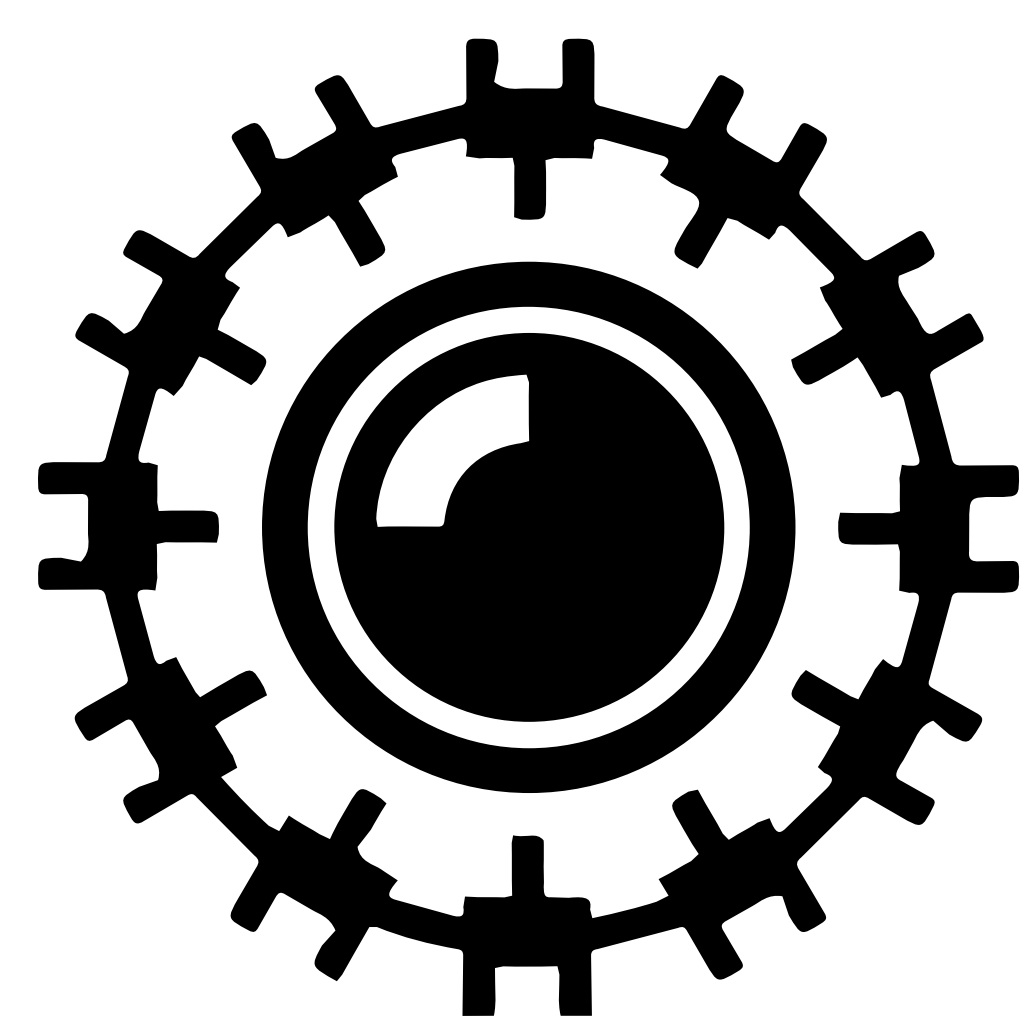
ILLEGAL PUSHBACKS AND BORDER VIOLENCE REPORTS



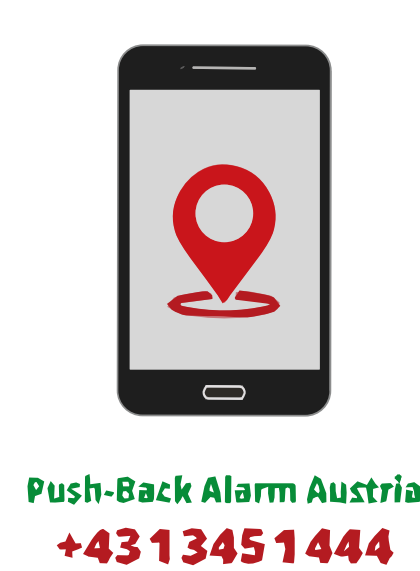
**Border Violence
Monitoring Network**

October 2023

ILLEGAL PUSHBACKS AND BORDER VIOLENCE REPORTS



Border Violence Monitoring Network



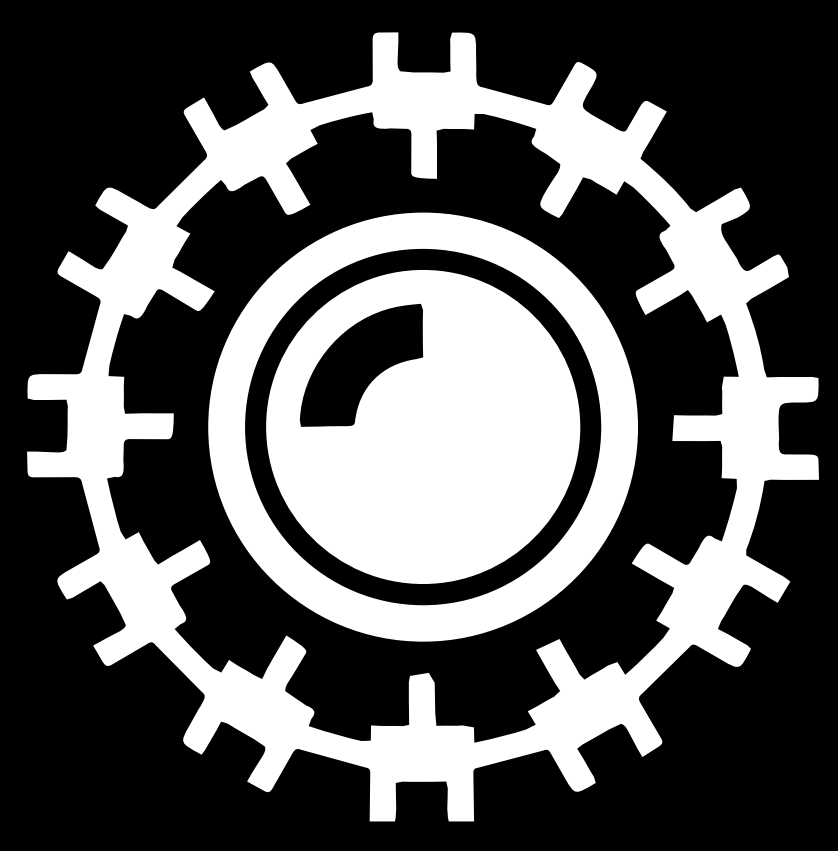
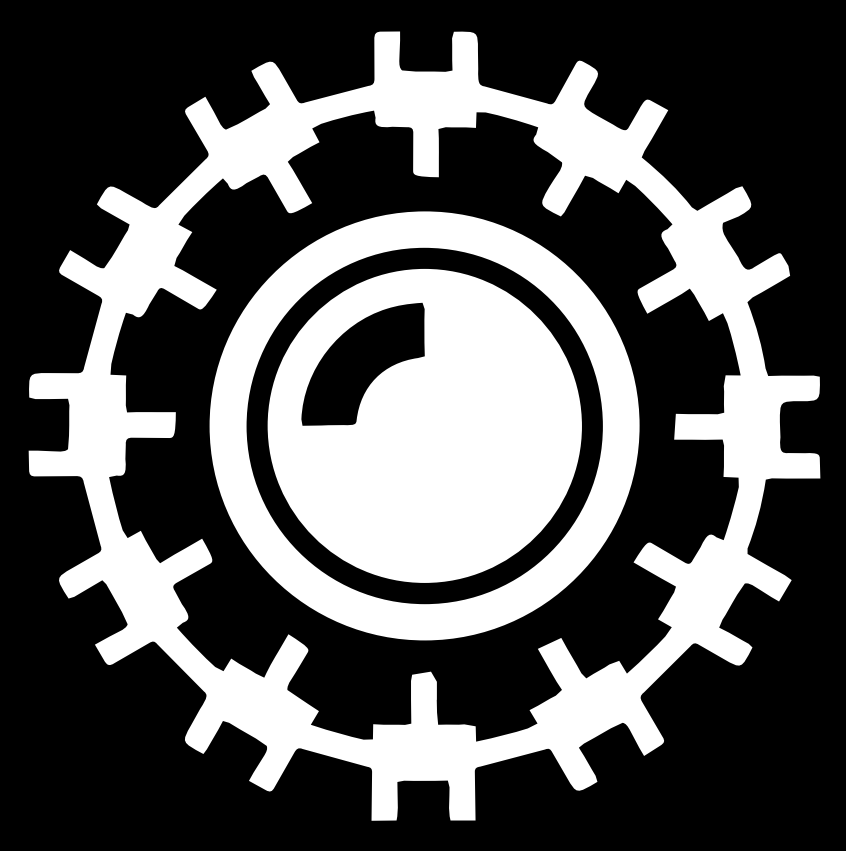


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EXECUTIVE SUMMARY

This report brings together first-hand testimonies from a range of countries in the region to look at the way European Union states and other actors are affecting systemic violence towards people crossing borders. It also includes general updates and insights from advocacy actions taken by members of the network.

