**Border Violence
Monitoring Network**

Policy Memo: Strengthening Migration Governance Monitoring in the Balkans

I. Overview

The migration governance landscape in the Balkans is marked by severe gaps in accountability for state actors, particularly regarding border violence and human rights abuses. Civil society organizations like the Border Violence Monitoring Network, and our member organizations are pivotal in monitoring these issues, but face significant barriers, including limited funding, criminalization of solidarity and human rights work, and restricted outlets for sharing our findings. These challenges undermine the capacity to influence policy, hold states accountable, and protect migrants. The following recommendations highlight best practices from BVMN's work and propose actions to strengthen monitoring, ensure greater civil society influence, and address funding and protection gaps.

II. Concealment and Disappearance of Migrants as a Challenge to Effective Monitoring:

The use of pushbacks and enforced disappearances has become a documented practice at borders, now recognized by the UN CED, the ECtHR and UN Special Rapporteur, as widespread and systematic and comprises the modus operandi of pushbacks. We affirm that tactics of concealment pose a significant challenge in the monitoring of borders as States work to conceal the fate, whereabouts and mistreatment of migrants.

Pushbacks as a method to disappear migrants: has been long documented by BVMN member organizations, with the UN CED also recognizing it as a "*restrictive and dehumanizing border governance [tactic that] directly contribute to the disappearance of migrants*" that "*effectively remove the persons subjected to them from any protection of the law.*" BVMNs member organizations have documented over **25,000 pushbacks from 14 countries across Europe a**nd views pushbacks as one of the most significant challenges in migration governance monitoring, reflecting both the severity of violence and torture inflicted upon migrants and the challenge of monitoring governance tactics designed to disappear persons.

Secret and incommunicado detention: has become a commonplace during pushbacks, with BVMN members routinely documenting migrants being held in improvised detention sites such as abandoned buildings[2-3],metal containers, stables, garages[2], caravans or dog kennels. In 2021, our investigation showed over 20% of testimonies recalling detention demonstrated evidence of secret or incommunicado detention. In 2024, our investigation into detention in Bulgaria uncovered at least 19 cases of secret or incommunicado detention.

Lack of formal detention registration: continues to be a significant obstacle in ascertaining the fate and whereabouts of migrants subjected to pushbacks. The failure to formally register migrants in detention is so widespread it is now indistinguishable from official State policy and ensures the absence of any formal record of their arbitrary detention and excludes any possibility for monitoring bodies to have oversight of their activities. For example, in Greece between 2022 and 2023, 96% of pushback testimonies make no reference to registration or the collection of personal information of migrants detained during a pushback.

Destruction of personal belongings and mobile phones: has been recognized by the UN CED as a tactic that may lead to the enforced disappearance of migrants in transit, given that individuals are left without any means to communicate their whereabouts to relatives or prove their identity. BVMN has identified this as a pervasive tactic across all regions of reporting, with some organizations even documenting 'burn piles' in Croatia. This tactic ensures that any formal written record of their stay or transit across a country is destroyed and that people on the move are prevented from geolocating or recording rights violations providing a significant barrier in monitoring, evidence gathering or engaging with mechanisms of redress.

III. Restriction of Civic Space, and Criminalization and Obstruction of Monitoring Activities as a Challenge to Effective Monitoring:

BVMN views the continued restrictions placed on monitoring bodies, including civil society organizations, engaged in monitoring and documentation as a significant barrier to effective migration governance monitoring, which we recognize is further compounded by the shrinking civic space and active targeting of monitoring organizations.

Restrictions on CSOs Searching For Missing and Disappeared Migrants: is a recent emerging pattern of state harassment and obstruction designed to prevent land-based civil society organizations initiating search and rescue operations for migrants in distress. In Bulgaria, a recent search and rescue attempt by partners of BVMN member Mission Wings Foundation resulted in their partner organization being stuffed into a trunk and prevented from providing timely assistance to three young boys who later died due to the restricted rescue. Such practice ensures that CSOs are unable to effectively monitor, document or respond to migration governance tactics such as pushbacks and enforced disappearances.