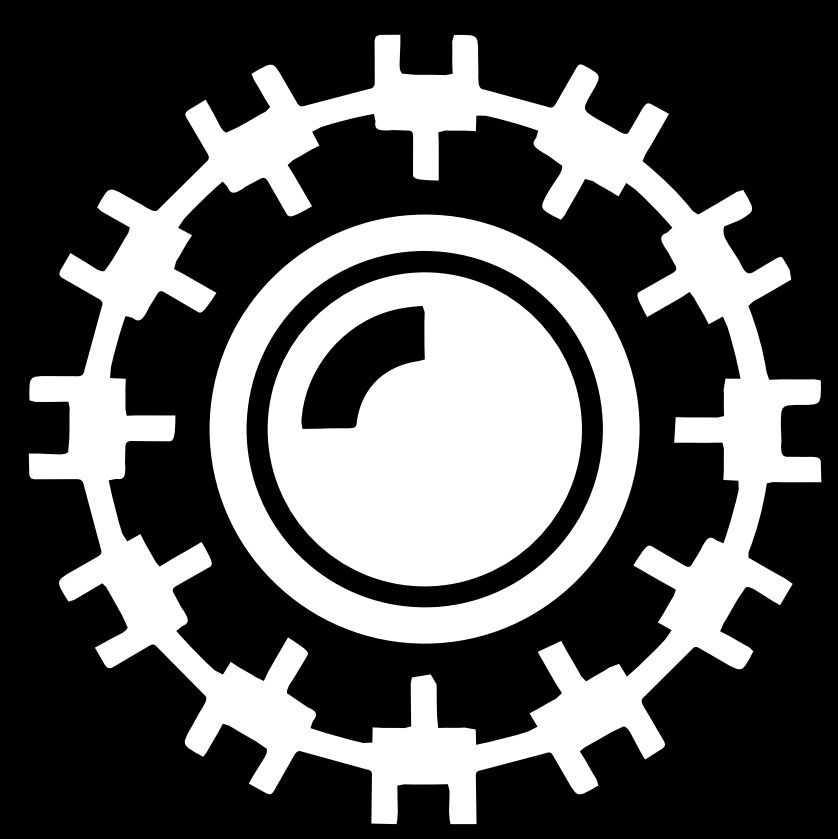
This month's report features increased violence in Bosnia and Herzegovina, with new patterns of violence arising at the Bosnian-Croatian border, such as people being forced to throw themselves into the river or being forced to undress. At the same time, the count of people in transit heading from Sarajevo to the Una Sana Canton is rapidly increasing. At the same, violent evictions of self organised accommodation in Serbia have been consistent throughout the month. In Sombor and Subotica, a joint operation between the Serbian Ministry of Interior and Interpol with the goal of mass fingerprinting targeted people on the move in transit centres as well as in other locations along the northern Serbian border.

In Bulgaria, the European Commission issued its report on the progress made on the Pilot Project for fast asylum and return procedures. This pilot project was set up in March 2023 in Bulgaria and Romania. Meanwhile, in Greece, reception conditions continue to deteriorate with long bureaucratic delays and “humiliating” food provision for those in the Samos CCAC. In Turkey, Syrian activist Adem Maarastawi was detained in deplorable conditions. At the same time, the Izmir BAR association issued a statement condemning the immigration detention practices of those who are pushed back from the Greek islands.

The topic of pushbacks at the Austrian-German border has finally been brought to public debate in Germany following strong advocacy efforts by partner organisations Blindspots and Pushback Alarm Austria.

The last part of this report addresses several political and advocacy developments that took place in October. Firstly, this month, the European Council reached an agreement over the New Pact after months of standstill due to clashing between Northern and Southern member States over Dublin regulation. The Parliament position, adopted in the spring, already set very low standards, including allowing for de facto detention for all new arrivals to the bloc from the age of 12 years and rapid returns mechanisms. In the ongoing trilogues, the few safeguards that were mandated in the Parliament position are slowly being eroded. We are witnessing a similar development regarding the final discussions on the AI Act, where a blanket exception to the obligation to register the use of high risk technologies in a public database by Law Enforcement Authorities has been proposed.

Also in October, the European Court for Human Rights ruled three judgments against Hungary which found the transit zones in the country unlawful. Though these were shut over 3 years ago after another ruling of the European Court of Justice, many of the changes to the asylum system proposed in the current negotiations of the New Pact aim to replicate these conditions at a EU-wide level, by effectively legalising de facto detention of asylum-seekers at the borders, in the so-called screening centres. Lastly, this month, BVMN's work was featured in a recent episode of “The Fire These Times” podcast, released on October 6th. Please [give it a listen](#) if you'd like to hear more about the context of criminalisation of human rights defenders in the EU and the negotiations of the AI Act.



GENERAL

REPORTING NETWORK

BVMN* is a collaborative project between multiple grassroots organisations and NGOs working along the Western Balkan Route and Greece, documenting violations at borders directed towards people-on-the-move. The partners have a common website database, used as a platform to collate testimonies of illegal pushbacks which are gathered through interviews.

METHODOLOGY

The methodological process for these interviews leverages the close social contact that we have as independent volunteers with refugees and migrants to monitor pushbacks at multiple borders. When individuals return with significant injuries or stories of abuse, one of our violence reporting volunteers will sit down with them to collect their testimony. Although the testimony collection itself is typically with a group no larger than five persons, the pushback groups which they represent can exceed 50 persons. We have a standardised framework for our interview structure which blends the collection of hard data (dates, geo-locations, officer descriptions, photos of injuries/medical reports, etc.) with open narratives of the abuse.

TERMINOLOGY

The term pushback is a key component of the situation that unfolded along the EU borders (Hungary and Croatia) with Serbia in 2016, after the closure of the Balkan Route. Pushback describes the informal expulsion (without due process) of an individual or group to another country. This lies in contrast to the term “deportation”, which is conducted in a legal framework. Pushbacks have become an important, if unofficial, part of the migration regime of EU countries and elsewhere.

REPORTING NETWORK

BiH – Bosnia and Herzegovina
HRV – Croatia
SRB – Serbia
SLO – Slovenia
ROM – Romania
HUN – Hungary

AUT – Austria
MNK – North Macedonia
GRC – Greece
BGR – Bulgaria
TUR – Turkey
EU – European Union

*BVMN is a network of watchdog organisations active in the Balkans, Greece and Turkey including Rigardu, Are You Syrious, Mobile Info Team, PIC, InfoKolpa, Collective Aid, Blindspots, Pushback Alarmphone Austria, I Have Rights, Mission Wings and Center for Legal Aid-Voice in Bulgaria

Increase of violence and new patterns

BVMN teams in the region have noticed a significant increase in pushbacks and other types of violence along the Bosnian-Croatian border in the past few months. Many individuals transiting through the Una-Sana Canton have reported an increment in police activities along the border, with numerous describing to have been beaten and forced to throw themselves into the river by uniformed individuals identified as the Croatian police.

Multiple incidents of forced undressing of people on the move have also been recorded, while witnesses have reported that Croatian law enforcement authorities sometimes burn the clothes and personal belongings of individuals before pushing them back into Bosnian territory. Field reporters have also documented testimonies from families with minors who have experienced similar violence at the hands of border authorities. Moreover, there have been numerous cases of individuals who have gone missing after attempting to cross the border.

The number of people arriving to the Una-Sana Canton from Sarajevo is significantly increasing, and along with this, the violence and pushbacks along the borders. This is particularly concerning as winter approaches. With the onset of the cold season, adverse weather conditions intensify, and there is an increase in river levels along the borders. In these conditions, the illegal violent pushback practices reported at the Bosnian-Croatian border will continue to put the lives and safety of people on the move at an even greater risk.

From October 1st to October 24th, the Turkish Coast Guard reported 134 instances of pushbacks , involving 4,403 individuals attempting to find safety in Greece.

Statement from the Izmir Bar Association on Immigration Detention

On October 23rd, the Izmir Bar Association released a statement on the situation of asylum seekers who are detained after trying to cross the Aegean Sea to Greece to lodge their applications for protection in the EU. As detailed in a report published last month by Medico International, many people are forced to continue their journeys onwards from Turkey as access to asylum is frustrated, hindered, and ultimately blocked in many cases. Those who choose to continue, but are subject to pushbacks from both Greece and Bulgaria, can be held in administrative detention upon return for violating provisions for leaving the country.

People crossing the Aegean from Izmir are often brought back to land by the Turkish Coast Guard after they have been pushed back and often left in life-threatening conditions. As a result they are then immediately detained upon being returned to shore. In their statement, the Izmir Bar Association call this “unlawful and de facto deprivation of liberty” where people on the move are kept in inhumane conditions and without sufficient access to information and legal aid. The Association mentions one case in which a young Somali woman fell from the terrace of the detention centre and died. They argue that the conditions in which she was held were in violation of her right to life, and that the state must be held accountable for her death. The Izmir Bar Association calls on authorities to follow the law, ensure that administrative detention does not exceed 48 hours and that conditions are adequate. They pledge to continue an investigation into how such abuses have contributed to the death of the young woman and encourage other organisations to carry out similar checks on such centres across Izmir.

Detention of Syrian activist Adem Maarastawi

On October 12th, Syrian activist Adem Maarastawi was detained in Istanbul after a raid on his workplace, referred first to Tuzla Removal Center, just outside Istanbul and then later to Harran Temporary Detention Center in Urfa, near the Turkish-Syrian border.

Adem has lived in Turkey since 2012, when he travelled to Turkey from Aleppo, having participated in various activities during the revolution in Syria. After working in the garment and textile sector for many years, he also became active in the field of migrant, asylum seeker and refugee rights. He has carried out very public advocacy and organising activities to denounce rights violations against migrants and improve their living and working conditions, via specific migrant solidarity initiatives and through participation in the trade union movement.

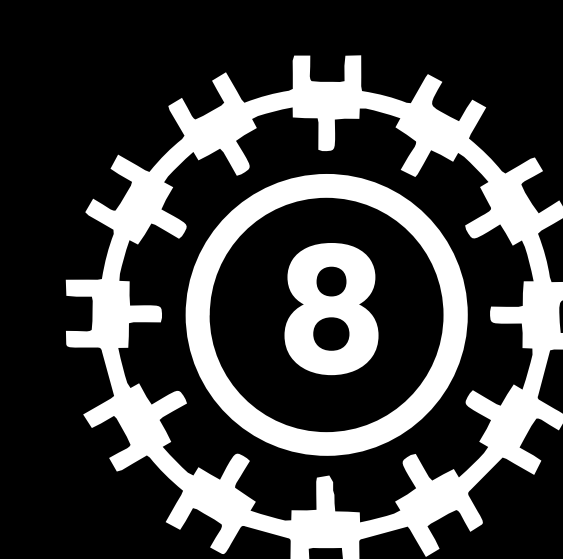
Considering the rise in unlawful, forced deportation of Syrian and other migrants and refugees, punitive use of deportation against non-nationals that seek to be in any way politically active, and the brutal conditions that prevail in Turkey's largely EU-funded Removal Centers and other detention facilities, there was great concern for Adem's situation.

Turkey has seen a huge rise in police sweeps aimed at cracking down on "irregular migrants", with huge public attention through mainstream media outlets and across social media, as the current AKP government is doing what it can to deflect criticism from the opposition. Just a few weeks before the raid on his workplace, a deadline had passed for all Syrians unregistered in Istanbul to leave the city for the provinces in which they are registered.

Adem's case is indicative of the vulnerability of many Syrians and thousands of other migrants and refugees in Turkey today. In 2015, after he had already lived in Istanbul for a number of years, his passport was stolen. At that time, he was unable to obtain temporary protection in Istanbul. Later, in 2019, Istanbul became closed to new temporary protection registrations. Adem, like so many others, continued to reside in Istanbul, as this is where he had a job and a social network.

In 2022, he applied for temporary protection and was assigned to Kırşehir, Central Anatolia, where he was required to sign on every week for a four-month period before he would receive his ID. With no job options in Kırşehir and no savings, this option was untenable, so he remained in Istanbul without temporary protection status - a very typical scenario for many Syrians and others in Turkey.

With the mobilisation of comrades across various groups, a solidarity campaign was set up to organise legal support and to publicly advocate for his release under the hashtag #AdemMaarastawiSerbestBırakılsın (#ReleaseAdemMaarastawi).



Thankfully, in this instance, after 23 days in detention, Adem was released on November 3rd. He had this to say about his situation over the past few weeks and those he was detained alongside:

“The situation there is terrible. At least even in the Removal Centers, a lawyer might have some authority to intervene. In that camp, it’s just left up to the manager. Sometimes a lawyer comes for someone and they just tell them, “we don’t have them.” In the last three months I was the only person to be released from there. And they’re bringing in more people everyday from all over. And with constant deportations then as well.”



Poster from the solidarity campaign for the release of Adem Maarastawi

Continued reports of pushbacks and violence in detention

Recent testimonies collected by members of BVMN in northern Greece expose a continued pattern of violence and abuse against people on the move in the region, marked by widespread pushbacks and the use of detention in police stations, pre-removal detention centres, and prisons across Greece.

The degrading conditions experienced by people on the move in many of these facilities on mainland Greece, which have been consistently denounced in previous reports, have been further evidenced by many of the testimonies collected in October. In these, many individuals have reported a lack of access to fresh food, drinkable water and adequate medical assistance, as well as overcrowding conditions, with multiple people describing having been detained with 10-6 other people in small rooms or containers, without the possibility to go out or exercise at any point. In these conditions, many are reportedly forced to sleep on dirty mattresses on the floor, often infested with bed bugs.

Moreover, many people described a lack of information provided by the authorities regarding the reason for their arrest or the length of their detention within the facilities. In several testimonies, individuals reported being forced to sign documents in Greek without access to translation or to free legal counsel. In fact, several respondents shared that they had to pay for a lawyer themselves. It is important to note that, though some of these people were accused of or charged with smuggling after apprehension, no substantial evidence for this accusation and subsequent detention has been provided to them.

Additionally, members of BVMN have continued monitoring illegal pushback practices by the authorities in the region. Following a pattern described in previous reports, recent testimonies recount the experiences of people on the move apprehended and subjected to verbal and physical violence by police officers in North Macedonia, prior to their transfer to a facility in the proximity of Gevgelija, where their fingerprints and pictures were taken without their informed consent. Physical violence, as well as theft of personal belongings, was also reported by people on the move in the Evros region, by groups of individuals wearing civilian clothing and balaclavas, before being pushed back to Turkey. The use of pushbacks and arbitrary detention continues to be a consolidated practice on mainland Greece, amounting to a clear violation of international and European human rights standards and an increasingly normalised system of abuse towards people on the move.

SAMOS

Crisis in the Greek reception system

In October, UNHCR published updated statistics showing that 32,822 people have arrived through irregular channels to Greece's land and sea borders in 2023 - an increase of over 14,000 compared to the whole of 2022. This is likely to be a significant underestimate of the real numbers of people trying to reach Greece, given the systematic practice of pushbacks from Greece to Turkey at both land and sea crossing points. However, persistent underfunding has eroded the ability of Greece's asylum and reception systems to ensure efficient access to the procedure in times of high arrivals and provide dignified living conditions. This month, the mainland reception system reached capacity, with reports of recognised refugees forced to sleep rough in Athens and several civil society groups raising the alarm on the reception system's dysfunction, which they argue violates both Greek and EU legislation.

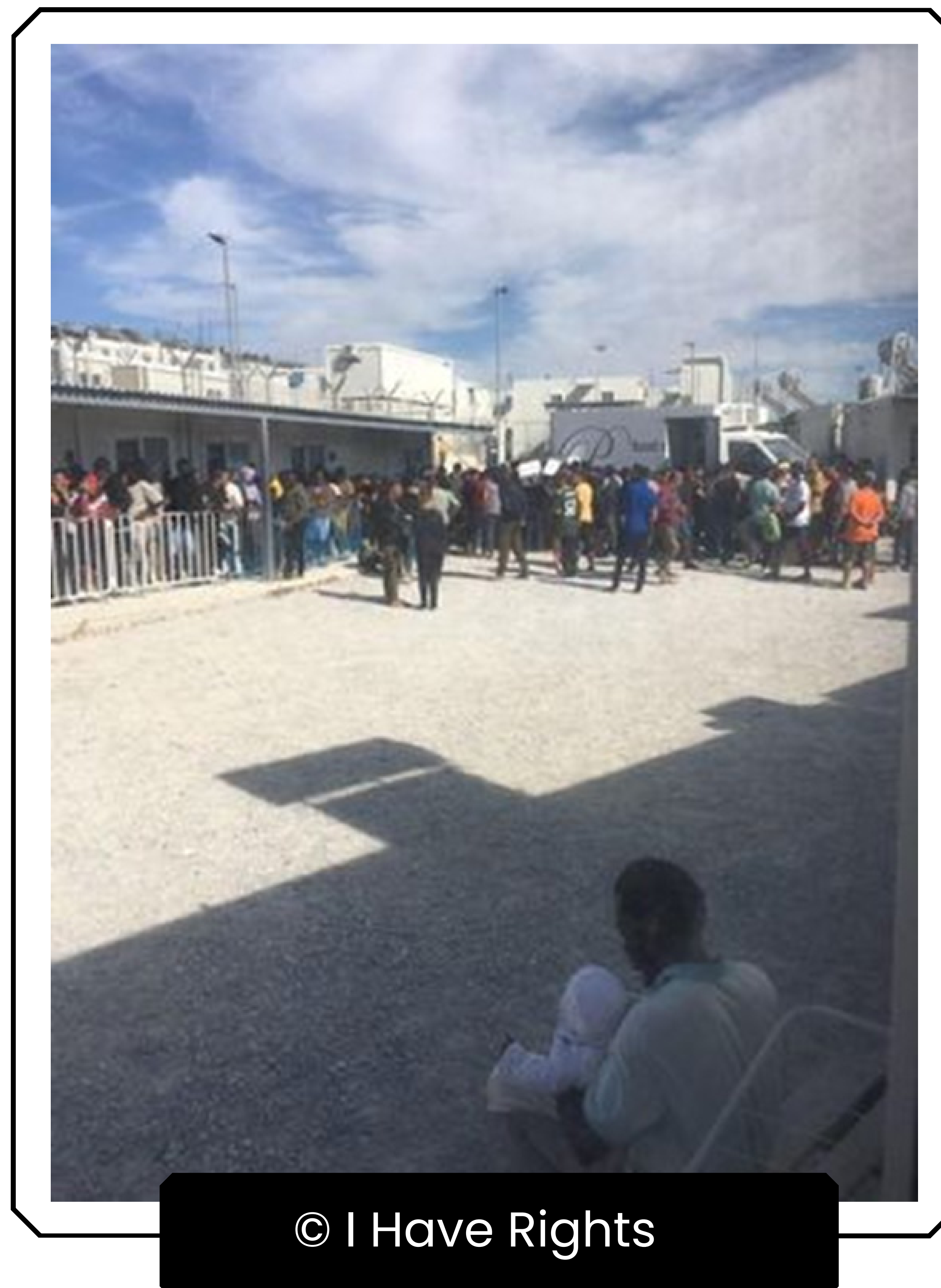
The messy delivery of documents in the Samos CCAC