Restrictions of Access or Non-Compliance for Monitoring Mechanisms: has been documented across countries with well evidenced border governance practices of pushback. For example in Croatia the 2019 annual report by the NPM affirmed that since June 2018, the Ministry of interior has denied direct access to cases and data on the treatment of irregular migrants and has been frequently denied access to cases during visits to border police stations. The NPM further stated that by arbitrarily and unevenly interpreting the legal framework regulating the mandate of the Ombudswoman and the NPM, police officers overstep their authority and make it impossible to efficiently fulfil the functions of the NPM and examine the treatment of irregular migrants. Further to this restriction of access, we also view the continued failure to implement recommendations of monitoring bodies such as the EU's CPT as another significant barrier to migration governance monitoring.

Criminalization of Migration: has embedded a pervasive culture of fear for people on the move and ensures impunity for state officials. In many instances, BVMN reports migrants are fearful in sharing evidence of ill-treatment or engaging with oversight mechanisms or mechanisms of redress due to fear of reprisals. For example, in Turkey, BVMN reported on a case of a Syrian national who complained about the physical and verbal abuse of her sister in school to the police, resulting in reprisals culminating in a deportation order against her to Northern Syria. Further to this, when migrants are prosecuted BVMN's trial monitoring programme also observes widespread variance with fair trial standards solidifying these barriers and ensures, through the criminalization of migrants, impunity for border violence.

Criminalization of Civil Society: manifest both through formal and informal means and as reported by BVMN include, but are not limited to: an increasing imposition of administrative barriers, restrictive legislative changes often accompanied by government-led smear campaigns; launching of criminal investigations and judicial proceedings against human rights defenders; acts of vandalism and theft; unwarranted surveillance; scrutiny and bureaucratic hurdles by the authorities and more general tactics of threats and harassment. We view this as a direct response to CSO-led monitoring efforts and represent a significant barrier.

Lack of Accountability Mechanisms: There is a widespread lack of accountability for states engaged in border violence and human rights violations. While there are existing human rights frameworks, they often fail to hold states to account on the national level due to political will and domestic remedies being insufficient. International human rights bodies, including the UN and the European Court of Human Rights, should be empowered to take more robust action and address patterns of violations across multiple countries.

Coercive "Voluntary" Returns: in which migrants detained in Turkey are forced under direct threats of extreme violence, torture or prolonged detention to agree to voluntary returns to Syria has been well documented and affirmed by [UN bodies](). Abuse of administrative processes in migration governance must be viewed as an essential area of monitoring and lack of independent oversight or restrictions of monitoring must be addressed in this area.

IV. Best Practices & Areas for Strengthening Accountability

Standardized Testimony Collection: BVMN has pioneered a standardized [methodology]() of testimony and evidence collection to document cross-border pushbacks and other types of violence enacted against people on the move which blends the collection of hard data (timings, dates, locations, officer and vehicle descriptions, photos of injuries, medical reports and other corroborating evidence) with qualitative narrative accounts of the pushback incidents. This standardization of [methodologies]() enables comparative evidence to be collected across borders and has since been uniformly adopted by dozens of organizations monitoring border violence across Europe, the Balkans and beyond, and we believe it both showcases the power of systematic documentation in influencing international human rights frameworks.

Use of New Technologies to Ascertain the Fate and Whereabouts of Missing and Disappeared Migrants: such as BVMN's visual investigations on [North Macedonia]() and [Bosnia]() has been cited by the UN CED as evidence of the success of using "a combination of techniques (e.g. satellite imagery, digital mapping, analysis of video footages and chrono-location) to collect evidences of enforced disappearances of migrants and to establish their fate and whereabouts". We recommend, in line with [recommendations]() issued by the UN CED that footage from border surveillance equipment, or other new technologies, should be preserved and made accessible to those mandated with overseeing border operations as we affirm such practices mark a clear best practice to help strengthen accountability.