In October, the population of the CCAC reached 4850, 250% of the facilities' official capacity. In response, the authorities *de facto* detained people for around a month and a half, often without any written order or official documents. In fact, the authorities resorted to providing people with informal documents. For example, from mid-August people were provided with paper wristbands with their date of arrival written on by hand. In October, the authorities provided people with a laminated card that includes a bar code that allows them to request food, while persons without this card were provided with a scrap piece of paper with a hand-written number on.

As noted by organisations on Samos and Lesbos in a joint statement, when people are provided with documents, for example "the restriction of freedom" order, they are provided with documents that are dated many days earlier. These above practices means the CCAC is mass detaining persons without any individualised written decision, which is in violation of Article 40(a) of Law 2022/4939 Asylum code.

The "humiliating" provision of food

Residents of the Samos CCAC can receive food twice a day: breakfast in the morning between 9 and 10am and a second meal in the afternoon, between 2 and 3pm. Besides being seriously insufficient both in quantity and quality, food is also distributed in ways that are described by people on the move as "humiliating". There are only two food distribution points in the CCAC for 4,850 people. People are therefore required to stand in line for up to three and a half hours for each meal, thus meaning their waiting time for food can reach up to 7 hours a day. Clients of I Have Rights report that lunch distribution sometimes ends before everyone receives it, and that some people have to join the lunch queue immediately after receiving their breakfast.



Picture sent to I Have Rights from the CCAC, showing the line to receive food.

Unchanged undignified living conditions

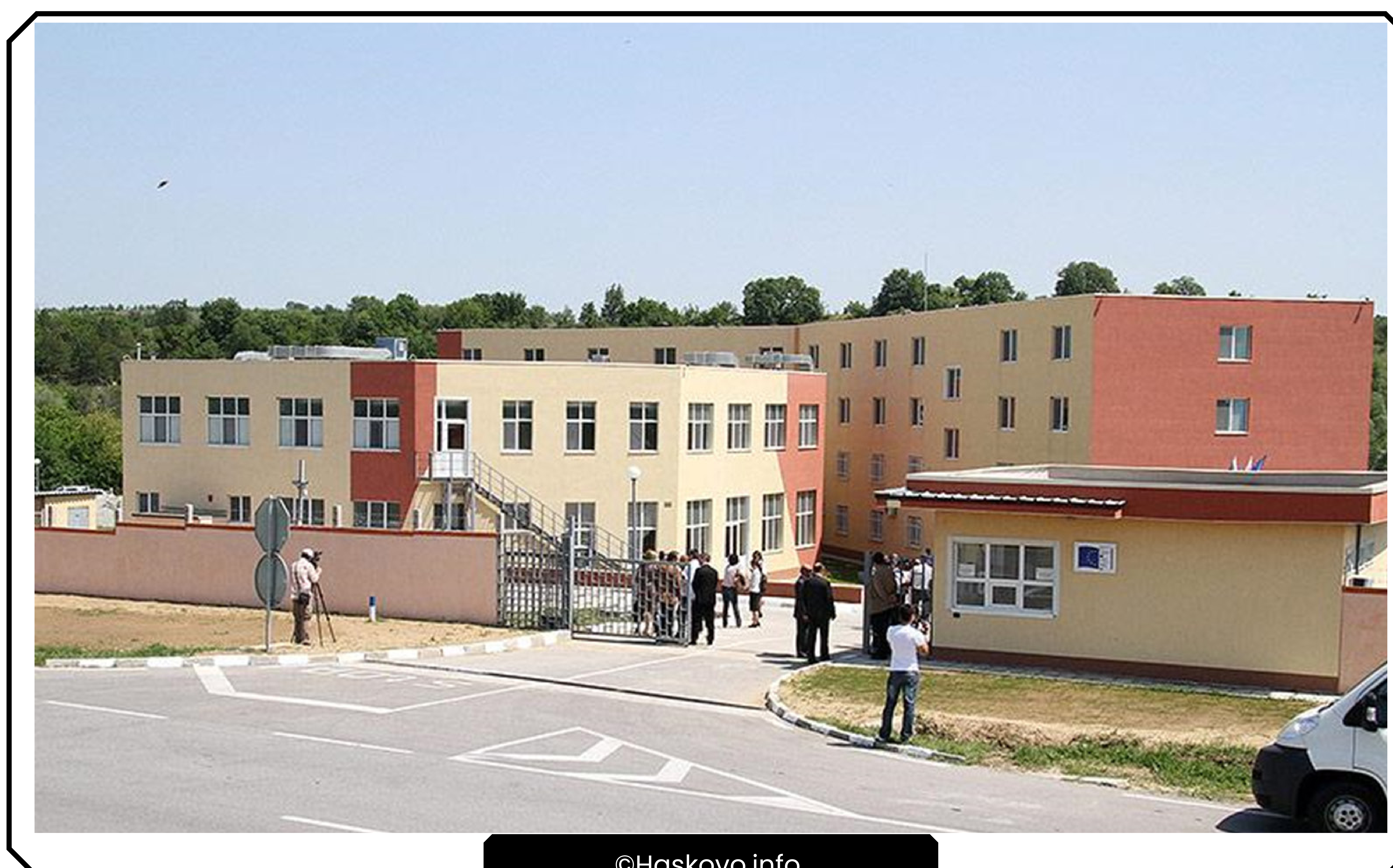
While the living conditions inside the Samos CCAC have been denounced by organisations as inhumane from its opening, the current overcrowding situation adds to an already unbearable situation. For example, one of I Have Rights' clients reported that "Pregnant women, children, and the elderly sleep on the floor, and the privacy of families is not taken into account, as men, women, and children from different families sleep in one large room."

Minimum standards of hygiene inside the CCAC are not met. The lack of regular and sufficient running water prevents people from washing and maintaining sufficient hygiene, contributing to the spread of infections. Additionally, two thirds of Médecins Sans Frontières's patients have scabies.

One of I Have Rights' clients explains:

There are fears among residents about the spread of diseases and epidemics in these prisons due to the lack of the minimum standards of hygiene in the camp. Perhaps the animals here on the island live a better life than the camp residents. When a person obtains an asylum seeker card, he has the right to visit the city on the island, and many of these people bring food and detergents and sell them to people at very high and unreasonable prices. The camp management practices are responsible for all of these matters. I do not know where the money of international and non-international organisations that support these camps goes.

European Commission's Pilot Project in Bulgaria



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Pastrogor Transit Centre.

On October 18th 2023 the European Commission issued its report on progress made on the Pilot Project for fast asylum and return procedures with Bulgaria. Simultaneous pilot projects were set up in March 2023 by Bulgaria and Romania with the support of the European Commission and relevant EU agencies with delegated funds of EUR 45 million for Bulgaria and EUR 10,8 for Romania.

As regards Bulgaria, the pilot project with the European Commission is a follow-up to a previous project launched on March 1st 2023 under the Joint Action Plan between Bulgaria and Austria to prevent irregular migration.

Both the initial project with Austria and the follow-up pilot project with the European Commission indicate preparations for substantial changes in the overall protection and return system in Bulgaria with a view to introducing the now almost finalised New Pact on Migration and Asylum.

Despite the significance and importance of these processes, which will have a strong impact on the ability to guarantee basic human rights to people on the move, they are happening very quietly and unnoticed in Bulgaria, with scarce information about the developments.

The October 18th report of EC points to several facts, evaluated as “good progress”:

- Conducted trainings to facilitate the implementation of the asylum accelerated procedures provided for in the Asylum Procedures Directive;
- A list with designated safe countries of origin and safe third countries;
- Increased the number of deployments by the EUAA.
- Ongoing amendment of Bulgaria’s legislation (Law on Asylum and Law on Foreigners), to allow for the issuing of a negative decision on international protection jointly with a return decision;
- Digitalization of the asylum and return systems with the support of the EU agencies and the Commission;
- Cooperation with Frontex, with the implementation of a roadmap providing Bulgaria with additional resources, including Standing Corps and technical equipment for border management.
- Implementing a Frontex Mobile Operational Support Team for combating cross-border Crime;
- Signing with Frontex a dedicated Action Plan on Returns, which has led to an increase in return counselling services.
- A new Assisted Voluntary Return and Reintegration scheme to be implemented as of early 2024, with increased financial incentives;
- Strengthening of Bulgaria’s cooperation with Europol to fight smuggling networks and to limit secondary movements within the EU, including the establishment of an Operational Task Force.

The “test spot” designated for Bulgaria is the transit centre in the village of Pastrogor, next to Bulgarian-Turkish border and part of the State Agency for Refugees (SAR) accommodation structure. In 2017 it was completely renewed and the centre director announced that it would serve as a closed asylum centre, which was never actually implemented. Capacity of the transit centre is 320 people, mainly citizens of Morocco and Iraq and some sub-saharan African countries are currently accommodated there. As of the beginning of October 2023 its capacity was at 30% (95 people) according to data from SAR. The cases of all asylum seekers placed in the centre are reviewed under accelerated asylum procedure, determined by the current Asylum and Refugee Law – manifestly unfounded applications with the possibility to be appealed within 7 days in front of one-level judicial authority in the region. The centre is remote and in practice people are deprived of their right to access legal aid, social support, and psychological services. It seems that the evaluation of who is placed in Pastrogor transit centre is determined outspokenly on nationality, availability of travel documents and actual possibility of efficient deportation to the country of origin.

How exactly the pilot project with the Pastrogor transit centre is taking place is still to be analysed and discovered. How the reported by the EC “progress” is reflected, with the background of continuing negative assessments of Austria and the Netherlands on Bulgaria joining Schengen is still to be seen.

In 2022 and 2023 Bulgaria has reported record numbers of arrivals of asylum seekers (mainly citizens of Syria and Afghanistan), leading to record numbers of violent pushback practices at Bulgarian-Turkish borders, defined by political figures and media as “prevention of entries”. At the same time, Bulgaria is one of the few countries in the EU where no regularisation or integration mechanisms nor alternative legal pathways exist to balance the security-marked policy.

Political instability, radicalization and the rise of xenophobic movements, particularly in the region of Harmanli, where the biggest refugee camp in Bulgaria is placed close to the Turkish border, are disturbing realities faced by people on the move and local actors in the country.

Centre for Legal Aid - Voice in Bulgaria tries to search for creative ways to communicate and address this reality. Thus, in October 2023 the organisation launched the campaign [#almosthere](#), describing the difficulties in accessing safe territory for asylum seekers. You can join them in spreading their stories by sharing this [video](#).

Violent Sombor Evictions

This month, violent evictions of informal living sites of people on the move in Northern Serbia continued. As reported in previous reports, these evictions have been regularly carried out by the authorities, often using high levels of violence, including beatings and destruction and theft of personal belongings and shelter structures. After the evictions, people on the move are usually forcefully transferred to government centres, often on the other side of the country.

One of these evictions took place on October 20th, affecting, at least, two different living sites in the area of Sombor, a city close to the Serbian-Croatian-Hungarian border. According to witnesses to the first of these evictions, the Serbian Gendarmerie (Serbia's military police) arrived at 8am to the living site, wearing black uniforms and black ski masks covering their faces and carrying dogs. They entered the buildings and started to break down the doors of some of the bedrooms inside, searching through people's personal belongings and throwing them on the floor, as well as flipping beds and mattresses. The witnesses describe that any electronic devices that were found were destroyed, and that those who were apprehended had their phones smashed or taken. Many people were sleeping inside at the time. One of them, an 18 year old boy from Syria, who sustained many injuries from the violence perpetrated by the police described the incident:

"I tried to run away, but they caught me near the front gate. They hit me very hard. They beat me when I fell on the ground. I was very scared"

The second living site was evicted in a similar way. Witnesses described that the police hit people staying there with batons and took away their personal belongings, including wallets and money, after searching them.

"They beat the young men, vandalise the house, break everything and break the phones", "they were beaten all over their bodies".

In both evictions, families with women and children were rounded up and taken away to an unknown location in several police vans.

Though actions like these have been constant during the past several months, an increase in the intensity of policing and violent evictions is now expected. In response to a shooting involving different groups around the Northern Serbian town of Horgoš in the morning of October 27th, the Serbian Minister of Internal Affairs, Bratislav Gasic has pledged that, within the next two weeks, the police would "solve the problems". This was followed by further reports outlining the construction of facilities for special police units and the Gendarmerie in the area.



©Collective Aid

Broken phones and furniture at informal living places after the violent evictions in Sombor

Mass fingerprinting

On October 6th, the Serbian Ministry of Interior announced that between October 2nd and October 5th an international action ‘hotspot’ had been carried out alongside the General Secretariat of Interpol. This involved taking the fingerprints of 516 people on the move from both the Subotica and Sombor Transit Centres, as well as at what was described as ‘wild locations’ along the northern Serbian border – suggesting the informal living sites and squats where many people on the move stay. In the past, it has been reported that fingerprinting has taken place within state reception centres, as well as in the context of illegal pushbacks from Hungary.

Under IPA II and IPA III funds, which Serbia receives from the European Commission as a potential EU candidate, Serbia has established IT systems for registration and identification in line with EURODAC standards so that Serbian and European databases can be merged. For people on the move this could mean that when fingerprinted for asylum applications in EU member states, their prints will show up in Serbia. Serbia is a designated Safe Third Country and therefore classed as the person’s ‘first country of asylum’, where their claim must be processed. At the same time, in the context of being a non-EU member state, it also holds deportation agreements with countries considered not to be safe countries of origin by the EU.

We fear that such processes as the 'hot spot' action reported in Subotica and Sombor indicate an escalation of deliberate efforts to inhibit and deter people on the move that are seeking to travel further into Europe.

Theft outside Subotica RTC

It was reported that in the afternoon of October 22nd, six Serbian police officers in regular police cars pulled up to the Subotica reception / transit centre (RTC), where around 30 people were sitting and standing around outside of the camp, including women, children, and minors. The officers promptly demanded to search a group of six Moroccan men, seemingly at random. They were forced to empty their pockets and take out all of their money, all of which the officers stole. The individual who spoke to us had personally had 100 euros stolen. After the theft, the police left in their cars.

Theft by the police from people on the move is not a new trend along the Northern Serbian border. In the past, we have received reports of taxis in which people on the move were passengers being stopped and searched by police, resulting in the police stealing their money.

According to the affected person who reported the incident outside the Subotica RTC, these sorts of robberies are commonplace. We were told by the man that on most occasions when stopped by the police, money is stolen and sometimes phones and power-banks too. He stated that he has had all of his money stolen on four other separate occasions.

Not only is this robbery illegal and a violation, it was committed just outside of the official Subotica RTC, which is run by the Serbian Commissariat for Refugees. These reception / transit centres are supposed to safely accommodate people on the move. We know, however, that the camp in Subotica does not even accept women or children and is frequently at capacity, forcing people to sleep rough outside. The man who reported the theft incident also explained that his decision to leave the Subotica RTC was made due to the 'drinking water' in the camp having made him and others unwell.

Pushbacks at German-Austrian Border

BVMN member organisation Blindspots has conducted two visits to the Austrian border with Germany to monitor pushbacks by German authorities. In spring 2023, BVMN member Pushback Alarm Austria met a number of people returned from Germany, despite wanting to ask for asylum there and documented six of these in detail. BVMN and Pushback Alarm Austria have worked together with German organisations Bavarian Refugee Council and Pro Asyl to shed light on violations of the right to claim asylum and published a Joint Statement in May 2023. You can find the statement [here](#).

In addition to the testimonies recorded by Pushback Alarm Austria, the numbers of irregular border crossings and numbers of people claiming asylum didn't add up. A response to a parliamentary question to the German government by MPs of The Left (Die Linke), showed that in 2022, 25.500 returns to Austria took place. The majority of people affected (68 percent) were Afghan, Syrian and Turkish citizens - who also make up the majority of asylum seekers in Germany.

While German law provides a legal basis to return foreigners who have entered the country without the required permit, this does not apply if a person claims asylum. Testimonies collected by Pushback Alarm Austria documenting incidents in late 2022 show, that German police has ignored requests to ask for asylum in Germany: "The respondent reported that there was a translator present at the police station and that he asked for asylum there: 'I told them all the people I know live in Germany, but they told me I had to go back to Austria because I came from Austria'".

During their visits to the border, the Blindspots team met people from Afghanistan who said they were pushed back by the German police, saying they tried to ask for asylum, but that their words were ignored by police officers. They eventually were allowed to stay in Germany when, shortly after, they crossed the border again. The decisions to return people to Austria thus seem arbitrary and raises the question whether people's claims for asylum are deliberately overheard.