Engagement with International Human Rights Mechanisms: BVMN's advocacy has resulted in significant contributions to UN reports and recommendations, such as the UN Special Rapporteur on Migrants' reports and the Universal Periodic Review on Greece. These contributions demonstrate the importance of non-state actors in shaping international legal and policy outcomes. Expanding access for civil society to these international platforms can increase their influence on global migration governance, ensuring state accountability.

EU Oversight and Legal Advocacy: The European Court of Human Rights' recent ruling on Greece's pushbacks, citing BVMN's submissions, illustrates the potential for international legal mechanisms to hold states accountable. The EU must be more proactive in monitoring border practices and ensuring member states uphold human rights standards. By embedding civil society reporting into EU migration governance frameworks, stronger legal accountability can be achieved.

V. Recommendations for Action

Strengthen International Accountability Mechanisms: International actors, particularly the UN and EU, should create, increase or strengthen formal channels for civil society to report on trends and patterns of border violence, ensuring that these mechanisms are not restricted to individual communications or reflective of a requirement to exhaust domestic remedies which in many cases are either insufficient.

Protection for Human Rights Defenders: States must protect the rights of civil society actors who are documenting border violence and gathering testimonies. Legal protections are necessary to ensure that NGO workers are not criminalized for their advocacy or monitoring activities and any forms of reprisals for engaging with reporting mechanisms both within domestic frameworks

and within the international system must be condemned in the strongest sense. We also affirm that embassies should establish a human rights defender's strategy that includes a publicly named focal point to support the coordination or monitoring of any restrictions of civic space or targeting of HRDs in their country of operation thus ensuring that any actor engaged in monitoring can carry out their vital work without fear of retribution.

Increased Funding for Civil Society Monitoring: The international community must prioritize funding for civil society organizations like BVMN that are at the forefront of border violence monitoring. Financial support should enable these organizations to expand their operations, improve data collection methodologies, and enhance their capacity to engage with international advocacy mechanisms.

Leverage Testimony Collection to Influence Policy: Civil society should continue to leverage the testimonies of people on the move to document human rights abuses. Data collection should be integrated into international human rights mechanisms, such as the UN Human Rights Council's special procedures, to highlight patterns of violations. States should be held accountable through the submission of these patterns and trends, rather than relying solely on individual complaints, which are often ineffective due to insufficient domestic remedies.

VI. Conclusion

The work of civil society organizations like BVMN is crucial for the effective monitoring of migration governance and the protection of migrant rights. However, to increase their influence, and the influence of other civil society organizations like us and hold states accountable, there is an urgent need for increased funding, legal protection for actors engaged in solidarity work including testimony collection, and greater international support. By strengthening civil society's capacity to monitor and advocate for policy changes, we can ensure that states respect human rights and uphold their obligations under international law. The international community, including the EU, UN, and Human Rights Council, must act decisively to create more spaces for civil society to influence policy and hold states accountable for border violence and human rights violations.

Q: how does the use of technology by states complicate/hinder independent monitoring? And how is the monitoring of the use of technology itself challenging?

Technology facilitated pushbacks complicating independent monitoring
Situational Awareness Technologies including Satellites, Radar systems, laser range finders, drones and advanced cameras, make the detection of movement a lot more efficient and thus also render the apprehension and pushback of individuals or boats a lot quicker and more invisible. Individuals are apprehended so quickly and often at night that they are unsure where they are and where they are dropped off again, often their phones are taken away so that they lose all connection to their families and lawyers and the incident remains undocumented.

BVMN has documented reports of the utilisation of surveillance technologies in the apprehension and subsequent pushback of asylum seekers and migrants at the Greek-Turkish border, Croatian-Bosnian border, Serbian-Hungarian border, and Bulgarian-Turkish border. Between 2017 and 2023, BVMN has recorded 37 testimonies recording the use of drones to locate and apprehend migrants and asylum seekers during pushback operations affecting an estimated 1,094 persons. While the data collected by drones may not always directly facilitate pushbacks, they contribute to the broader infrastructure of surveillance that enables rapid and opaque border enforcement which has become increasingly challenging to monitor.