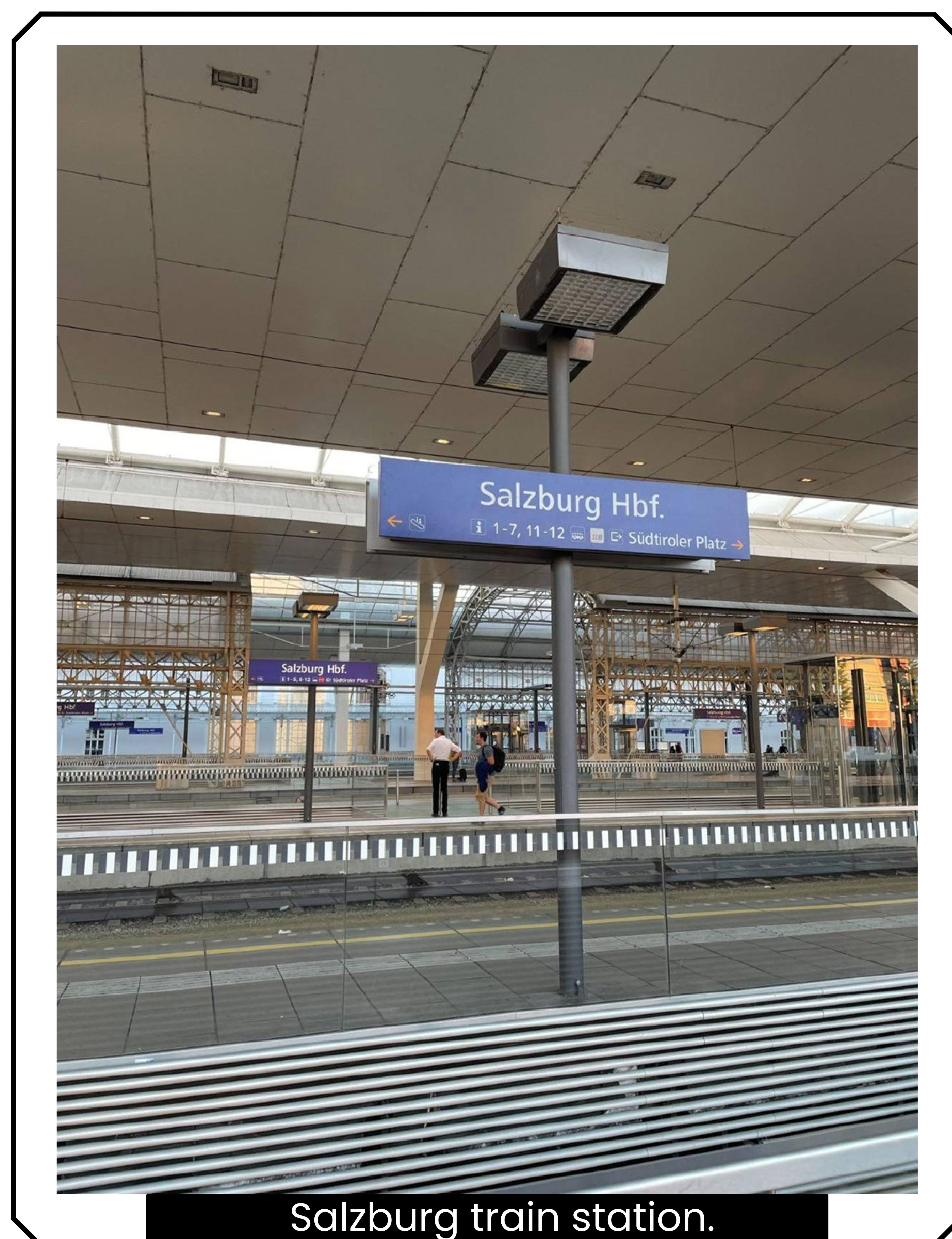
On October 23, MP of the left party, Clara Büniger, went to visit the German Federal police station in Passau, a stone-throw from the Austrian border. Later that day, the issue of pushbacks from Germany and the use of border checks as a means of lowering the number of asylum applications was debated at a public event in Munich. German speakers can follow the discussion [here](#).

In the current political debate, border checks are presented as a tool to combat smuggling and reduce “illegal migration”. Those opposing the reintroduction of border checks and call them ineffective and expensive, usually argue that people should be stopped before even entering the EU. Both these options, however, will further undermine the right to protection and to move to a place of safety.

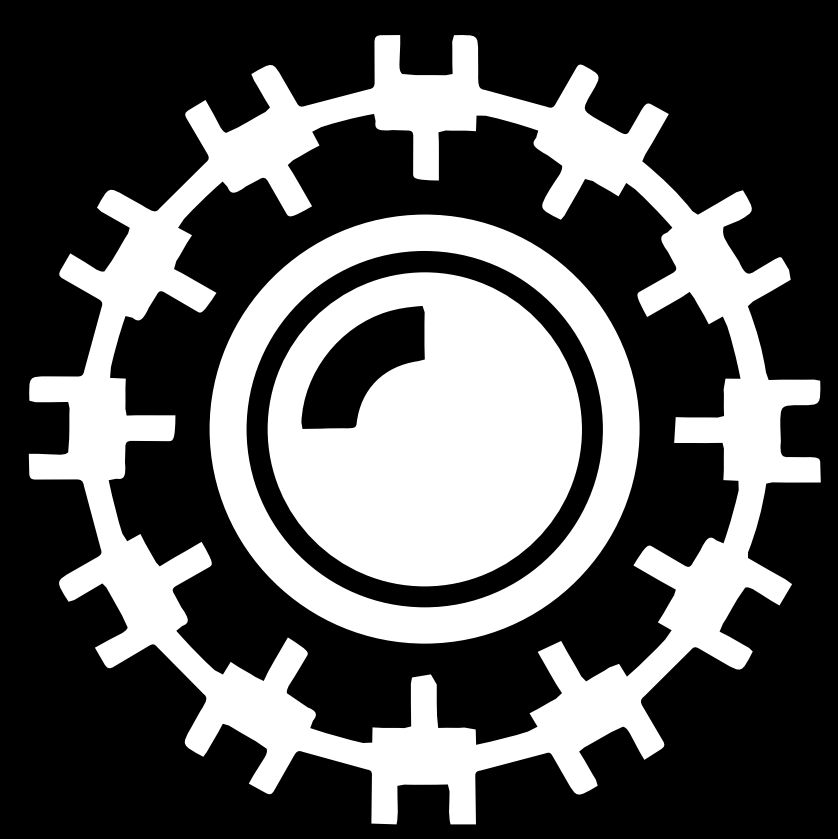
By upholding checks at the Austrian border, Germany continues to violate the Schengen Borders Code, a practice only set to increase as Germany announces temporary checks at the borders with Poland, Czech Republic and Switzerland. However the reform of the Schengen Borders Code foresees the possibility of ‘internal readmissions’ whereby, within the Schengen area, people on the move can be picked up in the territory of one Member State and readmitted to another. This is essentially a step by the Commission to legalise pushbacks and precludes the right to ask for asylum on the territory of any Member State. In fact, in January 2021 the Court of Rome ruled that such a practice was in violation of Union and international law, and violated the right to non-refoulement. Regardless, the reform of the file looks to go ahead with such provisions in place which would also legalise such practices at the German-Austrian border.



German-Austrian border.
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Salzburg train station.
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Update on the New Pact: Unblocking the Crisis Regulation

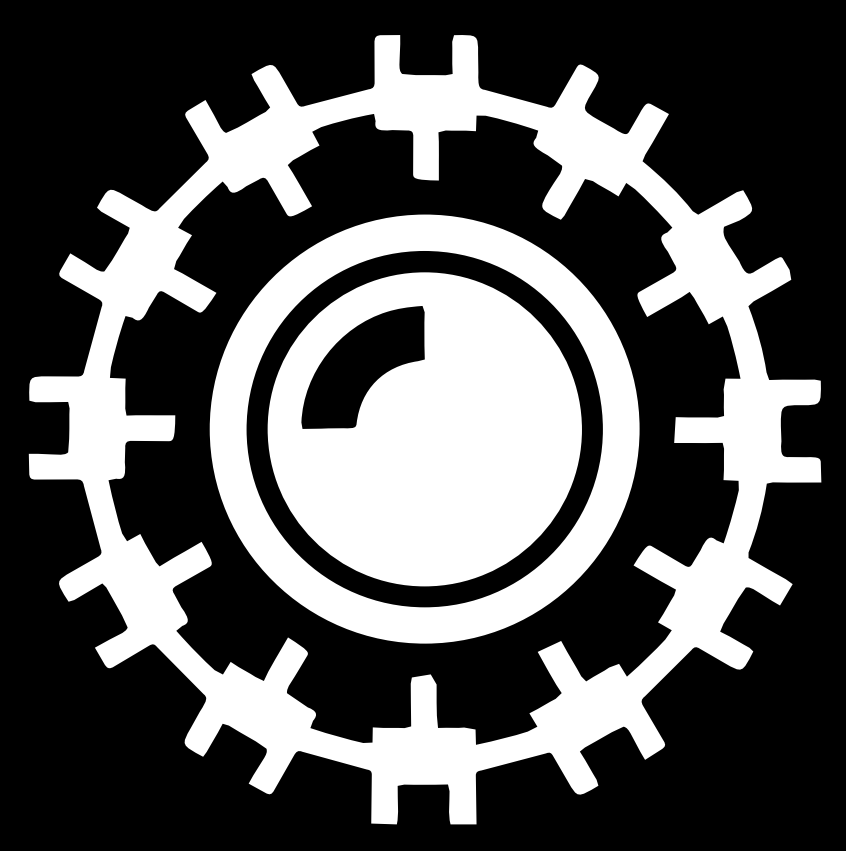
In October, the European Council finally made an agreement on the Crisis Regulation of the New Pact. An outstanding political disagreement on this element of the Pact had brought all negotiations on other files to a standstill. The debate became rocky, and was left unresolved over the summer months with frontline Southern Member States and Northern Member States clashing over the suspension of Dublin agreements, whereby the Northern states (like Germany and the Netherlands) can return individuals to their first country of asylum (like Greece, Italy and Bulgaria). Additionally, the hardline Visegrád group (Slovakia, Poland, Hungary and Czechia) came together against the regulation in September.

Nevertheless a deal has now been reached, meaning negotiations on the rest of the files have resumed and the Spanish Presidency of the EU is pushing for all political deals to be completed by December. Final technicalities are set to be resolved in the first months of 2024 so that all files are completed prior to the European elections in June.

The Parliament position on the New Pact files was adopted in March of this year, and represented a lowering of standards and scrapping of safeguards across the board. The Screening Regulation and Asylum Procedures Regulation foresee de facto detention for all new arrivals to the bloc from the age of 12 years, rapid returns mechanisms, and solidarity in the form of some Member States paying for the removal of rejected applicants for others. In the ongoing trilogues, the few safeguards that were mandated in the Parliament position are slowly being eroded and the landscape of migration management across Europe is set to drastically change in the coming years as a result of the files. Final negotiations will now be taking place until the end of the year, with Brussels-based NGOs launching advocacy campaigns to save some safeguards and preserve the most problematic deletions from the final texts. Follow the BVMN Twitter account (@border_violence) to stay up to date.

Artificial Intelligence Act Trilogues: Blanket Exemptions for Law Enforcement Authorities

Another key file which will have a huge impact on migration management within the bloc that is currently set to be finalised by the end of the year is the Artificial Intelligence Act. As members of the Protect not Surveil coalition, BVMN has been consistently working with digital rights organisations to lobby for safeguards in the context of AI and new technologies in migration. Disappointingly, the Parliament position adopted in May did not go far enough in ensuring the rights of people on the move would be protected. Although the usage of emotion recognition technologies, biometric categorisation systems, and predictive policing systems were subject to bans; only enhanced safeguards were foreseen for forecasting tools, surveillance technologies, and non-remote biometric identification systems. Especially in the cases of forecasting tools and surveillance technologies, both have been evidenced as used in the facilitation of pushbacks and other interrelated rights violations and should be subject to bans.



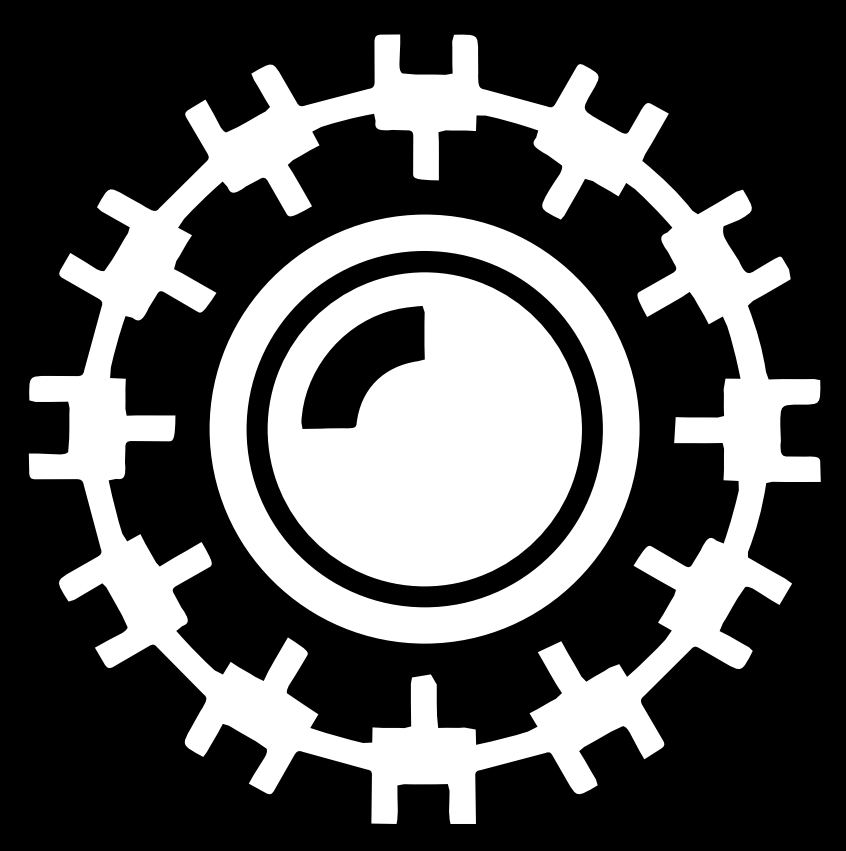
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The Parliament position has been even further eroded during the trilogue negotiations. Usually, technologies categorised as high-risk must be subject to a Fundamental Rights Impact Assessment and listed (with certain details) in a public database. The Council is arguing for a blanket exemption for technology used by Law Enforcement Authorities (LEAs), meaning they don't have to follow the same safeguarding requirements. This would mean the introduction of dangerous loopholes allowing new technologies to be misused against the most vulnerable, and an extreme dilution of the safeguarding mechanisms in the Act. As such, we signed this [open letter](#) calling for the Parliament to hold strong on their position and advocate for real protection.

ECtHR Ruling on Hungarian Transit Zones

Despite transit zones on the Hungarian border being shut down three and a half years ago, this month [three judgements were indicated against Hungary](#) in Strasbourg with victims represented by the Hungarian Helsinki Committee. In May 2020, they were shut down after the ECJEU ruled detention in transit zones unlawful. In the years prior, the only possibility to seek asylum in Hungary was through being detained in one of these transit zones which consisted of containers with insufficient access to food, healthcare, and legal support. In several cases detainees were [systematically starved](#). In October, the ECtHR ruled that Hungary had violated individuals' right to freedom from torture or inhuman or degrading treatment or punishment, and stated yet again that the prolonged, inhumane detention of asylum-seekers in transit zones violated fundamental human rights.

In spite of these rulings, such conditions are set to proliferate across the EU with the new Screening Regulation of the New Pact. BVMN's first policy analysis upon seeing the files in 2020 immediately [drew parallels](#) to the transit zones in Hungary and the rights violations that took place there. As has been trialled in Samos with the EU-funded Closed Controlled Access Centres (CCACs) and is currently being piloted in Bulgaria (read the Bulgaria section of this report), the Screening Regulation foresees closed structures and the de-facto detention of asylum seekers who enter the EU as a precondition for applying for asylum. Under the regulation, children as young as 12 will be detained whilst they are screened and it is decided whether their application can move forward or is manifestly unfounded, in which case they will be directly channelled into return facilities. Lessons learned from Samos, which we report on every month, from Bulgaria and, in this case from Hungary, have not been institutionalised and implemented into new procedures. ECtHR and CJEU rulings have shown that such procedures are violations of fundamental rights, and still they are set to become standard practice in the new year, with hundreds of millions of euros from the EU poured into building and sustaining such centres.



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Failure of the EU-Tunisia migration deal

Just three weeks after Ursula von der Leyen praised the latest partnership between the EU and Tunisia as an example agreement to be followed with other third countries, the future of this migration deal has been put into question by Tunisia's rejection of EU financial aid this month.

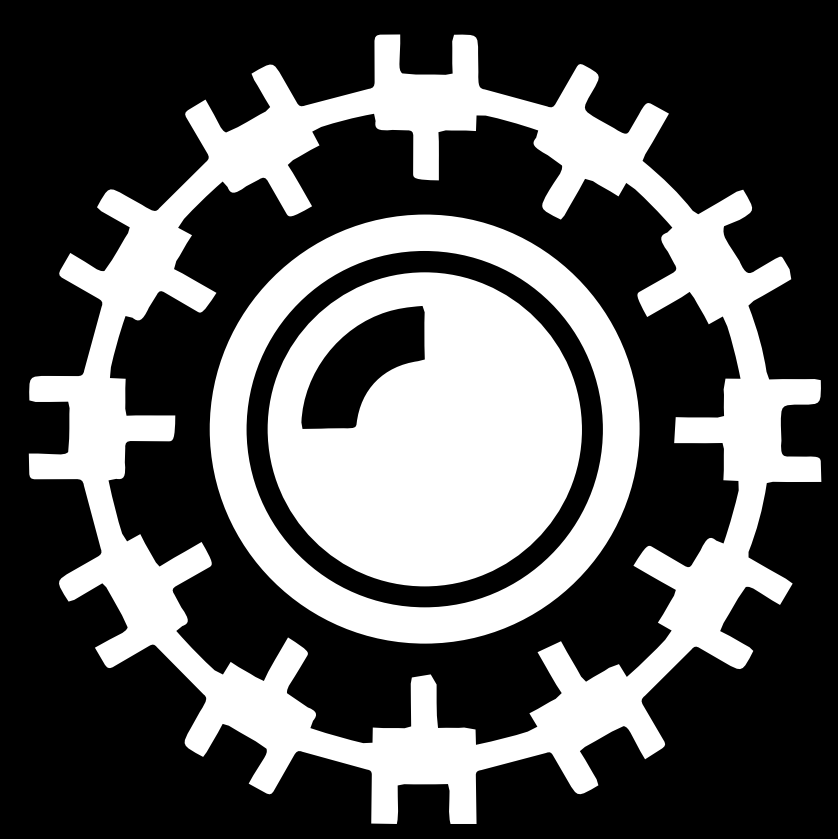
The deal, which was brokered by von der Leyen, together with the Italian and Dutch leaders Meloni and Rutte - amidst widespread criticism from Members of the European Parliament over its lack of transparency - included the provision of 105€ million for migration control. It consisted of a total pledge of nearly 1 billion euros, much of which was to "support the country's economic needs". Though the EU has been pushing for the externalisation of border control through this type of partnership with North African countries for many years, the increase in arrivals of people on the move to Italy and other southern European countries in the past few months, fast-tracked the deal under the guise of a 'Team Europe' approach.