Failure to Preserve and Disclose Evidence Collected Via Technology and Surveillance as a tactic to hinder independent monitoring
Despite the increasing securitisation of borders through technology, there remains a critical failure to preserve or share surveillance footage with accountability actors. This undermines compliance with emerging international obligations, including those outlined in General Comment No. 1 to the UN Committee on Enforced Disappearances (CED), which states that "footage from border surveillance equipment should be preserved and made accessible to those mandated with overseeing border operations, as well as to authorities in charge of the search for disappeared migrants and the investigations into their disappearances."

In *M.H. and Others v. Croatia*, involving the death of a child during a pushback to Serbia, the Croatian authorities claimed that thermal cameras—which had initially detected the family—were not operational at the time of the incident. Furthermore, video recordings from that night had inexplicably disappeared.(see here)

A similar pattern emerged in the case of the Pylos shipwreck in June 2023, where over 600 people died off the Greek coast. According to Forensic Architecture, the Hellenic Coast Guard (HCG) engaged in efforts to distort and suppress evidence, including the deactivation of onboard cameras and the AIS tracking system of vessel ΠΠΛΣ 920. Offers by Frontex to deploy aerial surveillance were reportedly ignored, and commercial vessels initially called for assistance were ordered to withdraw.

Similarly in the Pylos Shipwreck, where more than 600 people died while attempting to cross the mediterranean sea, evidence that should have been available through the technologies on board the coast guard agencies were not. According to Forensic Architecture " there appear to have been a series of efforts by the Hellenic Coast Guard (HCG) to distort and manipulate evidence related to the incident and silence witness accounts. Nearby commercial vessels that were initially summoned by the HCG to provide assistance were subsequently ordered to leave after the *ΠΠΛΣ 920* arrived on the scene. Likewise, repeated offers by Frontex, the European Border and Coast Guard Agency, to deploy aerial surveillance assets were ignored, and none of the several cameras onboard the *ΠΠΛΣ 920* nor its AIS tracking system were activated that night as is required. (See here)

Spyware as a tool to hinder independent monitoring
BVMN is particularly concerned at the dangers of illegal spyware software used by EU Member States to monitor HRDs and CSOs, particularly organisations and groups who are serving as a form of check and balance against States through the independent monitoring programmes.

In March 2025, The Guardian reported that the Italian government authorised the use of a sophisticated surveillance tool against members of a humanitarian NGO, based on alleged national security concerns. That same month, David Yambio, founder of Refugees in Libya, was targeted with mercenary spyware while providing the International Criminal Court with confidential information on torture victims in Libya. These cases exemplify the growing misuse of surveillance technology to intimidate, silence, and obstruct those documenting human rights violations.

How is the monitoring of the use of technology itself challenging?
Surveillance technologies used in border areas are becoming smaller and more discreet, and thus harder to detect and trace. This physical invisibility adds another layer of difficulty in identifying where and how technologies are deployed.

There is a significant lack of publicly available information about what technologies are used at borders. Freedom of Information Act requests are often denied, preventing public oversight. This secrecy makes it almost impossible to assess whether these technologies are used ethically, legally, or effectively. Human rights impact assessments are rarely conducted and where they are conducted, they are insufficient. EU law including the AI ACT also makes way for secrecy around advanced border technologies and fundamental rights impacts assessments as those systems used for migration and law enforcement are exempt from transparency obligations.

For example, in Cyprus, BVMN identified 33 pushbacks at sea, affecting some 205 people on the move. Further to this, we identified a further eight attempted pushbacks from within the Cypriot Search and Rescue Zone. Investigation and public government announcements have shown a mass deployment of technologies at the Buffer Zone, with the Cypriot Defense Minister in 2023 explaining that "about 170 cameras would be installed along the entire length of the Buffer Zone". Despite these public announcements, BVMN is concerned that the state is taking active measures to obscure how these technologies are being used by consistently restricting access to information that may be used to ensure that such technologies are being used inline with international human rights standards, with FOI requests being refused on grounds of national security.