However, this month, doubts have been casted over the sustainability of the agreement, as Tunisia's government handed back 60€ million of aid recently disbursed by the EU. This happened after Tunisian President Kais Saied argued that the financial offer of a 127€ million payment announced by the European Commission in late September was not in line with the initial Memorandum of Understanding. It seems Tunisia is not so happy to play the part of externalised border controller for the bloc. Despite this, the Commission maintains that the agreement is still in place.

The Commission is pushing to maintain this position in spite of the heavy criticism of the deal by Human Rights organisations, due to mounting evidence of human rights abuses against migrants in the country. Since July of this year, multiple reports have emerged of Tunisian authorities carrying out illegal mass expulsions of hundreds of people to Libya, sometimes abandoning them in the desert close to the border. Most of these people were taken by state authorities from the port city of Sfax, where many migrants from sub-Saharan Africa have been targeted in the past few months during violent attacks. Not only do agreements that exchange migration control for wide-range financial support condone the violence perpetrated as part of border regimes involved in the externalisation of EU borders, but, in many cases, as in the EU-Tunisia deal, EU money capacity and equipment for the same authorities perpetrating human rights abuses against people on the move.

Fire These Times podcast on criminalisation

BVMN's work was featured in a recent episode of "The Fire These Times" podcast, released on October 6th. Hosted and produced by Joey Ayoub, the podcast tries to answer the questions: How can we build the new in the shell of the old? And how do we make it easier to imagine the end of capitalism than the end of the world? Over 4000 subscribers follow the podcast's newsletter.



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In the episode, two BVMN volunteers, Elena and Anas, spoke about their work within the network. Elena was one of the authors of “In Defence of Defenders: a Practical Guide for Legal Means and Advocacy Tools for Criminalised Human Rights Defenders in Europe”, and explained some of the results of that research. Most importantly, she pointed out the lack of programmes within the European Union that support criminalised defenders of the Human Rights of people on the move, while such programmes are regularly funded outside the EU.

Anas also spoke of the advocacy work conducted by BVMN as part of the adoption of the AI Act by the EU parliament. BVMN was part of a coalition of civil society organisations behind the #ProtectNotSurveil campaign, which aimed at the complete ban of AI technologies within the context of border management. Many of these technologies have been shown to invariably violate the rights of people on the move.

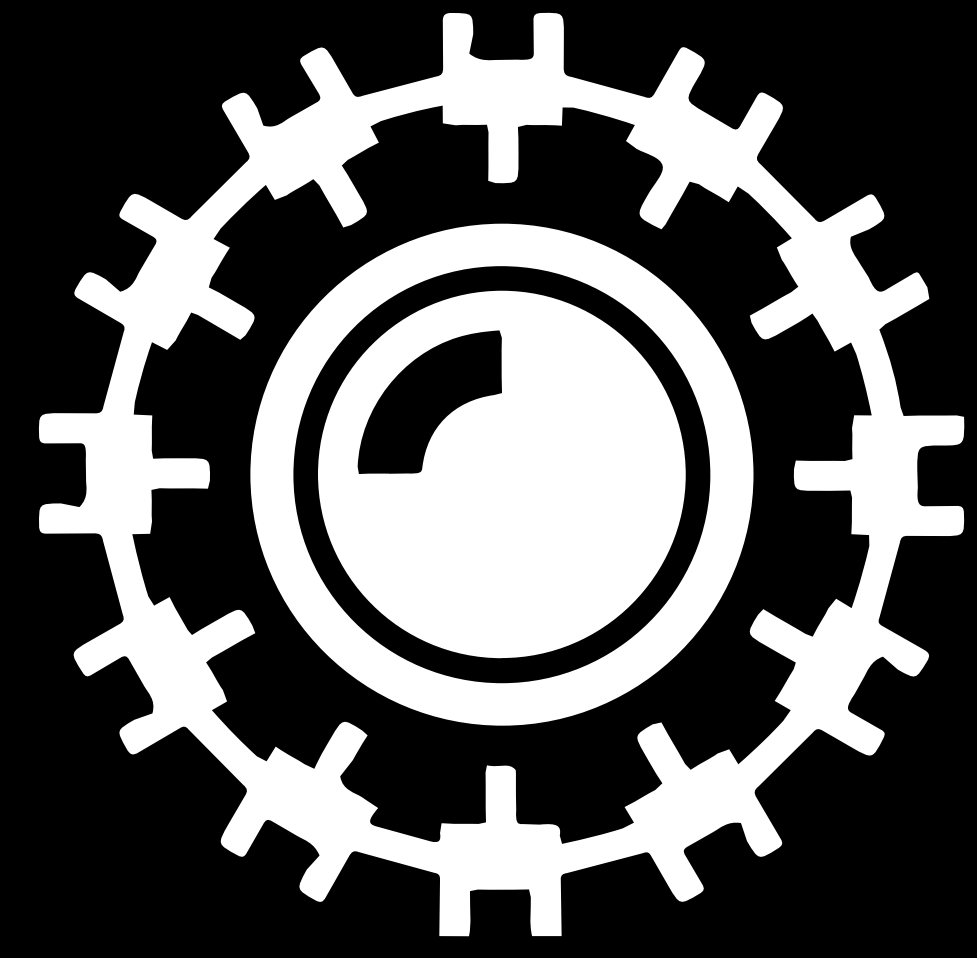
This is not the first time that BVMN’ work is featured on The Fire These Times podcast. Back in July 2020, Jack Sapoch spoke with Joey on behalf of NoNameKitchen and BVMN about the practice of push backs along the so-called Balkan route.

Publication of the translation of criminalisation toolkit to Bosnian-Serbian-Croatian: U odbranu branitelja i braniteljica: praktični vodič kroz pravna i zagovaračka sredstva za kriminalizirane braniteljice i branitelje ljudskih prava u Evropi

Mid of September, BVMN organised, together with Heinrich Böll Foundation, a launch event for the criminalisation toolkit in Zagreb, that is now also available as [translation to BCS](#) (Bosnian-Serbian-Croatian).

The toolkit outlines and explores available mechanisms and institutions, protecting legislation, and advocacy avenues to approach when Human Rights Defenders experience criminalisation at the domestic, European or international level. It has now been translated into BCS to support individuals, collectives and organizations targeted. A new section on Croatia has also been added, while sections on Bosnia and Herzegovina (BiH) and Serbia are being developed as an extension to the current edition. The English version can be consulted [here](#).

In the event, also member organisations and collaborating organisations from BiH and Serbia joined and an exchange was facilitated on experiences of criminalisation in the Western Balkans. In addition, it was the kick-off event for a new research project on legal avenues and protection mechanisms for criminalised Human Rights Defenders in BiH and Serbia.



Border Violence Monitoring Network

NETWORK STRUCTURE AND CONTACT

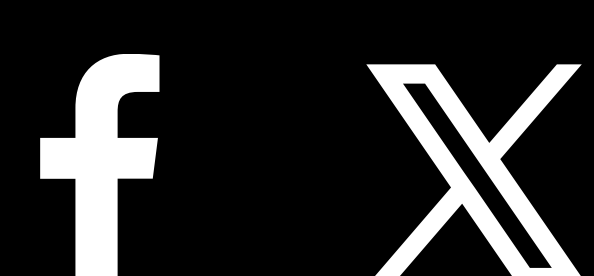
BVMN is a volunteer led endeavor, acting as an alliance of organisations in the Western Balkans and Greece. BVMN is based on the efforts of partner organizations working in the field of documentation, media, advocacy and litigation.

We finance the work through charitable grants and foundations, and are not in receipt of funds from any political organisation. The expenditures cover transport subsidies, several part-time paid coordination positions and some costs incurred by partner organisations for their contributions to our shared work.

To follow more from the Border Violence Monitoring Network, check out our website for the entire testimony archive, previous monthly reports and regular news pieces. To follow us on social media, find us on Twitter handle @Border_Violence and on Facebook.

For further information regarding this report or more on how to become involved please email us at mail@borderviolence.eu.

For press and media requests please contact: press@borderviolence.eu



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